

**TULSA METROPOLITAN AREA PLANNING COMMISSION**

Minutes of Meeting No. 2023

Wednesday, June 7, 1995, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

**Members Present**

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

**Members Absent**

Selph

**Staff Present**

Brierre  
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 Friday, June 2, 1995 at 4:03 p.m., in the office of the County Clerk at 4:14 p.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Carnes called the meeting to order at 1:30 p.m.

**Minutes:**

Approval of the minutes of May 17, 1995, Meeting No. 2021.

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-0** (Boyle, Carnes, Doherty, Gray, Horner, Ledford, Pace, Taylor "aye"; no "nays"; "abstaining"; Ballard, Midget, Selph "absent") to **APPROVE** the minutes of the meeting of May 17, 1995 Meeting No. 2021.

Approval of the minutes of May 24, 1995, Meeting No. 2022:

On **MOTION** of **DOHERTY**, the TMAPC voted **6-0-2** (Carnes, Doherty, Gray, Ledford, Pace, Taylor "aye"; no "nays"; Boyle, Horner "abstaining"; Ballard, Midget, Selph "absent") to **APPROVE** the minutes of the meeting of May 24, 1995, Meeting No. 2022.

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## REPORTS:

### Chairman's Report:

Chairman Carnes, at the request of Reverend Easley at a town meeting on June 3, asked that Dane Matthews be asked to set up a meeting for the North Peoria Study to allow interested parties to become involved in the process.

Chairman Carnes announced requests from the bicycling community to incorporate federal standards for bicycles, bicycle lanes, etc., in the Major Street and Highway Plan (MSHP). He referred this item to the Comprehensive Plan Committee. After discussion it was decided to review this topic at the July 19 work session.

Request from Martin R. Steinmetz to include in the HP District for the Yorktown Neighborhood two properties excluded on the east side of Victor Avenue south of 15th Street and all of the YWCA property on South Lewis Avenue at 20th Street.

### TMAPC Comments

Chairman Carnes announced that at the request of the owner of the YWCA property, Staff has advertised to include its property for public hearing for HP overlay zoning (public hearing date June 28, 1995).

Mr. Doherty informed that the public hearing to consider the YWCA property for HP zoning will be heard after the scheduled June 14, 1995 public hearing to consider HP rezoning for the remainder of the area. He announced that Mr. Steinmetz has requested a continuance of the public hearing and if it were continued, the entire area could be heard concurrently. Regarding the residential properties near 15th Street and Victor Avenue, he reminded the Planning Commission that at the May 24, 1995 meeting Staff inquired as to whether the Planning Commission wanted to include these two lots in the rezoning. The property owner was present and requested that this property be excluded. Mr. Doherty informed that the Planning Commission took no action on the request. He revealed that on the advice of legal counsel, the Rules and Regulations Committee voted unanimously to recommend that this be placed on the June 14, 1995 agenda as an action item so that a formal vote on the request may be taken. Mr. Doherty disclosed that this will allow for notification of the property owner so that he may attend that meeting.

### TMAPC Action; 9 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-1** (Ballard, Boyle, Carnes, Doherty, Gray, Horner, Ledford, Taylor "aye"; no "nays"; Pace "abstaining"; Midget, Selph "absent") to **CONSIDER** inclusion of the two properties on the east side of Victor Avenue south of 15th Street in the HP rezoning at its June 14, 1995 meeting.

### Interested Parties

Martin Steinmetz, 1763 South Xanthus, 74104, asked as to his request for continuance of the HP rezoning to June 28, 1995. He explained that due to work obligations, he will be out of town June 14, 1995. Mr. Steinmetz advised that since he initiated and submitted the application, he felt that he should be present and because of his involvement in areas of which he is personally aware of.

Mr. Steinmetz disclosed that Tulsa Preservation Commission (TPC) erred by excluding the residential lots on Victor Avenue when the Yorktown HP rezoning application was transmitted, and requested that the Planning Commission advertise to include the subject property so it can be considered on June 28, 1995. He also expressed concern that because the property owner, Bruce Bolzle, is a member of the Board of Adjustment (BOA), it appears that the Planning Commission is affording special treatment to a fellow Board member, which is unethical. He pointed out that other residents to the south of the subject area also objected to being included; however, TPC decided to include those properties.

Chairman Carnes explained that the subject properties were never presented as being part of the rezoning and that the Planning Commission cannot take action on the request for continuance until June 14, 1995, since that is the advertised date of the public hearing.

Mr. Doherty disclosed that the information presented to the Planning Commission is what was advertised for HP zoning. He pointed out that no one on the Planning Commission was willing to take action to include the two properties on Victor Avenue. Mr. Doherty expressed irritation with Mr. Steinmetz's inference that an exception was afforded a member of the Board of Adjustment, and noted that it is the history of the Planning Commission, as they have dealt with a number of blanket zoning issues, that the property owners on the perimeter, where an irregular zoning line is created, have at their request been excluded. He noted that some have been impoverished individuals and some have been prominent citizens and it has made no difference to the Planning Commission.

Mr. Boyle advised that during the Rules and Regulations Committee meeting, he made the motion to recommend that this be placed on the June 14, 1995 agenda as an action item so that a formal vote on the request may be taken. He explained that until Mr. Steinmetz informed that Bruce Bolzle was the property owner, he had no idea who the owner was or what Board he might or might not have ever served on. Mr. Boyle declared the point is that before the Planning Commission takes action on any request, it will hear from all parties affected by it. He stated that he found it offensive that anyone would suggest that they are operating through anything other than the highest ethical standards because they are going out of their way to do exactly that.

Mr. Steinmetz asked if the Planning Commission could suggest whether they would favorably consider the request for continuance.

Chairman Carnes reiterated that the continuance cannot be considered until June 14, 1995.

Mr. Boyle advised that on the request for continuance the Planning Commission would want to hear from all parties.

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Committee Reports:

Budget and Work Program Committee

Mr. Horner reported that the Budget and Work Program Committee met today at 11:30 a.m. and unanimously voted to accept the TMAPC budget FY 95-96. He noted that there was an amendment to the budget to move the line item on publication and review of graphics for the sign manual into special studies.

**TMAPC Action; 10 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **10-0-0** (Ballard, Boyle, Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace, Taylor "aye"; no "nays"; "abstaining"; Selph "absent") to **APPROVE** the TMAPC FY 95-96 Budget as amended.

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Rules and Regulations Committee

Mr. Doherty announced that the Rules and Regulations Committee met today at 11:30 and discussed, but took no action on the topic of tents as addressed by the Zoning Code.

Director's Report:

Mr. Gardner advised of zoning items on the City Council agenda for June 8, 1995.

**SUBDIVISIONS:**

**PRELIMINARY PLAT:**

**Anderson Addition (1283)**

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

Northeast corner of East 81st Street South and South Memorial Drive.

Jones presented the plat with Dan Tanner present at the TAC meeting.

French recommended right turn only to Memorial on a 100' median on 81st Street. A median access cut shall be approved by Traffic Engineering. French also stated that an additional 8' of right-of-way for a right turn lane is needed on 81st Street.

Anderson Addition is a 7.82 acre plat which is part of a 26-acre parcel that is zoned *CS* and *RM-1*. No PUD has been filed on the property so *CS* and *RM-1* zoning uses are expected.

Staff would offer the following comments and/or recommendations:

1. Rezoning ordinance number 14321 rezoned a 660' X 660' corner to *CS* in 1978. Since the applicant is platting the south 515', a 145' strip of *CS* zoning will remain on the north side. This 145' strip does not meet the 150' lot width minimum for *CS* property abutting an arterial street and will need a variance by the Board of Adjustment.

2. Access points on South Memorial Drive should be coordinated with ODOT.
3. A waiver of the Subdivision Regulations will be required to draw the plat at a scale of 1"=40'.
4. A 35' building setback is required from East 81st Street South for the *RM-1* portion. Any greater setback is voluntary.
5. No 20' building setback is required from the north and east property lines. Any setback shown is voluntary.
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. Street names shall be approved by the Department of Public Works and shown on plat.
13. All curve data, including corner radii, shall be shown on final plat as applicable.
14. City of Tulsa Floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.
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 Bixby and Broken Arrow 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** of **ANDERSON ADDITION** subject to all conditions listed above.

**TMAPC Action; 10 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **10-0-0** (Ballard, Boyle, Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace, Taylor "aye"; no "nays"; "abstaining"; Selph "absent") to **APPROVE** the **PRELIMINARY PLAT** of Anderson Addition and **WAIVER** of the Subdivision Regulations to allow a scale of 1"=40' as recommended by Staff.

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**Metro Plaza (3194)**

**(PD-18)(CD-5)**

South of the southeast corner of East 51st Street South and South Mingo Road.

Jones presented the plat with Ted Sack present at the TAC meeting.

Somdecerff recommended “streets” be added to the deed of dedication language.

Metro Plaza is a one-lot industrial subdivision that contains 4.49 acres. No site plan or proposed use has been identified.

Staff would offer the following comments and/or recommendations:

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. 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.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owner(s) of the lot(s).
4. A request for creation of a Sewer Improvement District shall be submitted to the Department of Public Works (Water & Sewer) prior to release of final plat.
5. 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.
6. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).
7. Street names shall be approved by the Department of Public Works and shown on plat.
8. All curve data, including corner radii, shall be shown on final plat as applicable.
9. City of Tulsa Floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.
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 Broken Arrow 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 **COTNER**, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the **PRELIMINARY PLAT** of **METRO PLAZA**, subject to all conditions listed above.

**TMAPC Action; 10 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **10-0-0** (Ballard, Boyle, Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace, Taylor "aye"; no "nays"; none "abstaining"; Selph "absent") to **APPROVE** the **PRELIMINARY PLAT** of Metro Plaza as recommended by Staff.

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

**BOA-16819 (Booker Washington)(2502)**  
1102 and 1110-1116 East Pine Place.

**(PD-2)(CD-3)**

Jones presented the request with no representative in attendance.

McGill stated that an additional fire hydrant and water main extension may be required. The applicant should consult with the Fire Department as soon as possible.

The Board of Adjustment approved a special exception to permit the construction of a 42' X 74' building for church expansion on Lot 16 of the subject tract. The Board did approve the use subject to the site plan submitted and subject to the execution of a tie contract. Since the property is platted, less than 2.5 acres in size and all right-of-way is existing, Staff is supportive of the waiver request.

Staff recommends **APPROVAL** of the plat waiver for BOA-16819 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.
3. All Board of Adjustment conditions of approval.

On the **MOTION** of **FRENCH**, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the **PLAT WAIVER** for **BOA-16819**, subject to all conditions listed above including approval by the Fire Department.

**TMAPC Comments**

Responding to questions from Mr. Midget, Mr. Jones explained that a fire hydrant is typically located near a corner, and the Fire Department was concerned that with the expansion of the church to the east, it will be beyond the Fire Department's limit for a nonresidential structure away from a fire hydrant. He informed that the subject property is surrounded by residential properties. Regarding the parking requirement, Mr. Jones informed that the new structure will not be a new sanctuary, but rather a fellowship hall; therefore, there are no increased parking requirements.

**TMAPC Action; 10 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **10-0-0** (Ballard, Boyle, Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace, Taylor "aye"; no "nays"; none "abstaining"; Selph "absent") to **APPROVE** the PLAT WAIVER for BOA-16819 as recommended by Staff.

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Z-6237 (Cooley's Subdivision)(3204)  
1300 Block of North Garnett Road.

(PD-16)(CD-6)

Jones presented the application with Jake Floyd and Adrian Smith in attendance at the TAC meeting.

Cotner stated the need for a PFPI and the existing stormwater problems.

McGill stated that a water main extension may be required for fire protection.

This request is to waive the platting requirement for Z-6237 which is zoned *IL* to permit the construction of a 150' X 300' building. The Board of Adjustment approved a variance of the required 75' setback from the property line to the south to 49.5' to permit the construction of a detention facility. If a detention facility is not constructed, the Board approval is void. Although the TMAPC has approved plat waivers on surrounding properties, these tracts have been less than the 2.5 acres used to help determine waivers.

Based on the size of the tract, right-of-way needs for both North Garnett Road and North 117th East Avenue and the complex issue dealing with stormwater, Staff is not supportive of the plat waiver request. In addition, with no plans for the east 642.3', a plat waiver would not be advisable.

Staff recommends **DENIAL** of the plat waiver for Z-6237.

On the **MOTION** of **COTNER**, the Technical Advisory Committee voted unanimously to recommend **DENIAL** of the **PLAT WAIVER**, for Z-6237.

Staff Comments

Mr. Jones answered questions from the Planning Commission explaining that if a plat waiver is granted subject to site plan, the balance of that tract could be considered without a plat and development could occur. He presented a history of the tract, advising of past problems; a building was constructed on the wrong lot and the applicant had to rezone it.

Mr. Ledford, who attended the TAC meeting, reemphasized TAC's concern with water and sewer and how the balance of the tract would be utilized.

The applicant was not in attendance.

TMAPC Action; 9 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **9-0-0** (Ballard, Boyle, Carnes, Doherty, Gray, Horner, Ledford, Pace, Taylor "aye"; no "nays"; none "abstaining"; Midget, Selph "absent") to **DENY** the **PLAT WAIVER** for Z-6237 as recommended by Staff.

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**CZ-219 (Golden Hills Addition)(3113)**  
7035-7037 North Peoria Avenue.

**(PD-24)(County)**

Jones presented the application with Mr. McCollam in attendance at the TAC meeting.

The applicant stated he was in agreement with all recommended conditions.

CZ-219 was a request to rezone the subject tract from *RS* to *CS* and in addition, the Board of Adjustment approved a special exception to permit automobile repair in a *CS* district. According to the applicant's plot plan, no new construction is planned for the 1.3 acre tract. According to the land use map, only 33' of right-of-way exists for North Peoria Avenue at this location.

Staff recommends **APPROVAL** of the plat waiver for CZ-219 subject to the following conditions:

1. Grading and/or drainage plan approval by the County Engineer in the permit process.
2. Access control agreement, if required by the County Engineer.
3. Utility extensions and/or easements if needed.
4. Dedication of right-of-way for North Peoria Avenue to meet the Major Street Plan.

On the **MOTION** of **RAINS**, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the **PLAT WAIVER** for CZ-219, subject to all conditions listed above.

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**TMAPC Action; 9 members present:**

On **MOTION** of **BALLARD**, the TMAPC voted **9-0-0** (Ballard, Boyle, Carnes, Doherty, Gray, Horner, Ledford, Pace, Taylor "aye"; no "nays"; none "abstaining"; Midget, Selph "absent") to **APPROVE** the **PLAT WAIVER** for CZ-219 as recommended by Staff.

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**BOA-16925 (Unplatted)(1903)**

**(PD-2)(CD-3)**

Northwest corner of North Lewis Avenue and East Apache Street.

Jones presented the request with the applicant present at the TAC meeting.

Jones noted that since the request is temporary, the TAC could waive the plat with no conditions for this use only and review either a plat or another waiver with more permanent development.

The Board of Adjustment approved a special exception to permit a tent revival for 21 consecutive days in 1995, 1996 and 1997 (June, July or August) which triggered the platting requirement. Although Staff does not have a problem with the plat waiver, it should be noted that only 40' of right-of-way appears to exist on both Lewis and Apache.

Based on the temporary use of the tract, Staff would support the proposed plat waiver, subject to the following conditions:

1. Grading and/or drainage plan approval by the Department of Public Works in the permit process.
2. Access control agreement, if required by Department of Public Works (Traffic Engineering).
3. Utility extensions and/or easements if needed.
4. Dedication of right-of-way for North Lewis and East Apache to meet the Major Street Plan, if required by Department of Public Works (Traffic Engineering).

On the **MOTION** of **MATTHEWS**, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the **PLAT WAIVER** for **BOA-16925**, subject to this use only (tent revival).

**TMAPC Action; 9 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **9-0-0** (Ballard, Boyle, Carnes, Doherty, Gray, Horner, Ledford, Pace, Taylor "aye"; no "nays"; none "abstaining"; Midget, Selph "absent") to **APPROVE** the **PLAT WAIVER** for **BOA-16925** as recommended by Staff

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Jones presented the request with Jerry Ledford present at the TAC meeting.

French recommended an access control agreement be processed.

Matthews noted an existing sewer line and recommended an easement if one did not exist.

Board of Adjustment case 17047 is a special exception request to add a parking lot to an existing church. The case is set before the Board for May 23rd, but may need to be continued due to a misadvertisement.

Based on the proposed use and size of the tract, Staff is supportive of the requested plat waiver. Staff would also note that several plat waivers have been granted in the immediate area. All right-of-way exists for South Sheridan Road to meet the Major Street Plan.

Staff recommends **APPROVAL** of the plat waiver for BOA-17047 subject to the following conditions:

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

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On the **MOTION** of **SOMDECERFF**, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the **PLAT WAIVER**, for **BOA-17047**, subject to all conditions listed above.

TMAPC Comments

Chairman Carnes advised that Mr. Ledford will be abstaining from discussion and voting on Plat Waiver for BOA-17047.

**TMAPC Action; 10 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **9-0-1** (Ballard, Boyle, Carnes, Doherty, Gray, Horner, Midget, Pace, Taylor "aye"; no "nays"; Ledford "abstaining"; Selph "absent") to **APPROVE** the **PLAT WAIVER** for BOA-17047 as recommended by Staff.

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**PUD-166-G (Sheridan Square)(2383)**  
9211 South Sheridan Road

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

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

Considerable discussion was given in regard to the mutual access on the north side of the property.

PUD-166-G was a major amendment which included oil and lubrication and tune-up services use in Development Area 2-2. The applicant is now requesting a plat waiver for that area to permit the construction of a Kwik Kar Oil & Lube facility.

Based on the size of the tract and that the property is contained in a recent subdivision plat (Sheridan Square), Staff is supportive of the request.

Staff recommends **APPROVAL** of the plat waiver for PUD-166-G subject to the following conditions:

1. Grading and/or drainage plan approval by the Department of Public Works in the permit process.
2. Access control agreement, if required by the Department of Public Works (Traffic Engineering).
3. 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 **PUD-166-G**, subject to all conditions listed above.

Staff Comments

Mr. Jones noted that the Deed of Dedication will be filed by separate instrument if it is required.

**TMAPC Action; 10 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **10-0-0** (Ballard, Boyle, Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace, Taylor "aye"; no "nays"; none "abstaining"; Selph "absent") to **APPROVE** the **PLAT WAIVER** for **PUD-166-G** as recommended by Staff.

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**Z-6446 (Eastwood Medical Plaza)(1293)**

**(PD-5)(CD-5)**

Northeast corner of East 21st Street South and South 93rd East Avenue.

Jones presented the request with Gene Phillips in attendance at the TAC meeting.

Somdecerff recommended a 30' radius of additional right-of-way at the intersection of 21st Street and South 93rd East Avenue. Phillips was in agreement.

Herbert stated that stormwater runoff should be directed south and away from the residential area to the north.

Z-6446 rezoned the west 300' of Lot 1, Block 1, Eastwood Medical Plaza from *RD* and *RM-1* to *OL* to permit off-street parking for an office building on the east portion of the lot.

Although the actual tract under application is larger than the 2.5 acres typically considered in a waiver, the entire lot is contained in a recently platted subdivision, 1970. In addition, the applicant has been working with the Department of Public Works in regard to a change of access points, approved by the TMAPC on October 26, 1994, and a PFPI for a left-turn lane off East 21st Street South.

Staff recommends **APPROVAL** of the **PLAT WAIVER** for **Z-6446**, 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-6446**, subject to all conditions listed above.

**TMAPC Action; 10 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **10-0-0** (Ballard, Boyle, Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace, Taylor "aye"; no "nays"; none "abstaining"; Selph "absent") to **APPROVE** the **PLAT WAIVER** for **Z-6446** as recommended by Staff.

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**FINAL APPROVAL AND RELEASE:**

Kingsbury (PUD-405)(2383)

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

South side of East 91st Street South at South 72nd East Avenue.

Staff Comment's

Mr. Jones informed that the applicant was present. He advised that all release letters have been received and Staff recommends **APPROVAL**, subject to approval of the Legal Department of the Deed of Dedication.

**TMAPC Action; 10 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **10-0-0** (Ballard, Boyle, Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace, Taylor "aye"; no "nays"; none "abstaining"; Selph "absent") to **APPROVE** the Final Plat of Kingsbury and **RELEASE** same as having met all conditions of approval as recommended by Staff, subject to final approval of the Legal Department.

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**LOT-SPLIT FOR DISCUSSION:**

L-18075 Lawrence G. Hill (2093)

**(PD-6)(CD-9)**

2485 E. 34th Street South.

*RS-1*

Staff Comments

It is proposed to split Lot 5, Block 5, Oakview Estates into two lots. One lot will be 22,536 SF and the other will be 15,168 SF. It is Staff's opinion that both lots will meet the Bulk and Area Requirements for the RS-1 District. However, there is an existing house on the property. The proposed lot-split would currently bisect the dwelling. The applicant wishes to market the individual lots, but also wishes to leave the house on the property as is, in case there is a buyer for the house and the entire Lot 5. The applicant is asking that the TMAPC approve this lot-split with the condition that no deeds be released on either of the newly-created lots until the house is removed from the property.

TMAPC Comments

There was concern among the Planning Commission to ensure that no deeds be stamped prior to demolition of the house. Ms. Pace was concerned that this procedure will become a layer of bureaucracy that Staff does not need to contend with.

Mr. Jones informed that these types of lot-splits have been approved in the past and Staff has no problem with this type of housekeeping. He noted that what makes this lot-split unique is the existence of the house.

Interested Parties

**Lawrence Hill**

2485 East 34th Street

Mr. Hill, applicant, informed that he understands that until the structure is removed, there is no lot-split. He advised of his intent to remove the structure and sell the two lots.

**TMAPC Action; 10 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **10-0-0** (Ballard, Boyle, Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace, Taylor "aye"; no "nays"; none "abstaining"; Selph "absent") to **APPROVE** Lot-Split 18075 subject to Staff recommendation contingent upon demolition of the existing house.

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

- L-18064 AutoZone, Inc. (P. Sisemore)(1093) (PD-5)(CD-4)  
1906 S. Sheridan Rd. CS
- L-18070 Orville & Donna Bryant (1913) (PD-12)(County)  
8516 N. Lewis Ave. AG
- L-18071 Hilda Laughlin (P. O'Dell)(592) (PD-10)(County)  
6120 W. 4th Pl. S. RS
- L-18076 Ozark Commercial Corp. (City of Tulsa)(3492) (PD-8)(CD-2)  
1801 W. 61st St. S. RS-3
- L-18078 Jeff & Marie Miller (1083) (PD-18)(CD-8)  
5713 E. 75th Pl. S. RM-T
- L-18079 William Manley (R. Johnsen)(784) (PD-18)(CD-8)  
North side of E. 81st St. S. between S. Mingo Rd. & S. Hwy-169 CO
- L-18080 Land Dynamics, Inc. (D. Hagaman)(2083) (PD-18)(CD-2)  
94th & College RS-3
- L-18081 S. Brettland (City of Tulsa)(894) (PD-17)(CD-6)  
1235 S. 120th E. Ave. RS-2
- L-18082 J. & L. Tyler/Tyler Land (G.W. Sibley)(2124) (PD-14)(County)  
South of 15100 N. Hwy-169 AG
- L-18083 PSO (J. Harrinton)(2792) (PD-9)(CD-2)  
4137 Southwest Blvd. IL

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; 10 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted **10-0-0** (Ballard, Boyle, Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace, Taylor "aye"; no "nays"; none "abstaining"; Selph "absent") to **RATIFY** the above-listed lot-splits having received prior approval and finding them to be in accordance with subdivision regulations.

\*\*\*\*\*

**CONTINUED ZONING PUBLIC HEARING:**

Application No.: **PUD 535**

Present Zoning: RS-3/CH

Applicant: Scott Seligmann

Proposed Zoning: RS-3/CH/PUD

Location: Southwest corner of East 39th Street South and South Peoria Avenue.

Date of Hearing: June 7, 1995

Presentation to TMAPC:

The applicant is proposing a movie rental store on a tract of land zoned *CH* and *RS-3* at the southwest corner of East 39th Street South and South Peoria Avenue. The *RS-3* zoned area fronts Owasso Avenue and 39th Street and is surrounded on all sides by single-family dwellings. The *CH* zoned portion fronts Peoria Avenue and is surrounded on the north, south and east by commercial uses. On the west it abuts the *RS-3* zoned portion of the proposed PUD. The entire PUD is currently vacant.

The building is proposed on the *CH* zoned portion with its parking area on the *RS-3* zoned portion. This arrangement is a significant intrusion into the residential areas, especially considering that the single-family dwellings on both Owasso Avenue and 39th Street face directly into the proposed parking area. The only way Staff could support this request is if the types of commercial uses are restricted and there is significant sound and visual buffering provided to the surrounding residences.

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-535 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-535 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): 46,063 SF

Permitted Uses: Retail Trade Establishments permitted in Use Unit 14, except Pawn Shop, and to permit Video Rentals and Sales

Maximum Building Floor Area: \*8,400 SF

Maximum Building Height: one story not to exceed 25'

\*Changes made by the applicant and approved by the Planning Commission.

|  |      |
|--|------|
| Minimum Building Setbacks                              |      |
| From centerline of Peoria:                             | *55' |
| From centerline of 39th Street:                        | *65' |
| From centerline of Owasso Avenue:                      | 169' |
| From south boundary of <i>CH</i> zoned portion of PUD: | 0'   |

\*Changes made by the applicant and approved by the Planning Commission.

|  |     |
|--|-----|
| Minimum Parking Lot Setbacks in <i>RS-3</i> zoned Area |     |
| From centerline of 39th Street:                        | 40' |
| From centerline of Owasso Avenue:                      | 50' |
| From south boundary of PUD:                            | 5'  |

Minimum Off-Street Parking: As required for the applicable use by the Tulsa Zoning Code.

|                                   |      |
|-----------------------------------|------|
| Minimum Trash Container Setback   |      |
| From centerline of Owasso Avenue: | 95'  |
| From centerline of 39th Street:   | 100' |

**Ground Signs:** One ground sign is permitted on the Peoria Avenue frontage not exceeding 25' in height nor 150 SF in display surface area.

**Wall Signs:** Wall signs are permitted on the east and south building walls not exceeding 2 SF of display surface area per linear foot of building wall to which they are attached. Wall signs are permitted on the north wall of the building so long as they do not exceed a total display surface area of 40 SF and are at least 210' east of the centerline of Owasso Avenue. No wall signs are permitted on the west side of the building.

**Screening:** Within the *RS-3* zoned portion of the PUD an 8' high decorative masonry wall shall be provided along the south boundary and setback 25' from the west boundary and 40' from the centerline of 39th Street on the north boundary (Exact location and design of the screening wall will be determined by TMAPC when Detail Site Plan is reviewed.).

**Access:** No vehicular access to Owasso Avenue is permitted and any vehicular access point on 39th Street shall be at least \*175' east of the centerline of Owasso Avenue.

\*Changes made by the applicant and approved by the Planning Commission.

**Landscaped Buffer Strips:** Landscaped strips at least 25' in width fronting Owasso Avenue and 15' in width fronting 39th Street in the *RS-3* area, beginning 25' from the centerline of these streets, shall be provided.

Maximum Hours of Operation: 7:30 a.m. to 12:00 a.m.

3. No Zoning Clearance Permit shall be issued within the PUD until a Detail Site Plan, 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.
4. A Detail Landscape Plan 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 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.
5. No sign permits shall be issued for erection of a sign within the PUD until a Detail Sign Plan has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
6. All trash, mechanical and equipment areas shall be screened from public view by persons standing at ground level.
7. All parking lot lighting shall be directed downward and away from adjacent residential areas. Light standards shall be limited to a maximum height of 12 feet and shall be at least 65' from the west and north boundaries of the PUD.

\*Changes made by the applicant and approved by the Planning Commission.

8. The Department of Public Works or a Professional Engineer registered in the State of Oklahoma shall certify to the zoning officer that all required stormwater drainage structures and detention areas have been installed in accordance with the approved plans prior to issuance of an Occupancy Permit.
9. 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.
10. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.

#### Staff Comments

Mr. Stump informed that there were no new standards presented for review.

#### Applicant's Comments

##### **Bill Richert**

**6033 South Quebec 74135**

Mr. Richert reported of meeting with the neighborhood association to discuss the site plan and arriving at a compromise. He presented a revised plot plan depicting the curb cut on the north side of the building lining up more with that of the cleaners across the street, thereby keeping vehicle lights from shining into the residences. Mr. Richert informed that Traffic Engineering expressed having no problem with the proposed curb cut which provides access

from Peoria. He informed that sidewalks will be along 39th Street and setbacks are as Staff has recommended.

Interested Parties

**Pam Deatherage**

**1516 East 36th Street 74105**

**Planning District 6 Chair**

Ms. Deatherage acknowledged meeting with Mr. Richert and informed that the area residents are supportive of the amended proposal. She wants to ensure that restrictions imposed on the previous applicant are adhered to, 8' high light standards and 8' high masonry fence at the rear of the property. Area residents do not want any lighted signage on the west side of the structure and they support the setback requirements as recommended by Staff. Ms. Deatherage expressed approval of the applicant's proposal of combining the previously-suggested two parking lots. Ms. Deatherage pointed out that the size of the structure has been reduced slightly to accommodate the new layout.

Mr. Doherty noted that one of his objections at the May 24, 1995 meeting was the footprint of the building on the lot. He expressed support of the proposed traffic flow; however, he expressed concern of the setback from Peoria intruding onto the streetscape. Mr. Doherty deemed that the structure will protrude beyond existing building setbacks.

Ms. Deatherage acknowledged that the proposed structure will protrude more than immediate surrounding structures; however, she pointed out that just north, almost all the buildings are at the sidewalks. Responding to inquiry from Mr. Doherty, Ms. Deatherage revealed that she had no problem with the proposed structure being so close to Peoria.

**Nancy Apgar**

**3914 South Norfolk 74105**

Ms. Apgar, Vice Chairman of the Brookside Neighborhood Association, informed that residents are supportive of the recommended hours of operation and are supportive of Staff recommendation for permitted uses in Use Unit 14, except for a pawn shop or restaurant use.

In response to inquiry from Mr. Horner, Mr. Richert expressed agreement with setback and landscaping requirements. Regarding request from Ms. Deatherage for 8' lighting, he questioned whether the short height might create a security problem.

Ms. Apgar stated that residents want to ensure that vehicle lights not shine into their windows.

After discussion, the Planning Commission decided that Staff recommendation would provide sufficient protection with the applicant being aware of the need to direct lighting away from residential windows.

Mr. Doherty noted that it is not the intent of the Planning Commission to carry the 8' masonry wall as far to the east as is depicted. Mr. Doherty declared that it is the Planning Commission's intent to shield the house directly north from headlights of traffic within the parking lot.

Mr. Richert indicated that the applicant would be willing to accommodate concerns at detail site plan review.

**TMAPC Action; 9 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **9-0-0** (Ballard, Boyle, Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace, "aye"; no "nays"; none "abstaining"; Selph, Taylor "absent") to recommend **APPROVAL** of PUD-535 as amended.

**LEGAL DESCRIPTION**

A tract of land described as: Lots 1, 2, 9, 10, 11 and 12, Block 1, Robert's Subdivision, of Tract 3, Brockman's Subdivision, an Addition in Tulsa County, State of Oklahoma, and located on the southwest corner of East 39th Street South and South Peoria Avenue, Tulsa, Oklahoma.

\* \* \* \* \*

Application No.: **Z-6485/PUD 537**

Applicant: Ruby Thompson/William Lewis

Location: 405 S. 129th East Avenue & 12909 E. 4th Place.

Date of Hearing: June 7, 1995

Presentation to TMAPC: Bill Lewis

Present Zoning: OL/RS-2

Proposed Zoning: CG

**Relationship to the Comprehensive Plan:**

The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates all of the southern tract and the west 260' of the northern tract as Medium Intensity Linear Development Area and the remainder to the east as Low Intensity - No Specific Land Use.

According to the Zoning Matrix the requested CG **may be found** in accordance with the Plan Map on the southern tract and the west 260' of the northern tract, if accompanied by an acceptable PUD. CG is not in accordance with the Plan Map on the remainder of the northern tract.

**Staff Comments:**

**Site Analysis:** The subject properties contain approximately 4.5 acres. The southern tract is gently sloping, nonwooded, contains a dwelling, and is zoned RS-2. The northern tract is gently sloping, nonwooded, contains one dwelling and is zoned RS-2 and OL.

**Surrounding Area Analysis:** The northern tract is abutted on the north by vacant property zoned RS-2 and OL; to the south by a non-conforming trucking business, zoned RS-2; to the east by vacant land and floodplain, zoned RS-2; and to the west by vacant land, zoned CO. The southern tract is abutted on the north by the non-conforming trucking business, zoned RS-2; to the east by vacant property, zoned RS-2; to the west by vacant property, zoned CO; and to the south by vacant property, zoned RS-2 and PUD-509.

**Zoning and BOA Historical Summary:** The Comprehensive Plan has designated the area along S. 129th East Avenue as Medium Intensity Linear Development Area and requires a Planned Unit Development for future development of medium intensity uses. The Comprehensive Plan also excludes any industrial uses and discourages through traffic into the residential district. The most recent rezoning in this area was for CG zoning with an accompanying PUD on property located south of the subject tracts.

**Conclusion:** Since an acceptable PUD, as modified by Staff recommendations, was provided which adequately protects the surrounding residential areas, Staff can support some of the requested zoning. Therefore, Staff recommends **APPROVAL** of CG zoning for Z-6485 on Lots 16 and 17 and the West 280' of Lots 10 and 11 of Block 3, Meadow Brook Heights Addition.

**AND**

Application No.: **PUD-537**

Applicant: Ruby Thompson/William Lewis

Location: 405 S. 129th East Avenue & 1209 E. 4th Place South. Composed of two tracts, Tract 1 at the southeast corner of South 129th East Avenue and East 4th Street South and Tract 2 at the northeast corner of South 129th East Avenue and East 5th Street South.

Date of Hearing: June 7, 1995

Presentation to TMAPC: Bill Lewis

The applicant is proposing a planned unit development for mini-storage on two tracts which front 129th East Avenue between 4th and 5th Streets South. The west 330' of both tracts are designated Medium Intensity Linear Development Area. Accompanying this PUD request is a rezoning request for CG zoning on both tracts (Z-6485). The eastern portion of Tract 1 is within the regulatory flood plain of a tributary of Cooley Creek.

Staff can support the proposed use if the residential area to the east is properly buffered, access to the mini-storage is limited to 129th East Avenue, the intensity of use is in conformance with the Comprehensive Plan and the regulatory flood plain is not infringed upon.

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-537 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-537 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:**

**Tract 1 (Northern Tract)**

Land Area (Net): 131,972 SF

Permitted Uses: Mini-Storage, outside storage of boats and other recreational vehicles, and customary accessory uses.

Maximum Building Floor Area: 37,125 SF  
(including any existing buildings)

**Minimum Building Setbacks (new buildings)**

From centerline of 129th E. Ave.: 100'  
From north boundary: 10'  
From south boundary of Lot 11: 0'  
From centerline of E. 4th Pl.: 50'  
From west boundary of Lot 9: 0'  
From east boundary: \*at edge of regulatory floodplain

Maximum Building Height (new buildings): 14'

Required Off-Street Parking: As required by the Tulsa Zoning Code

\* No building shall be within the regulatory flood plain as determined by the City of Tulsa Public Works Department.

**Tract 2 (Southern Tract)**

Land Area (Net): 58,495 SF

Permitted Uses: Mini-Storage and customary accessory uses, no outside storage is permitted.

Maximum Building Floor Area: 16,000 SF  
(including existing building)

**Minimum Building Setbacks (new buildings)**

From centerline of S. 129th E. Ave.: 100'  
From south boundary: 15'  
From east boundary: 25'  
From north boundary: 0'

Maximum Building Height (new buildings): 14'

Required Off-Street Parking: As required by the Tulsa Zoning Code

3. All public ingress and egress to either tract shall be from 129th East Avenue.

4. No buildings, walls, fences or outside storage is permitted in the regulatory flood plain.

5. No doors to storage areas shall be visible to persons standing in the right-of-way of 5th Street, 130th East Avenue, 4th Place or residences on 4th Place east of the tract. The rear walls of the mini-storage buildings shall be used whenever possible to provide this screening. Where that is not possible, an 8' high screening wall or fence shall be provided. Sheet metal building walls or screening fences shall not be used to provide this screening.
6. One ground sign per tract is permitted. It shall not exceed 25' in height nor 100 SF in display surface area. Wall signs are only permitted on north or west facing building walls and shall not exceed one-half square foot of display surface area per linear foot of building wall to which they are attached.
7. No Zoning Clearance Permit shall be issued for a development area within the PUD until a Detail Site Plan for the development area, which includes all buildings and required parking, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
8. A Detail Landscape Plan for each development area shall be submitted to the TMAPC for review and approval. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved Landscape Plan for that development area prior to issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continuing condition of the granting of an Occupancy Permit.
9. 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.
10. All trash, mechanical and equipment areas shall be screened from public view by persons standing at ground level.
11. All parking lot lighting shall be directed downward and away from adjacent residential areas. Light standards shall be limited to a maximum height of 16 feet.
12. 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.
13. 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.
14. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.

TMAPC Comments

Ms. Gray expressed concern over flooding experienced in the subject area and wants to ensure that the flow of water is not impeded by installation of a brick wall.

Applicant's Comments

**Bill Lewis**

**5879 South Garnett**

Mr. Lewis, engineer for the applicant, expressed agreement with Staff recommendation. He assured the Planning Commission that there is no intention to construct in the floodplain.

Responding to inquiry from Mr. Lewis, Mr. Stump explained why the remaining two lots were not zoned CG along with the linear development, noting that the recommended CG zoning is more than adequate for the intended development. He explained concerns of the zoning line not intruding farther into the neighborhood.

Regarding Ms. Gray's concerns over flooding, Mr. Stump pointed out that condition #4 addresses that concern.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **9-0-0** (Ballard, Boyle, Carnes Doherty, Gray, Horner, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Selph, Taylor "absent") to recommend **APPROVAL** of CG zoning for Z-6485 on Lots 16 and 17 and the West 280' of Lots 10 and 11 of Block 3, Meadow Brook Heights Addition and deny the remainder as recommended by Staff and recommend **APPROVAL** of PUD 537 as recommended by Staff, as amended.

Z-6485 LEGAL DESCRIPTION

Lots 16 and 17 and the west 280' of Lots 10 and 11 of Block 3, Meadow Brook Heights Addition, Tulsa County, Oklahoma.

PUD 537 LEGAL DESCRIPTION

A tract of land described as Lots 9, 10, 11 and Lots 14, 15, 16, and 17, Block 3, Meadow Brook Heights Addition, Tulsa County Oklahoma.

\*\*\*\*\*

Application No.: **PUD-493-3 Minor Amendment**

Applicant: Charles Norman

Location: 1957 E. 41st Street South, Royal Oak Addition - north side of East 41st Street  
South west of South Lewis Avenue.

Date of Hearing: June 7, 1995

Presentation to TMAPC: Charles Norman

The applicant is requesting a reduction of minimum gate and gatehouse setbacks from the centerline of 41st Street.

The original TMAPC approval (08/26/92) set the gatehouse at a minimum of 65' from the centerline and the gate at a minimum of 80' from the centerline. A previous request for amendment (07/20/94) setting the gate at 63' was denied.

The current request asks for a gatehouse setback of 59' and a gate setback of 70'. The purpose of the request is to allow the proposed location of the southerly driveway access to Lot 1's circular drive. Staff is not of the opinion that the possible options for the location of driveway access have been thoroughly explored. Staff has reviewed the request with Traffic Engineering and finds that the setbacks as requested are "acceptable" for this nine-unit addition.

Based on an acceptable two-car stacking distance and an interest in seeing this security-oriented community gated as earlier approved, Staff recommends **APPROVAL**.

**NOTE:** *The Homeowner's Association has indicated that a condition is acceptable which requires an open gate or operation by an attendant during social functions with more than 10 guests.*

#### TMAPC Comments

Responding to inquiry from Ms. Pace, Staff reviewed conditions of the original PUD regarding gatehouse and gate setback, explaining that the two-car stacking distance was a compromise. The developer wanted one-car stacking and the Planning Commission wanted three.

Mr. Doherty informed that given the history of the subject development, he is hesitant to support this application since he discerns that the Planning Commission was deliberately misled on an earlier application.

#### Applicant's Comments

Mr. Norman clarified that it was another applicant who filed the application that was denied on July 20, 1994 regarding gate setback. He revealed that the original approval, August 26, 1992 for gate and gatehouse setbacks would not have been functional. Mr. Norman informed that the purpose of reduction of setback is to eliminate interference with the driveways of the first two houses immediately to the left and right of the entrance. Mr. Norman reported that 41st Street is not heavily traveled in this area, between Lewis and Peoria Avenues, and this plan provides for two full spaces for stacking off-site. He informed that the development will only contain nine homes and deemed it unlikely that there will be a problem with a group of vehicles arriving at any time that would create a problem with stacking.

There was discussion among the Planning Commission, with the majority discerning that the requested setback for a development of this size would be sufficient.

**TMAPC Action; 7 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **5-2-0** (Ballard, Boyle, Carnes, Gray, Ledford "aye"; Doherty, Pace "nays"; none "abstaining"; Horner, Midget, Selph, Taylor "absent") to **APPROVE** PUD-493-3 MINOR AMENDMENT as recommended by Staff.

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There being no further business, the Chairman declared the meeting adjourned at 3:10 p.m.

Date Approved: 6-21-95

  
\_\_\_\_\_  
Chairman

ATTEST:

  
\_\_\_\_\_  
Secretary