

**TULSA METROPOLITAN AREA PLANNING COMMISSION**

Minutes of Meeting No. 2016

Wednesday, April 5, 1995, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

**Members Present**

Boyle  
Doherty, 1st Vice  
Chairman  
Gray, Secretary  
Ledford  
Midget, Mayor's  
Designee  
Pace  
Selph  
Taylor

**Members Absent**

Ballard  
Carnes  
Horner

**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, April 4, 1995 at 10:33 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman called the meeting to order at 1:35 p.m.

**Minutes:**

Approval of the minutes of March 15, 1995, Meeting No. 2014 and March 22, 1995 Meeting No. 2015:

On **MOTION** of **BOYLE**, the TMAPC voted **7-0-0** (Boyle, Doherty, Gray, Ledford, Pace, Selph, Taylor "aye"; no "nays"; none "abstaining"; Ballard, Carnes, Horner, Midget, "absent") to **APPROVE** the minutes of the meeting of March 15, 1995, Meeting No. 2014.

Approval of the minutes of March 22, 1995 Meeting No. 2015:

On **MOTION** of **BOYLE**, the TMAPC voted **6-0-1** (Boyle, Doherty, Gray, Pace, Selph, Taylor "aye"; no "nays"; Ledford "abstaining"; Ballard, Carnes, Horner, Midget, "absent") to **APPROVE** the minutes of the meeting of March 22, 1995 Meeting No. 2015.

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## **REPORTS:**

### **Director's Report:**

Mr. Gardner informed of items on the City Council agenda for April 6, 1995. He announced that interested parties have requested a continuance to April 19, for item #18 on the TMAPC agenda, consideration of closing East 57th Place South.

## **SUBDIVISIONS:**

### **PLAT WAIVER, SECTION 213 AND SECTION 260:**

#### **BOA-16911 (Unplatted)(1694)**

**(PD-17)(CD-6)**

South of the southeast corner of East 23rd Street South and South 132nd East Avenue.

Jones presented the request with Karen Niles in attendance at the TAC meeting.

Jones stated that he and French had met with the applicants yesterday and pointed out several planning and engineering concerns. It was agreed upon that after hearing input, the application would be continued until the next meeting to allow the applicant time to obtain a plat of survey and additional information.

Horn stated that an approximate 650' 6" water line extension would be required at an approximate cost of \$20,000.

Matthews noted that a sewer line extension would be required.

This request is to waive that platting requirement for a Board of Adjustment application that proposes a "safety city" for children's education. The tract does not meet the TMAPC guidelines for a plat waiver which are property already platted and less than 2.5 acres in size. Because of the potential high traffic generation including bus traffic, Staff has a concern with the lack of improved streets that serve the tract. In addition, because of the proposed improvements, Staff can not view this use as an interim use.

On the **MOTION** of **COTNER**, the Technical Advisory Committee voted unanimously to continue the request to the next meeting.

### **Staff Comments**

Mr. Jones reminded the Planning Commission that at the March 1 meeting Karen Niles requested a continuance to allow her another opportunity to meet with TAC. He informed that Ms. Niles has not contacted Staff since that meeting.

Chairman Doherty suggested continuing this application to allow the applicant time to proceed before the Planning Commission denies the application.

In response to inquiry from Mr. Taylor, Mr. Jones informed that ample opportunity has been given the applicant to plead her case before the TAC.

It was the consensus of the Planning Commission to continue the item to afford the applicant the opportunity to pursue the application.

**TMAPC Action; 8 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **6-0-2** (Boyle, Doherty, Ledford, Pace, Selph, Taylor "aye"; Gray, Midget "nay"; none "abstaining"; Ballard, Carnes, Horner "absent") to **CONTINUE** the PLAT WAIVER for BOA-16911 to April 19, 1995.

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**CBOA-1332 (Unplatted)(3472)**

**(PD-21)(County)**

Northeast corner of West 181st Street South and South 33rd West Avenue.

Jones presented the application with several representatives in attendance at the TAC meeting.

Tulsa County Board of Adjustment case number 1332 is a special exception request to permit a golf course on an approximate 260-acre tract. The application will be heard by the Board on March 21, 1995 and if approved will be subject to the platting requirements. Since the tract is not proposed to be subdivided and the only structure planned is a portable building for a clubhouse and two maintenance buildings, Staff can see no benefit to the County in a plat. Several conditions are recommended but can be accommodated by separate instrument.

Staff recommends **APPROVAL** of the plat waiver for CBOA-1332, subject to the following conditions:

1. The plat waiver is valid for this use only, any change of use would trigger the platting requirement.
2. Dedication of additional right-of-way for both 33rd West Avenue and West 181st Street South to meet the Major Street Plan (Secondary Arterials - 50 feet required).
3. Grading and/or drainage plan approval by the County Engineer in the permit process.
4. Access control agreement, if required by the County Engineer.
5. Utility extensions and/or easements if needed.

On the **MOTION** of **FRENCH**, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the plat waiver for CBOA-1332, subject to all conditions listed above.

Jones reminded the applicant that this case would be transmitted to the TMAPC on April 5, 1995.

The applicant was present and indicated agreement with Staff recommendation.

**TMAPC Action; 8 members present:**

On **MOTION** of **TAYLOR**, the TMAPC voted **8-0-0** (Boyle, Doherty, Gray, Ledford, Midget, Pace, Selph, Taylor "aye"; no "nays"; none "abstaining"; Ballard, Carnes, Horner "absent") to **APPROVE PLAT WAIVER** for CBOA-1332 as recommended by Staff.

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**Z-6479 (White City)(393)**

**(PD-16)(CD-4)**

North side of I-244, west of Fulton Street.

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

Z-6479 is a 0.17-acre tract that is presently zoned *RS-3* and has a pending rezoning application to *CS* (commercial shopping). The proposed use of the property is for a cellular telephone tower and customer accessory building.

Based on the size of the tract and its already being platted, Staff can see no benefit to the City in a replat.

Staff recommends **APPROVAL** of the plat waiver for Z-6479 subject to the following conditions:

1. Grading and/or drainage plan approval by the Department of Public Works in the permit process.
2. Utility extensions and/or easements if needed.

On the **MOTION** of **FRENCH**, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the Plat Waiver for Z-6479, subject to all conditions listed above.

**NOTE:** *This request will not be transmitted to the TMAPC until the rezoning ordinance is published.*

Kevin Coutant was present representing the application and expressed agreement with Staff recommendation.

**TMAPC Action; 8 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-0** (Boyle, Doherty, Gray, Ledford, Midget, Pace, Selph, Taylor "aye"; no "nays"; none "abstaining"; Ballard, Carnes, Horner "absent") to **APPROVE PLAT WAIVER** for Z-6479 as recommended by Staff.

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**REINSTATEMENT OF PRELIMINARY PLAT:**

Holly Heights (PUD-232)(2702)  
Northwest corner of Pine & North Union Avenue.

**(PD-11)(CD-1)**

**Staff Comments**

Mr. Jones announced that Ted Sack was present representing the plat. Mr. Jones informed that this plat was originally approved October 6, 1993, and although the project has been ongoing, the preliminary plat expired before the final plat was filed. He disclosed that Staff has no objection to reinstating the final plat and recommended approval of reinstatement.

Chairman Doherty announced that Bill McBee, District 11 Vice Chair, telephoned expressing support of the application.

**Interested Parties**

**Larry Duke**

**1919 West Seminole 74127**

**General Manager, Gilcrease Hills Homeowners Association (HOA)**

Mr. Duke informed that Gilcrease Hills surrounds the subject tract on three sides. He informed that the HOA initially supported the preliminary plat in 1993; however, they now wish to withdraw that support and register opposition to the preliminary plat presented. Mr. Duke explained that the present plan no longer bears any resemblance to the original plat presented in 1993 as to how the community is to be organized. He informed that originally the project was to be part of the Gilcrease Hills HOA because it is within the Gilcrease Hills master development and now they have elected to not be part of the Gilcrease Hills HOA. The plat provides for private streets and gated entries, which the HOA feels there are inadequate accommodations for a long-term basis.

**Applicant's Comments**

**Ted Sack**

**111 South Elgin**

**Sack & Associates**

Mr. Sack advised of being unaware of any significant revisions other than required changes at the preliminary plat stage, i.e., adding easements. He informed that the site is under construction with water and sewer systems in place and that paving has begun. Mr. Sack revealed that streets were originally slated to be private for security purposes, and they are being constructed in accordance with all City of Tulsa standards and will be inspected by the City of Tulsa.

There was discussion regarding provisions for maintenance responsibility for the private streets. Mr. Linker informed that this is addressed in the Deed of Dedication and Restrictive Covenants, which are part of the plat.

Chairman Doherty asked if there are changes in the covenants attached to this plat from those approved in 1993.

Mr. Sack informed that the covenants are not part of the preliminary plat; however, he pointed out that lot configuration is basically the same.

Responding to inquiry from Chairman Doherty, Mr. Jones expressed perceiving no problem with long-term maintenance, and he has reviewed the Deed of Dedication and Restrictive

Covenants for the preliminary plat, which are substantially the same as those originally presented. He asked that final approval be subject to review by the Legal Department.

**TMAPC Action; 8 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-0** (Boyle, Doherty, Gray, Ledford, Midget, Pace, Selph, Taylor "aye"; no "nays"; none "abstaining"; Ballard, Carnes, Horner "absent") to **APPROVE REINSTATEMENT OF PRELIMINARY PLAT** of Holly Heights as recommended by Staff.

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**FINAL APPROVAL AND RELEASE:**

Baldwin Acres (684)

**(PD-18)(CD-8)**

South of the southeast corner of East 61st Street South & South Mingo Road.

Staff Comments

Mr. Jones informed that Ted Sack was present representing the plat. Mr. Jones explained that Baldwin Acres is a corridor subdivision plat. He informed that after the Planning Commission approved the corridor site plan, it was requested by the then-applicant, John Moody, that the application not be forwarded to the City Council. Mr. Moody is no longer associated with the project, but he suggested that it be transmitted to the City Council. Mr. Jones noted that the corridor site plan has not been approved nor the ordinance published, which establishes the standards that are incorporated into the subdivision plat. Mr. Jones recommended that this item be continued for two weeks to allow publication of the ordinance.

Applicant's Comments

Mr. Sack informed that the corridor site plan can be on the City Council agenda April 13. He explained that the Legal Department must review the Deed of Dedication and noted that there were no protestants at the site plan review.

There was discussion as to the most expedient manner to process this item.

**TMAPC Action; 8 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-0** (Boyle, Doherty, Gray, Ledford, Midget, Pace, Selph, Taylor "aye"; no "nays"; none "abstaining"; Ballard, Carnes, Horner "absent") to **CONTINUE** the **FINAL PLAT** of Baldwin Acres to the next available meeting following City Council action on the Corridor Site Plan.

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Memorial Eagle Ridge Mini-Storage (PUD-529)(1483) (PD-18)(CD-8)  
North of the northwest corner of East 91st Street South & South Memorial Drive.

Staff Comments

Mr. Jones advised that all releases have been received and Staff was recommending approval subject to final approval of the Legal Department.

**TMAPC Action; 8 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted **8-0-0** (Boyle, Doherty, Gray, Ledford, Midget, Pace, Selph, Taylor "aye"; no "nays"; none "abstaining"; Ballard, Carnes, Horner "absent") to **APPROVE** the FINAL PLAT of Memorial Eagle Ridge and **RELEASE** same as having met all conditions of approval as recommended by Staff.

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Holly Heights (PUD-232)(2702) (PD-11)(CD-1)  
Northwest corner of Pine & N. Union Avenue.

Staff Recommendation

Mr. Jones advised that all releases have been received and Staff was recommending approval subject to final approval by the Legal Department.

**TMAPC Action; 8 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-0** (Boyle, Doherty, Gray, Ledford, Midget, Pace, Selph, Taylor "aye"; no "nays"; none "abstaining"; Ballard, Carnes, Horner "absent") to **APPROVE** the FINAL PLAT of Holly Heights and **RELEASE** same as having met all conditions of approval as recommended by Staff.

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Penix Place (3314)

(PD-15)(County)

East of the southeast corner of East 76th Street North & North 129th East 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 **BOYLE**, the TMAPC voted **8-0-0** (Boyle, Doherty, Gray, Ledford, Midget, Pace, Selph, Taylor "aye"; no "nays"; none "abstaining"; Ballard, Carnes, Horner "absent") to **APPROVE** the FINAL PLAT of Penix Place and **RELEASE** same as having met all conditions of approval as recommended by Staff.

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**APPROVAL OF AMENDED DECLARATION OF COVENANTS:**

PUD-510 (993)

(PD-4)(CD-4)

South of the southwest corner of East 11th Street South & South Yale Avenue.

Staff Comments

Mr. Jones informed that the major amendment made this tract subject to platting requirements, and the TAC waived the platting requirements for this church property. He advised that the applicant filed a new Deed of Dedication and Restrictive Covenants. Mr. Jones informed that Staff and the Legal Department have both reviewed this item and signed off on it; therefore, Staff recommends approval of the amended declaration of covenants.

There were no interested parties in attendance.

**TMAPC Action; 8 members present:**

On **MOTION** of **TAYLOR**, the TMAPC voted **8-0-0** (Boyle, Doherty, Gray, Ledford, Midget, Pace, Selph, Taylor "aye"; no "nays"; none "abstaining"; Ballard, Carnes, Horner "absent") to **APPROVE** the AMENDED DECLARATION OF COVENANTS as recommended by Staff.

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**CHANGE OF ACCESS ON RECORDED PLAT:**

Bradford Addition (1994)  
10152 East 31st Street South.

(PD-17)(CD-5)

**Staff Comments**

Mr. Jones informed that Traffic Engineering has reviewed the change of access and signed off on it; therefore, Staff recommends APPROVAL subject to the plot plan as presented.

There were no interested parties in attendance.

**TMAPC Action; 8 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted **8-0-0** (Boyle, Doherty, Gray, Ledford, Midget, Pace, Selph, Taylor "aye"; no "nays"; none "abstaining"; Ballard, Carnes, Horner "absent") to **APPROVE** Change of Access on Recorded Plat for Bradford Addition as recommended by Staff.

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**LOT-SPLIT FOR DISCUSSION:**

L-18049 Herbert Oven, Jr. (T. Sack)(2383)  
Southwest corner of East 93rd Street South & South Memorial Drive.

(PD-18)(CD-8)  
CO

It is proposed to split the north 292' of the east 380' (also known as Tract D) of Lot 2, Block 4 of 9100 Memorial into two approximately equal lots. Access from 93rd Street is currently available via mutual access agreement to the southern portion of Lot 2 (Tract A) and will also be available to the proposed southern lot of Tract D (Tract D-1). Applicant is concurrently asking for a minor amendment to PUD-405-B to reallocate floor area between the two proposed lots. The approval of this lot-split application will result in a fifth tract being created. According to subdivision regulations, after the creation of four tracts on a single platted lot, all subsequent divisions require platting. The applicant does not wish to plat.

**TMAPC Action; 8 members present:**

On **MOTION** of **PACE**, the TMAPC voted **8-0-0** (Boyle, Doherty, Gray, Ledford, Midget, Pace, Selph, Taylor "aye"; no "nays"; none "abstaining"; Ballard, Carnes, Horner "absent") to **APPROVE** LOT-SPLIT L-18049.

AND

Application No.: **PUD-405-B-2**  
Applicant: Bob Parmele  
Location: Southwest corner of East 93rd Street South & South Memorial Drive.  
Date of Hearing: April 5, 1995

**Minor Amendment**

The applicant is requesting to divide PUD-405-B into two development areas of equal size, Tract "D1" and Tract "D2". The new areas would both have frontage on Memorial Drive, but the southern development area would not have frontage on 93rd Street South, a corridor collector street.

Previous action by TMAPC on minor amendment PUD-405-6 required the following:

1. Lot 2, Block 4 Tract "A" and Lot 3, Block 4 both in 9100 Memorial shall have mutual access easement to East 93rd Street South across the front of these tracts paralleling Memorial Drive.
2. Only one point of access onto Memorial Drive be permitted from Lot 2, Block 4, 9100 Memorial. (PUD-405-B is part of Lot 2)
3. Any development on Lot 2, Block 4 Tract "D" (the subject tract) shall be designed to have its principal access from 93rd Street South.

It is important to continue these requirements and assure that the two tracts proposed here provide mutual access to 93rd Street for each other and for the lots farther south.

Permitted building floor area is proposed to be divided equally between the two tracts. Therefore, Staff recommends **APPROVAL** of PUD-405-B-2 subject to the following conditions:

1. The requirements of PUD-405-6 continue in effect.
2. Mutual access between Lot 2, Block 4 Tract "A" and 93rd Street South be provided through the subject tract (Lot 2, Block 4 Tracts "D1" and "D2").
3. The maximum permitted building floor area be 15,000 SF for Tract "D1" and 15,000 SF for Tract "D2".

**TMAPC Action; 8 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-0** (Boyle, Doherty, Gray, Ledford, Midget, Pace, Selph, Taylor "aye"; no "nays"; none "abstaining"; Ballard, Carnes, Horner "absent") to **APPROVE** MINOR AMENDMENT PUD 405-B-2 as recommended by Staff.

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**LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:**

<u>L-18036 David Means (J. Blevins)(1163)</u> East of the southeast corner of E. 191st St. S. & S. Sheridan Rd.	(PD-20)(County) AG
<u>L-18040 Shore Family Trust (T. Shore)(1993)</u> 1335 E. 32nd Pl.	(PD-6)(CD-9) RS-3
<u>L-18043 James Dunn (Jeff Dunn)(2293)</u> 6316 E. 32nd St.	(PD-5)(CD-5) CH
<u>L-18044 M. &amp; B. Campbell (City of Tulsa)(2502)</u> 2109 N. Frankfort Pl.	(PD-2)(CD-1) RS-3
<u>L-18045 D. &amp; D. Ashby (E. Cox)(3294)</u> West of the northwest corner of E. 61st St. S. & S. 116th E. Ave.	(PD-18)(CD-5) IL
<u>L 18046 Bank of Oklahoma (J.R. Henderson)(3004)</u> Northeast corner of E. Seminole & N. 107th St.	(PD-16)(CD-6) IL/IM
<u>L-18047 Bank of Oklahoma (J.R. Henderson)(3004)</u> East of the southeast corner of E. Ute St. & N. 106th St.	(PD-16)(CD-6) IM
<u>L-18048 R. &amp; S. Bell (City of Tulsa)(2903)</u> 1526 N. Harvard Ave.	(PD-3)(CD-3) CS/RM-1
<u>L-18051 J. &amp; J. Wilburn (A. Wilburn)</u> 4004 E. 104th St. S.	(PD-26)(CD-8) RS-1
<u>L-18052 George Perkins, Trustee (R. Johnsen)(1483)</u> North of the northwest corner of E. 91st St. S. & S. Memorial Dr.	(PD-18)(CD-8) CS

**Staff Comments**

Mr. Stump 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** (Boyle, Doherty, Gray, Ledford, Midget, Pace, Selph, Taylor "aye"; no "nays"; none "abstaining"; Ballard, Carnes, Horner "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 PUBLIC HEARING:**

Street Closing: TMAPC to consider the merits of closing East 57th Place South at a point approximately 1,000 feet west of South Peoria Avenue.

Chairman Doherty announced that interested parties have requested a continuance for this item.

**TMAPC Action; 7 members present:**

On **MOTION** of SELPH, the TMAPC voted **7-0-0** (Boyle, Doherty, Gray, Ledford, Pace, Selph, Taylor "aye"; no "nays"; none "abstaining"; Ballard, Carnes, Horner, Midget "absent") to **CONTINUE CONSIDERATION** of the Street Closing of East 57th Place South at a point approximately 1,000' west of South Peoria Avenue to April 19, 1995.

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**CONTINUED ZONING PUBLIC HEARING:**

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

Applicant: Jeffery Levinson

Location : South of the southeast corner of East 91st Street South & South Sheridan Road.

Date of Hearing: April 5, 1995

Presentation to TMAPC: Jeffery Levinson

**Major Amendment**

The applicant is proposing to add Use Units 16 and 17 to Development Area 2-2 of PUD-166-E, decrease the floor area in 2-2 from 5,000 SF to 4,000 SF, increase the floor area in Development Area 2-3 from 67,325 to 68,325 SF, and increase permitted ground signs in Development Areas 2-2 and 2-3. Since the March 22, 1995 public hearing, the applicant has modified the requested amendment to sign standards and provided Staff with additional information on existing sign locations.

Staff can support limited uses in Use Unit 17 and can support some of the revised increases in signage height and area proposed. The increases in height and size of signs is now, with some modification, appropriate and in keeping with this PUD and surrounding development.

Uses allowed in Use Unit 17 include auto body work (except painting), RV and manufactured home sales, and all types of truck and auto repair and service. Staff believes many of these uses are out of character with the surrounding area and should not be permitted.

Staff finds the uses and intensities of development proposed as modified below to be in harmony with the spirit and intent of the Code. Based on the following conditions, Staff finds PUD-166-G as modified 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-166-G subject to the following conditions:

1. The existing standard of PUD-166-F shall be made a condition of approval, unless modified herein.
2. **Development Standards Changes:**

**Development Area 2-2**

Permitted Uses:	Use Units 11, 12, 13 and 14 and oil and lubrication and tune-up services.	
Maximum Building Floor Area:		4,000 SF
Minimum Ground Sign Setback		
From centerline of Sheridan:		50'
Minimum Width of Landscaped Strip Fronting Sheridan Road, except in Mutual Access Easement:		15'

All access to Sheridan Road shall be limited to the mutual access easement shared with Development Area 2-3.

	<u>Existing</u>	<u>Recommended</u>
Ground Sign Standards		
Maximum Number:	1	1
Maximum Display Surface Area:	32 SF	72 SF
Maximum Height:	6'	8'

**Development Area 2-3**

Maximum Building Floor Area:		68,325 SF
Ground Sign Standards		
Maximum Number:	<u>Existing</u> 1	<u>Recommended</u> 1
Maximum Display Surface Area:	72 SF	72 SF
Maximum Height:	6'	8'

**Staff Comments**

Mr. Stump informed that the lesser amount of signage originally recommended in Area 2-2 was in anticipation of office use; however, the tract is now being proposed for lubrication and tune-up services. With the proposed use in mind, and its location between two commercial uses, Mr. Stump perceives that a sign 8' high with a maximum display surface area of 72 SF can be supported by Staff since it will be a monument-style sign. Development area 2-3 will be developed as a mini-storage as originally planned, and Staff cannot justify increasing the signage as the applicant is requesting, but can support allowing the sign to be the same height, 8', as the sign in development area 2-2.

Responding to questions from the Planning Commission, Mr. Stump informed that adjacent property owners, even those beyond 300', as indicated by the map included in the agenda packet, received notification. He described the buffer area between the mini-storage and adjacent residential area.

Applicant's Comments

**Jeff Levinson**

**35 East 18th Street**

Mr. Levinson, attorney for the applicant, expressed agreement with Staff recommendation except for signage in development area 2-3, which he asked be 12' high with display surface area of 80 SF. He declared that because of the nature of the business it is imperative that the sign be at least the size he is requesting. Mr. Levinson informed that this will be a monument sign and will be in harmony with the surrounding area.

Mr. Boyle expressed reservations regarding Staff recommendation of increasing the amount of signage for the development. It was the consensus of the Planning Commission that Staff recommendation for signage is adequate and noted that this is a sensitive development area.

Other than the applicant there were no interested parties in attendance.

**TMAPC Action; 8 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-0** (Boyle, Doherty, Gray, Ledford, Midget, Pace, Selph, Taylor "aye"; no "nays"; none "abstaining"; Ballard, Carnes, Horner "absent") to recommend **APPROVAL** of **MAJOR AMENDMENT PUD 166-G** as recommended by Staff.

**LEGAL DESCRIPTION**

All of Lot 2, Block 1, Sheridan Square, an Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof, less and except the following described tract of land: Beginning at the Southwest corner of said Lot 2; thence N 00°09'03" W along the West line thereof a distance of 185.00' to a point thence N 89°50'57" E a distance of 224.88' to a point; thence S 00°09'03" E a distance of 22.79' to a point; thence N 89°50'57" E a distance of 240.32' to a point; thence S 00°09'03" E a distance of 24.86' to a point; thence S 00°09'03" E along the East line of said Lot 2 a distance of 115.00' to the most Southerly Southeast corner of said Lot 2; thence along the South line thereof as follows; thence S 89°50'57" W a distance of 0.00' to a point of curve; thence along said curve to the left, said curve having a radius of 602.56', a central angle of 5°02'34", a distance of 53.03' to a point of tangent; thence S 84°48'23" W a distance of 207.38' to a point of curve; thence along said curve to the right, said curve having a radius of 462.56', a central angle of 5°02'34", a distance of 40.71' to a point of tangent; thence S 89°50'57" W a distance of 165.00' to the point of beginning, containing 303,607 square feet, more or less and being located south of the southeast corner of East 91st Street South and South Sheridan Road, Tulsa, Oklahoma

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## ZONING PUBLIC HEARING:

Application No.: **PUD-190-E-4**

Applicant H.D. Degase

Location: 7523 S. Irvington Avenue, Lot 3, Block 8, Charter Oak Amended Addition.

Date of Hearing: April 5, 1995

Presentation to TMAPC: Hubert Degase

### **Minor Amendment**

The applicant requests approval of an amendment to allow reduction of the front yard setback along an interior private street from 18 feet to 15 feet.

Staff has reviewed the request and finds that the subject residence is under construction. Staff also finds that the subject parcel is of sufficient depth and width to accommodate the proposed residence. Current minimum setbacks in the PUD are as follows:

Front	18'
Side	5'
Rear	15'
Abutting public street	25'

*NOTE: This lot backs up to a public street (76th Street) and therefore requires a 25' setback in the rear yard. See the attached plot plan.*

Staff finds that no significant hardship has been shown that differentiates this parcel from others in the addition.

Therefore, Staff recommends **DENIAL** of the amendment request.

### TMAPC Comments

Chairman Doherty informed that at the request of Councilor Hall, he inspected this site. He reported that the terrain is difficult to build upon; the slope on which the house is constructed is almost a cliff, and it drops off about 25' from the front of the lot to the rear. Chairman Doherty described the area, pointing out that there are only two driveways fronting this street, with a cul-de-sac to the southwest, and a bump-out for parking immediately across the street to the north. He stated that the usual concerns of cars being parked over a sidewalk or cars being parked to impede traffic in the street with insufficient setback does not apply in this situation. Chairman Doherty disclosed that there is a physical hardship on this site due to the sloping of the hillside, which makes construction extremely difficult.

### Interested Parties

#### **Kenneth Grindstaff**

#### **President of Charter Oaks (HOA)**

Mr. Grindstaff resides two lots north from the subject property, and expressed opposition to the reduction of front yard setback. He informed that other residents complied with building restrictions and he believes that to approve this reduction would set a precedent. Mr. Grindstaff informed of another instance in the area where setback encroached, and the City required that the owner comply with setback requirements, which was costly for her. He

informed that reduction of setback would cause cars parked in the driveway to be too close to the street. Mr. Grindstaff surmises that the builder intentionally built the structure over the setback since he has constructed another house in the area and was able to comply with setback requirements. He cited instances where other homes were built on similar terrain and even where the terrain was much steeper.

#### Applicant's Comments

##### **Hubert Degase**

**9856 East 96th Place South**

Mr. Degase declared that encroachment was not deliberate. He informed that considerable work has been completed at a cost of approximately \$40,000, and that it would be quite expensive to modify the foundation. He informed that the foundation is sitting on 30' deep foundation piers. Mr. Degase informed that the floor plan could be altered to allow a 1' reduction, thereby having only a 2' encroachment.

Mr. Boyle asked the cost of modifying the foundation should the Planning Commission deny the application, and he asked how the foundation came to encroach.

Mr. Degase explained that there is no access to the rear of the lot to modify the foundation. He was not able to explain how the foundation came to encroach.

Responding to inquiry from Ms. Gray, Mr. Degase informed that a stake survey was conducted.

#### Interested Parties

##### **Charles Ackley**

**7516 South Hudson Place 74136**

Mr. Ackley objected to exceptions such as this because of the precedent it sets. He acknowledged the difficulty of building on this terrain; however, he pointed out that there are other houses under construction that are complying with regulations.

##### **Donna Lipe**

Ms. Lipe informed that a home she had constructed in the area had to be modified because of inaccurate measurements. She informed that if exceptions are allowed it will set a precedent for undeveloped lots to follow.

##### **Abbis Omenai**

Mr. Omenai, owner of the lot, explained that to date the lot has cost \$78,461.17. He informed that additional piers will cost approximately \$20,000 to modify the foundation.

#### TMAPC Review

Mr. Taylor asked Staff if their recommendation would change with the proposed 1' reduction in setback.

Mr. Stump informed that there is one other front yard setback that was granted on a cul-de-sac where the outside corners of the garage met setback, but because of the curve it cut into the middle of the garage about 2', which the Planning Commission granted. He stated that this problem seems to have arisen because of the curvature of the street.

Chairman Doherty declared that after viewing the foundation, that he does not believe the structure as poured will create a detriment to the neighborhood. He failed to see how it

would be injurious to continue building the structure with encroachment on a portion of the building as shown.

Mr. Boyle expressed concern that the builder was not able to provide an explanation as to how the encroachment occurred. He pointed out that the builder was able to construct another house in this subdivision without encroaching.

Mr. Midget expressed that he could support modifying the setback to 16'.

Mr. Taylor asked Staff if a 2' setback would be workable.

Mr. Stump informed that with the terrain and unusual housing types, a 2' encroachment would probably not have a noticeable impact. He deemed that this would not be injurious to the surrounding area.

**TMAPC Action; 8 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted **5-3-0** (Doherty, Ledford, Midget, Pace, Selph "aye"; Boyle, Gray, Taylor "nay"; none "abstaining"; Ballard, Carnes, Horner "absent") to **APPROVE** PUD-190-E-4 Minor Amendment to reduce the front yard setback to 16'.

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Application No.: **PUD-468-2**  
Applicant: Jim Estes/Tulsa Neon  
Location: 7022 S. Mingo Road, Lot 4, Block 1, Sam's Center  
Date of Hearing: April 5, 1995

**Minor Amendment**

The applicant is requesting approval of an increase to the maximum display area allowed on the existing ground sign. The request as proposed would increase the existing signage from 177 SF to 200 SF.

Staff has reviewed the application and finds that the request is consistent with display areas allowed in the immediate area and by the PUD Section of the Zoning Code.

Therefore, Staff recommends **APPROVAL** of an increase to 200 SF of display area.

Other than the applicant, there were no interested parties in attendance.

**TMAPC Action; 7 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **7-0-0** (Boyle, Doherty, Gray, Ledford, Midget, Pace, Taylor "aye"; no "nays"; none "abstaining"; Ballard, Carnes, Horner, Selph "absent") to **APPROVE** PUD 468-2 MINOR AMENDMENT as recommended by Staff.

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Application No.: **PUD-516-2**  
Applicant: Howard L. Kelsey  
Location: Southeast corner of East 101st Street South and South Yale Ave  
Date of Hearing: April 5, 1995  
Presentation to TMAPC:

**Minor Amendment**

The applicant is requesting approval of an amendment to the 30' height limitation within the PUD. The request as proposed would allow the construction of a 36'8" clock tower as a portion of the new construction at "F&M Bank".

Staff has reviewed the request and finds that the clock tower as proposed is an architectural feature in keeping with the scale of the remainder of the structure. Staff is also of the opinion that the clock tower will not negatively impact the adjacent residential area.

Therefore, Staff recommends **APPROVAL** of an amendment allowing the clock tower to be built to a height of 38' with no signage allowed on the tower.

**TMAPC Action; 7 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **7-0-0** (Boyle, Doherty, Gray, Ledford, Midget, Pace, Taylor "aye"; no "nays"; none "abstaining"; Ballard, Carnes, Horner, Selph "absent") to **APPROVE** PUD 516-2 **MINOR AMENDMENT** as recommended by Staff.

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Application No.: **PUD-529-1**

Applicant: Roy Johnsen

Location: North of the northwest corner of East 91st Street South and South Memorial Drive.

Date of Hearing: April 5, 1995

**Minor Amendment**

The applicant is requesting approval of an amendment to permit platting of less than the entire parcel (parcel less the south 1.17'). The southern 1.17' would be established as permanent open space.

Staff has reviewed the request and finds that the plat and open space as proposed will not negatively impact responsible development of the subject parcel or the existing development to the south of it.

Therefore, Staff recommends **APPROVAL**.

Other than the applicant, there were no interested parties in attendance.

**TMAPC Action; 8 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-0** (Boyle, Doherty, Gray, Ledford, Midget, Pace, Selph, Taylor "aye"; no "nays"; none "abstaining"; Ballard, Carnes, Horner "absent") to **APPROVE** PUD 529-1 **MINOR AMENDMENT** as recommended by Staff.

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**OTHER BUSINESS**

**PUD 529:** Detail Site Plan- north of the northwest corner of East 91st Street South and South Memorial Drive.

**Staff Comments**

Mr. Stump announced that the applicant requested that this item be continued.

**TMAPC Action; 7 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **7-0-0** (Boyle, Doherty, Gray, Ledford, Midget, Pace, Taylor "aye"; no "nays"; none "abstaining"; Ballard, Carnes, Horner, Selph "absent") to **CONTINUE** PUD 529 to April 19, 1995.

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There being no further business, the Chairman declared the meeting adjourned at 3:20 p.m.

Date Approved: 4-19-95

  
\_\_\_\_\_  
Chairman

ATTEST:

  
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Secretary