

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2089

Wednesday, November 6, 1996, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

### Members Present

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

### Members Absent

Dick

### Staff Present

Almy  
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, November 5, 1996 at 9:56 a.m., in the office of the County Clerk at 9:53 a.m., as well as in the Reception Area of the INCOG offices at 10:02 a.m.

After declaring a quorum present, Chairman Carnes called the meeting to order at 1:32 p.m.

## Minutes:

### Approval of the minutes of October 16, 1996, Meeting No. 2087:

On **MOTION** of **HORNER**, the TMAPC voted **5-0-2** (Boyle, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; Carnes, Doherty "abstaining"; Ballard, Dick, Gray, Midget "absent") to **APPROVE** the minutes of the meeting of October 16, 1996 Meeting No. 2087.

### Approval of the minutes of October 23, 1996, Meeting No. 2088:

On **MOTION** of **BOYLE**, the TMAPC voted **6-0-1** (Boyle, Doherty, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; Carnes "abstaining"; Ballard, Dick, Gray, Midget "absent") to **APPROVE** the minutes of the meeting of October 23, 1996 Meeting No. 2088.

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## **REPORTS:**

### **Chairman's Report:**

Chairman Carnes informed the Commission that there is a Tulsa area planner's luncheon scheduled for November 18, 1996 at the Oneok Cafeteria, Small Dining Room at 11:30 a.m.

### **Committee Reports:**

#### **Rules and Regulations Committee**

Mr. Doherty informed the Commission that there will be a special joint committee meeting on November 20, 1996 at 11:30 a.m. at the Downtown Doubletree.

Mr. Doherty stated the Rules and Regulations Committee and the Comprehensive Plan Committee held a joint meeting to discuss changes in the regulation of multifamily developments and commercial/office developments.

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

Mr. Stump stated there are two zoning items scheduled on the November 7, 1996 City Council agenda. Mr. Stump stated he or Mr. Gardner would be in attendance. Mr. Boyle stated he will also be in attendance.

## **SUBDIVISIONS:**

### **Lot Split for Ratification of Prior Approval:**

**L-18372 Tulsa Development Authority** (693)  
500 Block South Lewis

(PD-4)(CD-4)

#### **Staff Comments:**

Mr. Jones informed the Commission that this lot-split for ratification of prior approval is in order and meet Subdivision Regulations. Staff recommends approval.

#### **TMAPC Action; 8 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Ballard, Boyle, Carnes, Doherty, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Gray, Midget "absent ") to **RATIFY** this Lot-split given Prior Approval, finding it in accordance with Subdivision Regulations.

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## **Sketch Plat:**

**Hawthorne Estates** (1402)

(PD-26)(CD-8)

North and east of the northeast corner of East 121st Street & South Yale Avenue

### **TAC Comments:**

Hawthorne Estates is a proposed residential single-family subdivision which contains approximately 45 acres and 94 lots. The underlying zoning is AG, and at this time there is no pending rezoning application. The subdivision plat appears to have both public and private streets.

Staff would offer the following comments and/or recommendations:

1. Rezoning a PUD approval to permit lot size and private streets.
2. Waiver of the Subdivision Regulations to permit a cul-de-sac of more than 500' in length.
3. Provide address list.
4. Building lines shown are both 35' and 25'. These should match appropriate zoning requirement or PUD condition.
5. A letter from an attorney is required regarding the L.L.C.
6. Show number of acres and lots under the key map.
7. A stub street to the undeveloped property to the east is recommended.
8. 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.
9. 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.)
10. 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).
11. 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.
12. 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.
13. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).

14. Street names shall be approved by the Department of Public Works and shown on plat.
15. All curve data, including corner radii, shall be shown on final plat as applicable.
16. City of Tulsa Floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.
17. 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.
18. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
19. 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.)
20. 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.
21. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
22. The key or location map shall be complete.
23. 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.)
24. 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.)
25. This plat has been referred to Bixby, Broken Arrow and Jenks because of its location near or inside a "fence line" of that municipality. Additional requirements may be made by the applicable municipality. Otherwise only the conditions listed apply.
26. 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.)
27. All other Subdivision Regulations shall be met prior to release of final plat.

**Staff Comments:**

Mr. Jones stated this is a sketch plat and that the Commission rarely sees sketch plats. However, when there is a problem that needs to be resolved prior to submittal of the preliminary plat, staff brings the sketch plat to the Commission for their consideration.

Mr. Jones stated that the sketch plat was reviewed by TAC on April 25 and one of the conditions imposed was that the north/south street be a full 60-foot collector with 36 feet of paving and designed for 30 mph traffic. Mr. Jones presented a land use map for reference of the proposed 60-foot collector street for reference.

**Applicant's Comments:**

**Jeff Levinson**, 35 East 18th Street, stated the main reason for the sketch plat being before the Commission is to determine whether or not South Erie will have to be a collector street. He pointed out that use is very low intensity here. He stated that the subject subdivision is zoned RS-1. Hampton Oaks located to the south is also low intensity. To the west is a private subdivision that will not have access to the proposed street.

Mr. Levinson stated the grades of some streets are higher than normal and with wider streets, people have a tendency to increase their speeds which could create some safety problems. He stated the property is heavily treed and that the exaction of 10 feet of right-of-way would necessitate the removal of a large number of trees.

Mr. Levinson stated the waiver of the collector street requirement is appropriate due to the street being more than 1320 feet away from 121st Street. He feels this request is a prime candidate to have the collector street waived due to the low-intensity use, possible traffic problems created by the grade of the land and traffic speed, and the aesthetic of the trees.

**TMAPC Comments:**

Chairman Carnes feels that possible creation of a traffic bottleneck is unacceptable based on previous traffic studies.

Mr. Doherty questioned whether the subdivision regulations have a provision for a graduated width as the street moves away from the arterial. Mr. Stump replied there is a provision on graduated widths relating to the number of lots that gain access from the collector street.

Mr. Doherty questioned whether this subdivision would qualify under this provision. Mr. Stump replied the majority of the road frontage in this subdivision has lots fronting directly onto the proposed street and if classified a collector, the proposed street would have to have the 36-foot width. Mr. Stump stated there is also a policy that states the collector streets system will not be carried more than one-quarter mile into the section to avoid having the collector used as a "cut-through" from one arterial to another.

Mr. Doherty noted the proposed width is 26 feet and staff recommends 30 feet. He questioned whether 30 feet would be acceptable to the applicant. Mr. Jones reminded the Commission that Traffic Engineering does not favor non-standard street widths and rights-of-way and would recommend taking the request back to TAC for their review and consideration of a 30-foot street.

Mr. Doherty feels a full 36-foot street is not required in this particular case since the number of lots being served is minimal. Mr. Jones pointed out that Traffic Engineering is recommending that the east/west street, 116th Street South, be a full 60-foot collector;

however, they would be willing to work with the developer since this street is not a critical street. Mr. Jones stated a waiver of subdivision regulations would be required if the Commission approves the request.

Mr. Ledford asked whether additional waiver of subdivision regulations would be required due to street grades. Mr. Jones replied he has not seen a grading plan.

Mr. Boyle questioned what the Commission's role is in the sketch plat phase. Mr. Doherty replied the sketch plat phase is when the developer presents his concept and asks for comments and suggestions in regard to any problems that may exist.

Mr. Boyle expressed concern with the possibility of a bottleneck. Mr. Jones stated that Traffic Engineering prefers standard 60-foot with 36 feet of paving or 50-foot right-of-way with 26-feet of paving. Mr. Boyle stated he understands that is what Traffic Engineering prefers, but questioned the reason why. Mr. Jones replied he does not know.

Mr. Linker feels the reason for subdivision regulations is for uniformity and equal treatment among different subdivisions plats, and if the Commission waives the subdivision regulations in one instance, then the Commission will have to be prepared to waive them in a similar instance somewhere else.

Mr. Ledford stated the subdivision regulations allows the consistent location for utilities and those types of things.

Mr. Doherty feels this is a time when something should be done. Mr. Doherty stated 26 feet is not enough due to the lots fronting on the street and 36 feet is too much.

Mr. Boyle asked whether the request could be sent back to Traffic Engineering and TAC to review and comment on 30-foot width.

Mr. Jones reminded the Commission that whatever they decide, the Engineer and Developer will begin spending large amounts of money to generate drawings and plans to bring back before the Commission. He feels if the Commission changes their opinion, the Developer will be out a great deal of time, effort and money.

Mr. Doherty feels, at this point, the Commission does not have enough information to make a decision. He recommended a continuance of one week.

**TMAPC Action; 10 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **10-0-0** (Ballard, Boyle, Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick "absent ") to **CONTINUE** the sketch plat for Hawthorne Estates to November 13, 1996.

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## **Preliminary Plat:**

**Westview Center** (1402)

(PD-25)(CD-1)

West of the northwest corner of East 36th Street North & North Cincinnati

### **TAC Comments:**

Jones presented the plat with Jerry Emanuel present.

French recommended that Traffic Engineering approve the final driveway design. Emanuel agreed to the request.

Westview Center is a one-lot subdivision plat which contains 2.65 acres. The requested CG rezoning application has been continued and will be heard by the TMAPC on October 23, 1996.

Staff would offer the following comments and/or recommendations:

1. Waiver of the subdivision regulations is required to permit the plat to be drawn at a 1" = 40' scale (1" = 100' required).
2. Utility easements and mutual access easement located outside the plat should be filed of record and shown on the plat prior to final plat approval.
3. 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.
4. 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.)
5. 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).
6. 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.
7. 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.
8. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).
9. Street names shall be approved by the Department of Public Works and shown on plat.

10. All curve data, including corner radii, shall be shown on final plat as applicable.
11. City of Tulsa Floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.
12. 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.
13. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
14. 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.
15. 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.)
16. 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.
17. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
18. The key or location map shall be complete.
19. 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.)
20. 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.)
21. The zoning application Z-6561 shall be approved and the ordinance or resolution therefore published before final plat is released. (Plat shall conform to the applicable zoning approved.)
22. 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.)
23. Applicant is advised to contact the U.S. Army Corps of Engineers in regards to Section 404 of the Clean Waters Act.
24. All other Subdivision Regulations shall be met prior to release of final plat.

On motion of French, the Technical Advisory Committee voted unanimously to recommend Approval of the Preliminary Plat of Westview Center, subject to the conditions 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, Westervelt "aye"; no "nays"; none "abstaining"; Dick "absent ") to **APPROVE** the Preliminary Plat for Westview Center subject to the conditions as recommended by TAC and waiver of Subdivision Regulations to permit the plat to be drawn at a 1" = 40' scale.

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**Sonic Park** (1583)

(PD-18-B)(CD-8)

East of the northeast corner of East 91st Street South & South Yale Avenue.

**TAC Comments:**

Jones presented the preliminary plat with Jerry Emanuel in attendance.

Sonic Park is a one lot commercial subdivision plat which contains .6 acres. The Board of Adjustment approved a special exception to permit a drive-in restaurant on the subject tract.

Staff would offer the following comments and/or recommendations:

1. Rename "42' BUILDING LINE".
2. Identify abutting property to the north as "NOT PLATTED".
3. 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.
4. 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.)
5. 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).
6. Paving and/or drainage plans shall be approved by the Department of Public works (Stormwater and/or Engineering) including storm drainage, detention design, and Watershed Development Permit application subject to criteria approved by the City of Tulsa.
7. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).

8. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
9. Street names shall be approved by the Department of Public Works and shown on plat.
10. All curve data, including corner radii, shall be shown on final plat as applicable.
11. City of Tulsa Floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.
12. 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.
13. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
14. 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.
15. 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.)
16. 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.
17. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
18. The key or location map shall be complete.
19. 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.)
20. 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.)
21. This plat has been referred to Bixby, Broken Arrow and Jenks because of its location near or inside a "fence line" of that municipality. Additional requirements may be made by the applicable municipality. Otherwise only the conditions listed apply.
22. 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.)
23. Applicant is advised to contact the U.S. Army Corps of Engineers in regards to Section 404 of the Clean Waters Act.

24. All other Subdivision Regulations shall be met prior to release of final plat.

On motion of Miller, the Technical Advisory Committee voted unanimously to recommend Approval of the Preliminary Plat of Sonic Park, subject to all conditions listed above.

**TMAPC Action; 10 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **10-0-0** (Ballard, Boyle, Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick "absent ") to **APPROVAL** the Preliminary Plat for Sonic Park subject to the conditions as recommended by TAC.

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**Hampton Oaks** (3483) (PD-26)(CD-8)  
East of the northeast corner of East 91st Street South & South Yale Avenue  
(To be continued until November 13, 1996.)

**TMAPC Comments:**

Chairman Carnes informed the Commission that a request for continuance to November 13, 1996 has been received on Hampton Oaks.

**There were no interested parties wishing to speak.**

**TMAPC Action; 8 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-0** (Ballard, Boyle, Carnes, Doherty, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Gray, Midget "absent ") to **CONTINUE** the Preliminary Plat for Hampton Oaks to November 13, 1996.

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**Plat Waiver, Section 213 or Section 260:**

**Z-6543/CZ-226 (Unplatted)** (3392) (PD-8)(CD-2)  
South of the southwest corner of West 59th Street South & South 33rd West Avenue

**TAC Recommendation:**

Jones presented the plat waiver request with no representative present.

The subject tract, which is located both within the Tulsa City limits and partially outside, was rezoned to commercial and has a proposed use of a dry cleaners. The tract is presently unplatted and is .46 acres in size. A new 2,100 square feet building is proposed.

The plat waiver process was originally developed to allow rezoned property with existing structures to be utilized without the filing of a new subdivision plat. Although it can be argued that this and similar property can be developed without a plat by filing separate documents of record, staff would recommend the filing of a subdivision plat. Staff can see the need for a perimeter utility easement, possible dedication of additional right-of-way, and access control agreement for the property. In addition, staff would not want to set a precedent for plat waivers in the area, since the abutting property to the south is subject to the platting requirements approved under Z-4936.

Staff recommends Denial of the requested plat waiver.

McCormick noted that flooding problems exist downstream and on-site detention will be required. He also noted that the design of the detention facility may be difficult due to terrain and existing conditions. Jordan noted that he was aware of the flooding problems in the area.

On motion of Jordan, the Technical Advisory Committee voted unanimously to recommend Denial of the requested plat waiver.

**Applicant's Comments:**

**John Moody**, 7146 South Canton, stated he is representing the owners of the property, William and Virginia Black. He reminded the Commission that a zoning application was previously approved on this tract. At that time, the application for a plat waiver was filed. He feels it might have been easier to process a plat, due to the amount of work already completed. He is requesting a plat waiver.

Mr. Moody stated the required right-of-way already exist and South 33rd West Avenue is already improved. Therefore, street dedication is not required on this tract. Also a PFPI has been filed with the City of Tulsa for the grading plan, drainage plan and a on-site detention plan. He stated that his client is required to comply with the City of Tulsa's Stormwater Management Regulations and earth change permit requirement and ordinances, regardless if a property. Mr. Moody presented copies of the plans.

Mr. Moody stated, in regard to the Limits of No Access and Perimeter Utility Easement, the property is already served by utilities. However, he prepared and offered a Perimeter Utility Easement on the west 20 feet, the rear of the property, and on the north and south 15 feet. This would be a general public utility easements available for the utilities if needed.

Mr. Moody informed the Commission that he has prepared the dedication and relinquishment of access on the property, imposing Limits of No Access on the property. The engineering firm has met extensively with the Traffic Engineer on this property. They have agreed to one access point as depicted on the site plan as presented.

Mr. Moody requested the application be approved subject to Legal Department's approval of the necessary documents.

**TMAPC Comments:**

Mr. Boyle asked Mr. Moody to address the problem that staff raised that granting this application would set a precedent for other properties in the area. Mr. Moody feels in this instance, except for the perimeter easement, this application is distinguished from the property to the south because of the existence of street dedication and other factors. He feels the Commission will have to approach each application on a "case-by-case" basis.

Mr. Linker stated if the Commission grants the waiver, then the Commission will have to be prepared to adopt the conditions they wish to impose.

Mr. Ledford expressed problems with taking a patent description that has never been platted and not requiring the developer to plat it for the sole reason of re-surveys. He reminded the Commission of a similar case involving a mini-storage. However, requiring the platting process will cause a delay to the developer. He recommended that the developer be required to plat the property and that staff assist in processing to eliminate any further delay for the developer.

Mr. Jones stated that staff will assist in any way to fast-track the subdivision plat.

Mr. Doherty asked whether the developer may obtain an Earth Change Permit prior to platting. Mr. Jones replied in the affirmative.

Mr. Ledford commented that surveying allows the corners to be reset and patent descriptions can be placed in the platting procedure.

**TMAPC Action; 10 members present:**

On **MOTION** of **LEDFORD**, the TMAPC voted **10-0-0** (Ballard, Boyle, Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick "absent ") to **DENY** the Plat Waiver for Z-6543/CZ-226 as recommended by TAC.

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**Z-6344-SP-7 (Langenkamp)** (684)  
6229 South 107th East Avenue

(PD-18)(CD-8)

**TAC Recommendation:**

Z-6344-SP-7 is an approved corridor site plan which permits office/warehouse use on part of Lot 3, Block 1 Langenkamp Addition. The applicant is requesting a plat waiver and to file the site plan restrictions of record by separate instrument.

Based on the existing subdivision plat and size of the tract, staff can find no benefit to the City in a replat. Staff recommends Approval of the plat waiver for Z-6344-SP-7, subject to the following conditions:

1. A separate document stating the site plan conditions and requirements be approved by the City and filed of record.
2. Paving and drainage plan review by the Department of Public Works in the permit process.
3. Utility extensions or easement if required.

On motion of Jordan, the Technical Advisory Committee voted unanimously to recommend Approval the Plat Waiver for Z-6344-SP-7, subject to all conditions listed above.

**TMAPC Action; 10 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **10-0-0** (Ballard, Boyle, Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick "absent ") to **APPROVE** the Plat Waiver for Z-6344-SP-7 subject to the conditions as recommended by TAC.

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**Amendment to Deed of Dedication and Restrictive Covenants:**

**Chelsea Pond** (PUD-426) (2883) (PD-26)(CD-8)  
East 103rd Street South and South Louisville Avenue

**Staff Comments:**

Mr. Jones reminded the Commission that they approved a minor amendment of a front yard setback in PUD-426 for this property. The attorney is amending the Deed of Dedication and Restrictive Covenants reflect the front yard setback. Staff recommends approval.

**TMAPC Action; 10 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **10-0-0** (Ballard, Boyle, Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick "absent ") to **APPROVE** the Amendment to Deed of Dedication and Restrictive Covenants for Chelsea Pond as recommended by staff.

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**Fred C. Langenkamp Addition** (684) (Z-6344-SP-6) (PD-18)(CD-8)  
South of the southeast corner of East 61st Street South & South 107th East Avenue

**Staff Comments:**

The proposed amendments to Deed of Dedication and Restrictive Covenants for Fred C. Langenkamp Addition satisfy the requirements of the Plat Waiver for Z-6344-SP-6 and staff recommends **APPROVAL**.

**TMAPC Action; 10 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **10-0-0** (Ballard, Boyle, Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick "absent ") to **APPROVE** the Amendment to Deed of Dedication and Restrictive Covenants for Fred C. Langenkamp Addition satisfying the requirements for the Plat Waiver for Z-6344-SP-6 as recommended by staff.

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**CONTINUED ZONING PUBLIC HEARING:**

**Application No.:** Z-6563 **RS-3 to IL**  
**Applicant:** D. D. Davie (PD-16)(CD-3)  
**Location:** East of northeast corner of North Zion Street and Kingston Avenue  
**Presented to TMAPC:**

**Staff Recommendation:**

Relationship to the Comprehensive Plan:

The District 16 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the property as Low Intensity - Residential.

According to the Zoning Matrix the requested IL zoning is **not** in accordance with the Plan Map.

**Staff Comments:**

**Site Analysis:** The subject property is approximately 1.6 acres in size and located east of the northeast corner of East Zion Street and North Kingston Avenue. It is flat, non-wooded, has two single-family dwellings and several accessory buildings with the storage of automobiles and vehicles and is zoned RS-3.

**Surrounding Area Analysis:** The subject tract is abutted on the north and east by the Gilcrease Expressway right-of-way, zoned RS-3; to the west by residential dwellings, zoned RS-3; and to the south by vacant land, zoned RS-3.

Zoning and BOA Historical Summary: In 1993 a request to rezone the subject tract from RS-3 to IL was denied by TMAPC and the City Council. In 1990 and 1988 approval was given for IL zoning on property that is located on the west side of Kingston Avenue extending south from East Apache to no farther than East Zion Avenue, which was established by TMAPC as being the zoning line separating the RS-3 from further industrial uses until a study was completed for the area.

Conclusion: The area has a significant amount of industrial zoning that is contrary to the Comprehensive Plan. However, history indicates that approval was granted for rezoning of property on the north side of Zion, which established a zoning line for industrial use in this area. Therefore, staff recommends **APPROVAL** of IL zoning for Z-6563.

**Applicant's Comments:**

**Darlene Crutchfield**, 616 South Main, Suite 106, stated she is in agreement with staff's recommendation.

**Interested Parties Comments:**

**Donald A. Edwards**, 1411 North Evanston, requested the Commission to deny the request. He stated the conditions are the same as before and it has been two years since the lawsuit was filed to find the occupants improperly doing business in a residential area.

Mr. Edwards stated his client has maintained her property as residential for over forty years and has invested a great deal of money in her property. The subject property has not been maintained. The spike fence located on the property is deteriorated. He stated complaints have been filed and required the owner to maintain the property.

Mr. Edwards feels this is a violation of the use unit of the property. He asked that the request be denied.

**Pandora Parsons**, 6010 East Apache, began to speak when Mr. Edwards collapsed. Chairman Carnes called a recess to allow time to attend to Mr. Edwards. Upon reconvening, Ms. Parsons stated she was not in any condition to continue today and asked for a continuance.

**Applicant's Rebuttal:**

Ms. Crutchfield stated this is the second appearance before the Commission and requested the Commission to consider the request.

**TMAPC Comments:**

Mr. Linker reminded the Commission that is the case that is pending in District Court before Judge Shaffer. Judge Shaffer requested the case to come back to the Planning Commission and City Council for review.

Mr. Doherty stated the merits of the application should be considered and voted on accordingly.

Ms. Pace clarified the location and zoning of Ms. Parson's property.

**TMAPC Action; 10 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **10-0-0** (Ballard, Boyle, Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick "absent ") to **CONTINUE** the Zoning Public Hearing for Z-6563 to November 20, 1996.

**TMAPC Action; 10 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted **10-0-0** (Ballard, Boyle, Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick "absent ") to **RECONSIDER CONTINUING** the Zoning Public Hearing for Z-6563.

Ms. Crutchfield stated she has a previous engagement for November 20 and requested the continuance date be changed to December.

**TMAPC Action; 10 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **10-0-0** (Ballard, Boyle, Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick "absent ") to **CONTINUE** the Zoning Public Hearing for Z-6563 to December 11, 1996.

\*\*\*\*\*

**CONTINUED PUBLIC HEARING TO AMEND TITLE 42, TULSA REVISED ORDINANCES (TULSA ZONING CODE) AND THE TULSA COUNTY ZONING CODE:**

**Amendments to Title 42, Tulsa Revised Ordinances (Tulsa Zoning Code) and the Tulsa County Zoning Code reducing multifamily housing densities and increasing setback and screening requirements in various commercial and office zoning districts.**

Chairman Carnes stated that there would not be any action on the commercial or office section. This will be strictly on the multifamily zoning. Chairman Carnes requested interested parties to submit, in writing, ideas and requests to the Planning Commission in regard to possible commercial and office zoning code amendments.

**ALTERNATE "A"**

**SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS**

**A. Bulk and Area Requirements in the RE, RS, RD, RT and RM Districts**

**Table 3**

	<b>Districts</b>											
	<u>RE</u>	<u>RS-1</u>	<u>RS-2</u>	<u>RS-3</u>	<u>RS-4</u>	<u>RD</u>	<u>RT</u>	<u>RM-O</u>	<u>RM-1</u>	<u>RM-2</u>	<u>RM-3</u>	
<b>LOT WIDTH (Min. Ft.)</b>												
Single-Family Dwelling	150	100	75	60	50	60	60	60	60	60	60	60
Duplex Dwelling						60	60	60	60	60	60	60
Multifamily Development								100	100	50	100	
<b>LOT AREA (Min. SF)</b>												
Single-Family Dwelling	22,500	13,500	9,000	6,900	5,500	6,900	6,900	6,900	6,000	6,000	6,000	6,000
Duplex Dwelling						6,900	6,900	6,900	6,900	6,900	6,900	6,000
Multifamily Development								10,000	10,000	6,000	24,000	
<b>LAND AREA PER D.U. (Min. SF)</b>												
Single-Family Dwelling	26,250	16,000	10,875	8,400	6,750	8,400	8,400	7,500	7,500	7,500	7,500	7,500
Duplex Dwelling						4,200	4,200	4,200	4,200	4,200	4,200	4,200
Multifamily Development												
<i>Less than two bedrooms</i>								2,800	1,700	1,200	500	
<b>Within a PUD</b>												
<i>Two or more bedrooms</i>								3,600	2,200	1,400	500	
<b>Not within a PUD</b>								<b>4,000</b>	<b>2,400</b>	<b>1,600</b>	<b>800</b>	
Townhouse Development												
Development Width (Min. Ft.)								70	70	70	70	70
Lot Width (Min. Ft.)								20	20	20	20	20
Lot Area (Min. SF)								1,600	1,600	1,600	1,600	1,600
Land Area (of Development) per D.U. (Min. SF)								4,200	3,600	2,200	2,200	2,200
<b>STRUCTURE HEIGHT (Max. Ft.)</b>	35	35	35	35	35	35	35	35	35	35	35	NA
<b>LIVABILITY SPACE PER D.U. (Min. SF)</b>	12,000	7,000	5,000	4,000	2,500	2,000	1,200	1,200	600	200	NA	NA
<b>FRONT YARD AND ANY YARD ABUTTING A PUBLIC STREET:</b>												
Measured from the centerline of abutting street; add to the distance designated in the column to the right, 1/2 of the right-of-way width designated on the Major Street Plan, or 25 feet if the street is not designated on the Major Street Plan: (Min. Ft.)												
Arterial or Freeway Service Rd	35	35	35	35	35	35	35	35	35	35	35	35
Not an Arterial	35	35	30	25	20	25	10	25	25	10	25	25
<b>REAR YARDS (Min. Ft.)</b>	25	25	25	20	20	20	20	20	20	10	25	25
<b>SIDE YARDS (Min. Ft.)</b>												
One side yard	15	10	10	5	5	5	5	10	10	10	25	25
Other side yard	15	5	5	5	5	5	5	10	10	10	25	25

The foregoing Bulk and Area Requirements are modified as follows:

- All multifamily dwellings and their accessory buildings shall be setback at least 25 feet from any RE or RS district. A single-story limitation shall apply to multifamily dwellings which are within 50 feet of an RE or RS district. All three story or greater multifamily dwellings shall be at least 75 feet from an RE or RS district.**
- A minimum of three (3) townhouse lots is required.
- Required livability space within a townhouse development shall be provided on each townhouse lot, or may be provided in common areas within the townhouse development as designated on the recorded subdivision plat.
- When a lot or portion of a lot abuts a cul-de-sac having a radius greater than 25 feet, or when a lot or portion of a lot abuts a nonarterial street right-of-way which exceeds 50 feet in width, the setback distance designated in the column to the right shall be measured from the property line.
- When a single-family or duplex lot abuts a non-arterial street right-of-way on two sides, the owner may select the front yard and the other yard abutting the non-arterial street shall not be less than 15 feet; provided that garages which access this street shall be setback a minimum of 20 feet.
- Side yards shall not apply to interior lot lines of townhouse developments.
- Front yard requirements in the RE, RS-1, RS-2, and RS-3 districts may be reduced 5 feet with Board of Adjustment approval as a special exception.

**ALTERNATE "B"**

**SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS**

**A. Bulk and Area Requirements in the RE, RS, RD, RT and RM Districts**

**Table 3**

	Districts											
	RE	RS-1	RS-2	RS-3	RS-4	RD	RT	RM-O	RM-1	RM-2	RM-3	
<b>LOT WIDTH (Min. Ft.)</b>												
Single-Family Dwelling	150	100	75	60	50	60	60	60	60	60	60	60
Duplex Dwelling						60	60	60	60	60	60	60
Multifamily Development								100	100	50	100	
<b>LOT AREA (Min. SF)</b>												
Single-Family Dwelling	22,500	13,500	9,000	6,900	5,500	6,900	6,900	6,900	6,000	6,000	6,000	6,000
Duplex Dwelling						6,900	6,900	6,900	6,900	6,900	6,900	6,000
Multifamily Development								10,000	10,000	6,000	24,000	
<b>LAND AREA PER D.U. (Min. SF)</b>												
Single-Family Dwelling	26,250	16,000	10,875	8,400	6,750	8,400	8,400	7,500	7,500	7,500	7,500	7,500
Duplex Dwelling						4,200	4,200	4,200	4,200	4,200	4,200	4,200
Multifamily Development												
<b>Within a PUD</b>									2,800	1,700	1,200	500
<b>Not within a PUD</b>												
<b>One bedroom or less</b>									3,600	2,200	1,400	500
<b>For each additional bedroom add</b>									400	400	400	400
Townhouse Development												
Development Width (Min. Ft.)							70	70	70	70	70	70
Lot Width (Min. Ft.)							20	20	20	20	20	20
Lot Area (Min. SF)							1,600	1,600	1,600	1,600	1,600	1,600
Land Area (of Development) per D.U. (Min. SF)							4,200	4,000	3,000	2,200	2,200	
<b>STRUCTURE HEIGHT (Max. Ft.)</b>	35	35	35	35	35	35	35	35	35	35	35	NA
<b>LIVABILITY SPACE PER D.U. (Min. SF)</b>	12,000	7,000	5,000	4,000	2,500	2,000	1,200	1,200	600	200	NA	NA
<b>FRONT YARD AND ANY YARD ABUTTING A PUBLIC STREET:</b>												
Measured from the centerline of abutting street; add to the distance designated in the column to the right, 1/2 of the right-of-way width designated on the Major Street Plan, or 25 feet if the street is not designated on the Major Street Plan: (Min. Ft.)												
Arterial or Freeway Service Rd	35	35	35	35	35	35	35	35	35	35	35	35
Not an Arterial	35	35	30	25	20	25	10	25	25	10	25	25
<b>REAR YARDS (Min. Ft.)</b>	25	25	25	20	20	20	20	20	20	10	25	25
<b>SIDE YARDS (Min. Ft.)</b>												
One side yard	15	10	10	5	5	5	5	10	10	10	25	25
Other side yard	15	5	5	5	5	5	5	10	10	10	25	25

The foregoing Bulk and Area Requirements are modified as follows:

1. All multifamily dwellings and their accessory buildings shall be setback at least 25 feet from any RE or RS district. A single-story limitation shall apply to multifamily dwellings which are within 50 feet of an RE or RS district. All three story or greater multifamily dwellings shall be at least 75 feet from an RE or RS district.
2. A minimum of three (3) townhouse lots is required.
3. Required livability space within a townhouse development shall be provided on each townhouse lot, or may be provided in common areas within the townhouse development as designated on the recorded subdivision plat.
4. When a lot or portion of a lot abuts a cul-de-sac having a radius greater than 25 feet, or when a lot or portion of a lot abuts a nonarterial street right-of-way which exceeds 50 feet in width, the setback distance designated in the column to the right shall be measured from the property line.
5. When a single-family or duplex lot abuts a non-arterial street right-of-way on two sides, the owner may select the front yard and the other yard abutting the non-arterial public street shall not be less than 15 feet; provided that garages which access this street shall be setback a minimum of 20 feet.
6. Side yards shall not apply to interior lot lines of townhouse developments.
7. Front yard requirements in the RE, RS-1, RS-2, and RS-3 districts may be reduced 5 feet with Board of Adjustment approval as a special exception.

IF A PUD IS USED THERE IS NO PROPOSED CHANGE IN MAXIMUM DWELLING UNITS ALLOWED PER ACRE.

IF NOT IN A PUD THE FOLLOWING MAXIMUMS WOULD APPLY:

<u>ZONE</u>	<u>EXISTING</u>	<u>ALTERNATE A</u> (Flat Rate)	<u>ALTERNATE B</u> (No. Bedrooms)
<b>MAXIMUM DWELLING UNITS/ACRE WITH 100% 1BR</b>			
RM-0	15.6	10.9	12.1
RM-1	25.6	18.2	19.8
RM-2	36.3	27.2	31.1
RM-3	87.1	54.5	87.1
<b>MAXIMUM DWELLING UNIT/ACRE WITH 50% 1BR AND 50% 2BR</b>			
RM-0	13.6	10.9	11.4
RM-1	22.3	18.2	18.2
RM-2	33.5	27.2	27.2
RM-3	87.1	54.5	62.2
<b>MAXIMUM DWELLING UNITS/ACRE WITH 60% 2BR, 30% 3BR, 10% 4BR</b>			
RM-0	12.1	10.9	10.3
RM-1	19.8	18.2	15.6
RM-2	31.1	27.2	21.8
RM-3	87.1	54.5	39.6

Amend Section 212.A.2 as follows:

2. Shall not be less than six (6) feet in height, **except when in a required front yard in which case the screening wall or fence shall not be less than four (4) feet in height.**

Add new Section 212.B. as follows and renumber subsequent subsections.

## **SECTION 212.B. SPECIFICATIONS FOR BUFFER WALLS**

**When a buffer wall is used to provide noise reduction as well as visual separation the constructed buffer wall shall comply with the following specifications:**

1. **Be constructed of a masonry material which provides noise buffering as well as visual separation. If smooth concrete block is used it shall be faced with a stucco finish on both sides;**
2. **Be not less than six (6) feet in height, nor more than 8 feet height.**
3. **Be constructed with all braces and supports on the interior, except when both sides are of the same design and appearance;**
4. **Be erected prior to the occupancy of the building or initiation of the use required to have the buffer wall;**
5. **Be uniform in height, except for significant changes in topography;**
6. **Have a consistency of design; and**
7. **If painted, be white, off-white or earthtone in color.**

Section 1104.A. - Delete the following portion of the first paragraph

## **SECTION 1104. BULK AND AREA REQUIREMENTS**

### **A. Intensity of Use**

~~It is the intent of this Code that the aggregate intensity of use within the Planned Unit Development remain substantially the same as or less than that which would be permitted if the area were developed conventionally, but that w~~Within the development, the intensity may be reallocated irrespective of the general zoning district boundaries.

Amend Section 1208.C by adding a new subsection 5 as follows:

**C. Use Conditions**

**5. The uses included in Use Unit 8 when located on a lot which is abutting an RE or RS district shall be screened by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the RE or RS district.**

Add Section 1302.C.

**Section 1302. SETBACKS**

A. Off-street loading areas shall not be located within 50 feet of any abutting property which is within an R District unless it is wholly within an enclosed building or screened on all sides abutting the R District by a screening wall or fence.

B. Unenclosed off-street parking and loading areas shall be set back from abutting streets as set forth in Table 1 below.

**C. Unenclosed off-street parking areas (including parking lot aisles) which are accessory to any Use Unit 8 use shall be setback at least 25 feet from a abutting RE or RS district. This setback shall be reduced to 5' if a buffer wall is provided along the abutting RE or RS district boundaries.**

### **Staff Comments:**

Mr. Stump presented and summarized the proposed alternatives which were included in the agenda packets (See attached "Exhibit"). He modified item 1 under Bulk and Area Requirements to omit garages from accessory buildings setbacks.

Mr. Stump stated that Alternative "B" includes changes as suggested by a local multifamily developer. Upon review, staff recommends Alternative "B". Alternative "B" provides additional land area, when needed, for apartment units that are oriented towards families; therefore, lower densities when families occupy the apartment units.

The other sections deal with setback for parking areas and screening fences between multifamily and single-family development, which is currently not required. Mr. Stump made a correction to Section 212.A.2 to indicate the fence shall be four (4) feet in height. Modifications were also made to Chapter 11, Section A - Intensity of Use to delete a portion of the first paragraph.

Mr. Stump stated Section 1302.C. - Setbacks was added to address unenclosed off-street parking area setbacks and alternative setbacks which include a buffer wall. Also Section 212.B. Specifications for Buffer Walls was added to define and provide specifications for a buffer wall.

### **Interested Parties Comments:**

The following persons signed up as interested parties but did not wish to speak: John Bumgarner, 2145 East 27th, 74114; Mitch Adwon, P. O. Box 52808, 74152.

**Jay Helm**, 3134 East 67th Street, stated he is with Lincoln Property Company that is in the apartment business here in Tulsa. He stated the Commission has been sent on a mission by the City Council to attack the tax-credit housing. He feels what staff is proposing will help the tax-credit developers and hurt the commercial developers.

Mr. Helm expressed problems with the proposed parking setbacks and the cost associated with buffer walls. He stated he can agree to the downsizing in zoning and feels it is appropriate. However, he feels the setbacks will take away from the project and will not allow garages or parking in that area.

Mr. Helm feels the tax-credit developers will meet these requirements; however, they do not care if the development works economically or the way the development looks. Mr. Helm expressed his developments are attractive and economic. He feels there is not a need for tax-credit developments and the proposed changes will hamper commercial developers.

**Charles Norman**, 2900 Mid-Continent Tower, stated he does not object to the reduction in densities for multifamily districts that no included in a PUD. He stated he has worked within the framework of the PUD process for many years and does not recall any

multifamily project of 100 unit or more that was not in a PUD with the exception of the project at the northeast corner of 61st and Memorial. He feels the PUD process works for the larger projects. He agrees with the buffer wall concept.

Mr. Norman feels the changes being discussed will apply to the smaller projects that occur in zoned areas where a PUD is not ordinarily required. He feels 4-, 8- or 12-unit complex should be addressed and the effects these changes will have on these size of complexes.

Mr. Norman feels the density issue has been addressed by reducing the density by 25 percent in the straight zoning districts. He stated there has always been, in Section 403, a yard requirement for multifamily districts under straight zoning. There is also a requirement if the multifamily development is within 50 feet of a single-family district it is limited to one-story in height. He feels this requirement has been workable in the past.

Mr. Norman suggested to accept the density reduction in straight district projects and leave the present limitation on the setbacks as they are within the non-PUD projects. He does not object to the new requirement of a screening fence between multifamily and single-family areas.

In regard to buffer walls, Mr. Norman feels a five-foot setback for parking area from the boundary would be acceptable. The additional 20-foot setback will only increase the cost of the development and in turn the cost of housing to the individual will also increase.

**Roy Johnsen**, 201 West 5th, Suite 440, stated he concurs with Charles Norman. However, if the decision is to establish this setback for what is "non-PUD" properties in the community, he feels this requirement should also be included in the PUD section and/or chapter for PUD as well as under the RM-1 district chapter of the code.

#### **TMAPC Comments:**

Mr. Midget asked whether Section 1104 allowed flexibility within a PUD. Mr. Stump replied the changes would allow higher densities in a PUD than the underlying zoning would allow.

Mr. Westervelt expressed concern on Section 212.B. - Specifications for Buffer Wall and Section 1302.C. - Setbacks. He feels that these sections need to be omitted due to the affect they may have on commercial or office. He asked whether the last sentence should be omitted or the entire paragraph and in turn omit the entire Section 212.B. After some discussion by the Commission, it was determined that the last sentence in Section 1302.C. should be omitted, as well as, the entire Section 212.B.

Mr. Doherty supplied a report from the joint Rules and Regulations and Comprehensive Plan Committee in regard to multifamily. He reported the Joint Committee, after long discussion with developers, decided not to deal with the commercial/office portions at this time. The Committee bifurcated the commercial/office from the multifamily portion.

Mr. Doherty stated the Committee has moved forward on the multifamily portion and has brought it before the Planning Commission today.

Ms. Pace asked whether a date should be decided upon for the commercial/office portion at this time. Mr. Doherty replied a date could be set. However, Mr. Boyle stated the reason he made the motion the way he did at the Committee Meeting was to allow time to consider numerous issues in regard to commercial/office and not set a time frame.

Ms. Pace feels the agenda states both portions will be considered today and that a date should be decided upon. Mr. Boyle replied that posting of the agenda allows an item to be considered by the Commission.

Mr. Midget asked whether Mr. Helm agreed with the requirement of a buffer wall. Mr. Helm replied that he is in agreement with a buffer wall; however, he feels the requirements, as outlined in Section 212.B. are not economically feasible.

Mr. Doherty stated that a PUD would allow modifications to fit or enhance each development. Mr. Helm feels the setbacks and buffer walls will be viewed as the minimum and not allow modification within the PUD.

Mr. Westervelt stated that if these setbacks and buffers are identified as the minimum under straight zoning and that PUDs are used to justify lesser setbacks. Mr. Doherty stated during the recess Mr. Westervelt and himself proposed language to this effect as follows: approval of staff recommended Alternate "B" for Bulk and Area Requirements as presented and the other amendments, less and except Section 212.B. and the last sentence of 1302.C., noting that it is the policy and practice of this Commission, when a PUDs circumstances justify lesser setbacks, to greatly reduce setbacks from those required in conventional zoning.

Mr. Midget feels there is a need for a buffer wall. Mr. Doherty replied at this time there is not a definition for "buffer wall" and feels the Commission should move forward.

Ms. Pace asked whether a screening wall is required between RM and RS. Mr. Stump replied in the negative. Mr. Doherty stated a buffer wall will be used for sound buffering. Mr. Stump stated the proposal is to require a screening fence between single-family residential and multifamily zoning property regardless of where the parking area is. The buffer wall is proposed to be designed to deaden sound and used to allow noise-producing uses such as parking lots to be closer to single-family residential area, without a negative impact.

Mr. Westervelt stated that the intent is to encourage quality developers to file a PUD application, to have the maximum flexibility to present a development that will work and allow the developer to mitigate the need for setbacks. He asked whether Mr. Helm was in agreement with this proposal. Mr. Helm replied he would like to review the revised proposal.

Mr. Doherty felt that his proposal, if approved, should be published as a part of the public policy.

Mr. Doherty noted that staff clarified their recommendation to note that garages are not subject to the setback under accessory buildings and modified the recommendation in Section 212.A.2 to indicate that a required front yard screening wall or fence shall be four-foot in height, not more than or less than.

Mr. Norman asked whether carports are subject to the setback under accessory buildings. Mr. Stump replied that a carport is an unenclosed parking space and would not be exempt.

Mr. Boyle feels Alternate "B" is appropriate. He stated that responsible developers that bring projects in PUD format, that include a responsible format for the project, taking into consideration all the physical facts, will be approved by the Commission.

Mr. Midget asked whether or not screening and buffer walls will be addressed at a later date. Mr. Doherty replied that it is his intention to schedule a committee meeting to deal with these issues and move forward on the commercial/office portion.

**TMAPC Action; 9 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **8-1-0** (Boyle, Carnes, Doherty, Horner, Ledford, Midget, Pace, Westervelt "aye"; Gray "nay"; none "abstaining"; Ballard, Dick "absent ") to recommend **APPROVAL** of Amendments to Title 42, Tulsa Revised Ordinances (Tulsa Zoning Code) and the Tulsa County Zoning Code reducing multifamily housing densities and changing setback and screening requirements as recommended by staff in Alternate "B" and the other proposed amendments, less and except section 212.B. and the last sentence of 1302.C, noting that it is the policy and practice of this Commission, when, developments in PUD's have circumstances which justify lesser setbacks, the TMAPC will recommend significant reductions of setbacks from those required in conventional zoning. Amendments as recommended by TMAPC are shown on the following pages.

\*\*\*\*\*

**ALTERNATE "B"**

**SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS**

**A. Bulk and Area Requirements in the RE, RS, RD, RT and RM Districts**

**Table 3**

	Districts											
	RE	RS-1	RS-2	RS-3	RS-4	RD	RT	RM-O	RM-1	RM-2	RM-3	
<b>LOT WIDTH (Min. Ft.)</b>												
Single-Family Dwelling	150	100	75	60	50	60	60	60	60	60	60	60
Duplex Dwelling						60	60	60	60	60	60	60
Multifamily Development								100	100	50	100	
<b>LOT AREA (Min. SF)</b>												
Single-Family Dwelling	22,500	13,500	9,000	6,900	5,500	6,900	6,900	6,900	6,000	6,000	6,000	6,000
Duplex Dwelling						6,900	6,900	6,900	6,900	6,900	6,900	6,000
Multifamily Development								10,000	10,000	6,000	24,000	
<b>LAND AREA PER D.U. (Min. SF)</b>												
Single-Family Dwelling	26,250	16,000	10,875	8,400	6,750	8,400	8,400	7,500	7,500	7,500	7,500	7,500
Duplex Dwelling						4,200	4,200	4,200	4,200	4,200	4,200	4,200
Multifamily Development									2,800	1,700	1,200	500
<b>Within a PUD</b>												
<b>Not within a PUD</b>												
<b>One bedroom or less</b>									3,600	2,200	1,400	500
<b>For each additional bedroom add</b>									400	400	400	400
Townhouse Development												
Development Width (Min. Ft.)							70	70	70	70	70	70
Lot Width (Min. Ft.)							20	20	20	20	20	20
Lot Area (Min. SF)							1,600	1,600	1,600	1,600	1,600	1,600
Land Area (of Development) per D.U. (Min. SF)							4,200	4,000	3,000	2,200	2,200	
<b>STRUCTURE HEIGHT (Max. Ft.)</b>	35	35	35	35	35	35	35	35	35	35	35	NA
<b>LIVABILITY SPACE PER D.U. (Min. SF)</b>	12,000	7,000	5,000	4,000	2,500	2,000	1,200	1,200	600	200	NA	NA
<b>FRONT YARD AND ANY YARD ABUTTING A PUBLIC STREET:</b>												
Measured from the centerline of abutting street; add to the distance designated in the column to the right, 1/2 of the right-of-way width designated on the Major Street Plan, or 25 feet if the street is not designated on the Major Street Plan: (Min. Ft.)												
Arterial or Freeway Service Rd	35	35	35	35	35	35	35	35	35	35	35	35
Not an Arterial	35	35	30	25	20	25	10	25	25	10	25	25
<b>REAR YARDS (Min. Ft.)</b>	25	25	25	20	20	20	20	20	20	10	25	25
<b>SIDE YARDS (Min. Ft.)</b>												
One side yard	15	10	10	5	5	5	5	10	10	10	25	25
Other side yard	15	5	5	5	5	5	5	10	10	10	25	25

The foregoing Bulk and Area Requirements are modified as follows:

- All multifamily dwellings and their accessory building, except garages, shall be setback at least 25 feet from any RE or RS district. A single-story limitation shall apply to multifamily dwellings which are within 50 feet of an RE or RS district. All three story or greater multifamily dwellings shall be at least 75 feet from an RE or RS district.**
- A minimum of three (3) townhouse lots is required.
- Required livability space within a townhouse development shall be provided on each townhouse lot, or may be provided in common areas within the townhouse development as designated on the recorded subdivision plat.
- When a lot or portion of a lot abuts a cul-de-sac having a radius greater than 25 feet, or when a lot or portion of a lot abuts a nonarterial street right-of-way which exceeds 50 feet in width, the setback distance designated in the column to the right shall be measured from the property line.
- When a single-family or duplex lot abuts a non-arterial street right-of-way on two sides, the owner may select the front yard and the other yard abutting the non-arterial public street shall not be less than 15 feet; provided that garages which access this street shall be setback a minimum of 20 feet.
- Side yards shall not apply to interior lot lines of townhouse developments.
- Front yard requirements in the RE, RS-1, RS-2, and RS-3 districts may be reduced 5 feet with Board of Adjustment approval as a special exception.

Amend Section 212.A.2 as follows:

2. Shall not be less than six (6) feet in height, **except when in a required front yard in which case the screening wall or fence shall be four (4) feet in height.**

Section 1104.A. - Delete the following portion of the first paragraph

## **SECTION 1104. BULK AND AREA REQUIREMENTS**

### **A. Intensity of Use**

~~It is the intent of this Code that the aggregate intensity of use within the Planned Unit Development remain substantially the same as or less than that which would be permitted if the area were developed conventionally, but that within the development, the intensity may be reallocated irrespective of the general zoning district boundaries.~~

Amend Section 1208.C by adding a new subsection 5 as follows:

### **C. Use Conditions**

5. **The uses included in Use Unit 8 when located on a lot which is abutting a RE or RS district shall be screened by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the RE or RS district.**

Add Section 1302.C.

## **Section 1302. SETBACKS**

- A. Off-street loading areas shall not be located within 50 feet of any abutting property which is within an R District unless it is wholly within an enclosed building or screened on all sides abutting the R District by a screening wall or fence.
- B. Unenclosed off-street parking and loading areas shall be set back from abutting streets as set forth in Table 1 below.
- C. **Unenclosed off-street parking areas (including parking lot aisles) which are accessory to any Use Unit 8 use shall be setback at least 25 feet from any abutting RE or RS district.**

**CONTINUED PUBLIC HEARING ON AMENDMENT TO THE COMPREHENSIVE PLAN:**

Public Hearing to amend the Planning District 25 Plan Map and Text, a part of the Comprehensive Plan for the Tulsa Metropolitan Area.

**TMAPC Comments:**

Chairman Carnes informed the Commission that a request for continuance to December 11, 1996 has been received.

**There were no interested parties wishing to speak.**

**TMAPC Action; 8 members present:**

On **MOTION** of **BALLARD**, the TMAPC voted **8-0-0** (Ballard, Boyle, Carnes, Doherty, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Gray, Midget "absent ") to **CONTINUE** the Public Hearing on Amendment to the Comprehensive Plan to December 11, 1996.

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**ZONING PUBLIC HEARING:**

**Application No.: PUD-298-15**

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

**Applicant: Don Beatt**

**Location: East 91st Street at South 92nd East Avenue**

**Presented to TMAPC: Don Beatt**

*(Minor Amendment to allow an increase in subdivision identification signs.)*

**Staff Recommendation:**

The applicant is requesting approval to replace the existing monument sign surfaces at the South 92nd Street East entrance to Shadow Ridge Estates with new signs. The applicant also is proposing new construction and signage of two 50' brick and rock entry walls.

Staff has reviewed the request and finds that only one identification sign may be erected on each street perimeter frontage of a single-family subdivision, per code. The applicant is proposing a replacement sign at the entry to the subdivision (one two-sided sign) and two new signs set in newly-constructed rock walls on either side of the South 92nd Street East entry on to South 91st Street. The new signs mounted on newly-constructed walls would be set back approximately 120 feet from the center of 91st, while the existing monument sign is 45 feet closer to South 91st and 75 feet from the center of the street.

Display area for the two monument signs at South 91st Street is 42 SF and 64 SF for the signs set on the new walls on either side of South 91st East. Total display area for all signs proposed is 106 SF, which is under the 150 SF of surface display area allowed for an identification sign in residential districts. Finally, the proposal indicates that all stone and brick work for the existing monument sign will be made to match the new stone and brick walls.

Although the number of signs proposed exceeds the number permitted in the zoning code, the proposal is seeking to bring a uniformity and consistency to the sole subdivision entry consistent with the character of the subdivision. A member of the Shadow Ridge Homeowners Association informed staff that the new rock and stone walls will serve to provide sight screening of the improved drainageway which crosses under South 92nd Street approximately 100 feet to the north.

Based on the information provided and the general character of the development, staff recommends **APPROVAL** of the Minor Amendment to the standards of the PUD subject to the following:

1. No more than three (3) identification signs are allowed with a combined display surface area of not more than 120 SF.
2. Approval by the Board of Adjustment of the increase in the number of signs allowed by the zoning code. *(Approved sign plans will not be released to the permitting department without Board approval.)*
3. Design of the sign is consistent with the information submitted with PUD-298-15.
4. Subject to staff approval of a detail sign plan prior to issuance of a sign permit.

**There were no interested parties wishing to speak.**

**TMAPC Action; 10 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **10-0-0** (Ballard, Boyle, Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick "absent ") to **APPROVE** the Minor Amendment to the standards of PUD-298-15 subject to the conditions as recommended by staff.

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**PUBLIC HEARING TO CONSIDER AMENDING THE  
SUBDIVISION REGULATIONS:**

Consider amending the subdivision regulations prohibiting the creation of lots using private sewage disposal systems which are located in a designated floodplain.

**TMAPC Comments:**

Chairman Carnes informed the Commission that a request for continuance to December 11, 1996 has been received.

There were no interested parties wishing to speak.

**TMAPC Action; 8 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-0** (Ballard, Boyle, Carnes, Doherty, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Gray, Midget "absent ") to **CONTINUE** the Public Hearing to Consider Amending the Subdivision Regulations to December 11, 1996.

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**OTHER BUSINESS:**

**Request by staff for TMAPC review of proposed ground sign in PUD-360-A**  
(West of the northwest corner of 91st Street South and Memorial Drive.)

**Staff Request for Clarification:**

The applicant is proposing a ground sign which meets the setback, height and surface display area requirements permitted in PUD-360-A. The PUD, however, calls for a monument style sign as approved by the Commission at a Minor Amendment hearing on January 8, 1995.

At this time, staff is seeking clarification from the Commission as to whether the proposed sign is in keeping with the intent and character of the PUD and of other development in the area. The applicant's proposed sign is mounted on two 6' tall round supports which are 24' in diameter. The applicant contends that the proposed sign is in keeping with the style and character of the Liberty Drive-Up Bank and of other Liberty Bank signs in Tulsa.

Staff is on the opinion that the sign maintains the character of the area and is in keeping with the spirit and intent of PUD-360-A. Further, the opening under the proposed sign may facilitate line-of-sight visibility for drive-up traffic entering or leaving the drive-up bank. The proposed sign is not, however, of "monument style" and staff requests that the Commission make a final determination for approval or denial of the application.

**TMAPC Comments:**

Mr. Doherty feels this is not a standard pole sign. The sign is much shorter, an architectural feature, and one can see through it. Technically, it is not a monument sign, but the appearance is close enough to be one. He feels staff is correct in recommending approval.

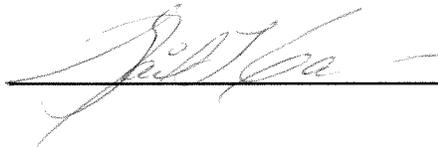
**TMAPC Action; 10 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **9-1-0** (Ballard, Boyle, Doherty, Gray, Horner, Ledford, Midget, Pace, Westervelt "aye"; Carnes "nay"; none "abstaining"; Dick "absent ") to **APPROVE** the proposed ground sign in PUD-360-A as recommended by staff.

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There being no further business, the Chairman declared the meeting adjourned at 4:10 p.m.

Date Approved: 11/20/96

  
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Chairman

ATTEST: Frances Pace  
Secretary