

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2112

Wednesday, May 14, 1997, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Boyle	Ballard	Almy	Linker, Legal
Carnes	Westervelt	Gardner	Counsel
Dick		Jones	
Doherty		Stump	
Gray			
Horner			
Ledford			
Midget			
Pace			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Friday, May 9, 1997 at 2:42 p.m., in the Office of the City Clerk at 2:33 p.m., as well as in the office of the County Clerk at 2:30 p.m.

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

Minutes:

Approval of the minutes of April 23, 1997, Meeting No. 2110:

On **MOTION** of **BOYLE**, the TMAPC voted **7-0-0** (Boyle, Carnes, Dick, Doherty, Gray, Horner, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Ballard, Westervelt "absent") to **APPROVE** the minutes of the meeting of April 23, 1997 Meeting No. 2110.

Reports:

Committee Reports:

Rules and Regulations Committee:

Mr. Doherty stated there is one item, PUD-558, located at 13th & Frisco, scheduled for the May 15, 1997 City Council meeting.

Director's Reports:

Mr. Gardner presented the antenna ordinance for the County, for which the hearing was continued to the May 21, 1997 meeting. He stated copies of the ordinance have been transmitted to County staff and other interested parties.

SUBDIVISIONS:

Plat Waiver, Section 213:

Z-6592 (Unplatted) (2703)
2208 North Sheridan Road

(PD-16) (CD-3)

TAC Comments:

Jones presented the request with Scott Pryer present.

Z-6592 is a rezoning request for CH or IL zoning to permit an addition to an existing building. At the April 23rd meeting, the Staff and TMAPC recommended to rezone to CH only that west portion of the subject tract which on the south portion of the lot is currently zoned RM-2. With only that property subject to the platting requirements, staff can see no need in a replat. Although existing North Sheridan Road right-of-way does not meet the Major Street Plan, the TMAPC cannot require the dedication.

Staff recommends **APPROVAL** of the plat waiver for Z-6592 with no conditions.

On motion of Miller, the Technical Advisory Committee voted unanimously to recommend approval of the Plat Waiver of Z-6592 with no conditions.

TMAPC Action; 7 members present:

On **MOTION** of **HORNER**, the TMAPC voted **7-0-0** (Boyle, Carnes, Dick, Doherty, Gray, Horner, Ledford "aye"; no "nays"; none "abstaining"; Ballard, Midget, Pace, Westervelt "absent") to **APPROVE** the Plat Waiver for Z-6592 with no conditions as recommended by TAC.

Change of Access on Recorded Plat:

Copper Oaks Addition (483)

(PD-18) (CD-8)

North of the northwest corner of East 71st Street and South Yale Avenue

Staff Comments:

Mr. Jones stated the proposed access points document was included in the agenda. He stated the existing access point on 71st Street is being shifted approximately 50 feet to the east.

Mr. Jones stated staff has reviewed the change of access. Also, Traffic Engineering has reviewed and signed off on the change of access. Therefore, staff recommends approval subject to the document in the agenda packet.

TMAPC Action; 7 members present:

On **MOTION** of **HORNER**, the TMAPC voted **7-0-0** (Boyle, Carnes, Dick, Doherty, Gray, Horner, Ledford "aye"; no "nays"; none "abstaining"; Ballard, Midget, Pace, Westervelt "absent") to **APPROVE** the change of access for Copper Oaks Addition, subject to the document in the agenda packet. (See attached Exhibit A.)

O'Conner Park (1293)

(PD-5) (CD-5)

1939 South Memorial Drive

Staff Comments:

Mr. Jones informed the Commission this is the existing Albertson's store. He stated a location map and the new access point document were included in the agenda packet. In regard to South Memorial, the two existing access points will be omitted and one access point will be located in the middle.

Mr. Jones stated staff has reviewed the change of access. Also, Traffic Engineering has reviewed and signed off on the change of access. Therefore, staff recommends approval subject to the document in the agenda packet.

TMAPC Action; 7 members present:

On **MOTION** of **HORNER**, the TMAPC voted **6-0-1** (Boyle, Carnes, Dick, Doherty, Gray, Horner "aye"; no "nays"; Ledford "abstaining"; Ballard, Midget, Pace, Westervelt "absent") to **APPROVE** the change of access for O'Conner Park, subject to the document in the agenda packet. (See attached Exhibit B.)

CONTINUED ZONING PUBLIC HEARING:

Application No.: PUD-190-37

(PD-18) (CD-8)

Applicant: Eric Bentley

Location: 5632 East 76th Street

Staff Recommendation:

The applicant is requesting Minor Amendment approval to reduce the required setbacks on the south and west property lines from 3 feet to 0 feet to allow a detached accessory building. The applicant has completed construction of the 40-foot-by-15-foot structure which incorporates a storage area and covered pool deck area enclosed on three sides. The structure was constructed with the 40-foot length against the fence and lot line of the property and rear yard to the west. The 15-foot width of the structure abuts a 50-foot open space and utility easement area to the south.

Staff has reviewed the applicant's proposal and finds the structure constitutes an accessory building and not a covered patio. Although the bulk and area of the accessory building meet the requirements under Section 402B (1) c & d of the Code, the location of the structure, relative to the lot to the west, constitutes an encroachment on the abutting property.

Staff finds that the required three foot setback from lot lines is intended to maintain the openness of adjoining yards. The accessory structure has the effect of closing in 40 feet of one side of the rear yard of the property to the west. (Siting the structure along the southern property line which backs to an easement and open space may provide relief to the property owner to the west as well as allow the applicant the full use of his pool and deck.)

Staff therefore, recommends **DENIAL** of the minor amendment as submitted.

Staff Comments:

Mr. Stump reminded the Commission this item was continued to allow the applicant and neighbors time to meet and work out a solution. He stated staff received a call today informing them that if the applicant would install four or five trees immediately west of the building for screening purposes the neighbor would be satisfied.

TMAPC Comments:

Mr. Horner asked whether the trees have already been installed or will be installed. Mr. Stump replied they will be installed and should be made a requirement of the minor amendment if approved.

Mr. Doherty feels this is an excellent compromise for the neighborhood.

TMAPC Action; 9 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **9-0-0** (Boyle, Carnes, Dick, Doherty, Gray, Horner, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Ballard, Westervelt "absent") to **APPROVE** Minor Amendment PUD-190-37, subject to the applicant planting five trees to screen the property to the west.

Application No.: PUD-460-1

(PD-18) (CD-8)

Applicant: Roy D. Johnsen

Location: North of northwest corner East 81st Street and South Mingo Road

Presented to TMAPC: Roy D. Johnsen

(Minor Amendment to allow smaller lots in one development area and private streets in three development areas.)

Staff Recommendation:

The applicant is requesting minor amendment approval to modify the original concept illustration approved in 1990 to allow slightly narrower lots in one development area of the PUD and allow private streets in three development areas. The original approval for PUD 460 called for 102.98 gross acres in Development Area C with a maximum of 343 single-family dwelling units. Development Area D called for 7.68 gross acres of open space for storm water management and recreational uses.

The revised concept plan proposes 100.97 acres in Development Area C with a maximum of 333 single-family dwelling units. Area D has been modified to include 9.37 acres of open space for stormwater management and recreational uses. The proposed use and intensity are consistent with the previously-approved PUD 460 standards and no change in underlying zoning is proposed.

The proposed revision to the concept plan focuses on providing a public internal collector street (70' ROW narrowing to 60' ROW) between East 81st Street South and South Mingo Road and an internal public and private street system. The proposal notes that "An important design feature is the avoidance of direct lot access to the collector street system."

Development Area C-4 will have public streets (50' ROW) and will serve 184 homesites. Development Areas C-1, C-2 and C-3 are proposed as gated/private street (30' ROW) communities with 51 homesites in Area C-1, 40 homesites in Area C-2 and 58 homesites in Area C-3.

The provision of private streets raises staff concerns about the current lack of adopted standards for design, construction and continued maintenance of private street systems. Although TMAPC and the City Council have been reviewing the issues relating to the development of policies for private streets proposed for new subdivisions in Tulsa, no guidance is currently available to adequately evaluate the minor amendment. Without adopted standards there are no assurances that streets will or can be properly maintained by residents on these streets. Until these issues are resolved, Staff cannot support private streets for this large an area which contains moderately priced homes. Therefore, Staff recommends **DENIAL** of the minor amendment.

If the Planning Commission chooses to allow private streets, staff offers the following recommendations as conditions for approval:

1. That the private streets have the same design and construction standards, including right-of-way and pavement width, as any other minor public residential streets. This condition will facilitate any future dedication of these streets as public streets if residents find that maintaining them is too much of a financial burden.
2. That building setbacks be increased from 40 feet to 45 feet from the center line of the revised 50 foot street right-of-way.
3. That the collector street design be altered to reduce cut-through traffic and that entry points at South Mingo and East 81st Street South incorporate three lanes to allow for turning onto the major arterials.
4. That all gate locations and designs are approved prior to the approval of the subdivision plat to insure adequate stacking distances at entries.

Applicant's Comments:

Roy Johnsen, 201 West 5th, Suite 440, 74103, stated the proposed project is designed and developed by builders, Darrell Jenkins, J. D. Harp, David Gibson, Jim Beale, Mike Fists, or developers, Gary Burton, Steve Murphy and John Wolman, in the community know as Select Homesites, Inc. The project includes the collective thinking of these gentlemen and their ideas of what a good project should include. He stated the concept is a master-planned large area of single-family, detached homes which is intended to provide a variety of life styles, lot-size choices and price ranges. The plan provides for conventional, public-street lots which are located to the northwest of the project and three distinct, gated communities on private streets.

Mr. Johnsen stated development area C-2, located in the southwest corner of the project, is planned as a private-street, gated community with a lake facility in the center of the project, and will have homes valued at \$275,000 and up. Development area C-1, which will have slightly smaller lots with a lake facility in the center of the project, and will have homes valued at \$200- to \$275,000. Development area C-3, which is also planned as a private-street, gated community, will have homes valued at \$150,000 and up. The conventional homes in development area C-4 will be valued at \$150,000 up to \$200,000. He feels the numbers reflect this is not a modest subdivision as indicated in the staff recommendation in regard to maintenance of the private streets. He stated this project is intended to be a very high-quality single-family development under a common theme.

Mr. Johnsen stated one of the principal functions of the proposed development is the boulevard street through the entire subdivision. He noted all the single-family lots back or side the collector street. The Commission has encouraged homes being located in such a way to back the collector street. He feels this is a good concept and there is no conflict with people backing out of driveways on to the collector street.

Mr. Johnsen feels the main issue to be resolved at this hearing is the issue of private streets. He gave a history on the issue of private streets. He stated Hunter's Pointe development was one of the first developments in 1979 with private streets. He stated the private streets were not built wide enough, however, the streets were built to city specifications. He feels this has been a very successful subdivision and the quality of the homes exceeded the developers' expectations. He stated over the years there have been several developments with private streets. He feels the developments were given close scrutiny and concern was expressed by the Commission and staff in regard to street maintenance.

Mr. Johnsen stated there have been instances where the citizens within a private-street community have requested the City to take over the maintenance of the streets. He feels these are the exceptions.

Mr. Johnsen stated he discussed the issue of private streets with his experienced builder/developer clients. He feels the City's attitude in the beginning was not to even consider private streets. The City Engineer's office would not even look at the design or layout of the development. However, he feels the developers were still responsible and built good streets.

Mr. Johnsen stated, over the years through the effort of the staff, the standards have been increased. He feels one of the most significant steps taken was when staff recommended a condition that the streets be built to city standards as to paving width, subgrade and asphalt and/or concrete thickness. This is now a standard provision for all PUDs. He feels this is very significant since the City's standards are very high and top-quality specifications.

Mr. Johnsen pointed out a problem with the private street standards in that there is no provision for inspection and ensuring the street are built to city standards. So the possibility exists, that though the Planning Commission imposes the requirement that the streets meet city standards and specifications and even if the engineer designs the street accordingly, the streets may not be constructed as required. He feels, without any type of inspection, there may be a problem in those streets. He stated Holland Lakes is an example, in that there have been questions whether the streets were built to city specifications as designed.

Mr. Johnsen stated the other issue with private streets is in regard to maintenance and the homeowners being responsible for that maintenance. He feels if the streets are built correctly, there should not be any problems with the street. Also, some buyers are not aware of what they are buying into with private streets. He presented a document outlining private street issues and responses to those issues. The topics addressed in the document included the issues, TMAPC Policies, typical subdivision Deed of Dedication, maintenance analysis and proposed standards.

Mr. Johnsen addressed the issues of private streets. Those issues include the unknowing buyer, substandard construction, association maintenance and available funding, and the later demand for City maintenance.

Mr. Johnsen pointed out the TMAPC Policies for Private Streets. He feels the proposed development meets all the requirements of the TMAPC policies. He believes the TMAPC policies were never formally adopted and were triggered by the Commission's concern that private-street subdivisions not form an obstacle to appropriate neighborhood circulation or circulation through the section. He stated he has had two or three developments where the City has required one of the streets be public through the subdivision to allow circulation through the section. The policies require a PUD, a twenty-acres subdivision limitation, streets meet paving widths and cross-section standards, and the ideal of the entry that require two points of access to the subdivision if in excess of twenty dwelling units. As well, the continued maintenance of the private street system shall be the responsibility of the property owner or owners association. He feels all the requirements of the TMAPC policies have been applied to proposed private-street developments since the adoption by TMAPC.

Mr. Johnsen stated the next item in the document is an excerpt from a private-street subdivision, Colefax Hill, in regard to language being required on private streets dedication. The language outlines the requirements of the owner/developer in regard to the construction, including specific city standards, and maintenance, by the homeowners, of the private streets. He stated the following paragraph is included on all the private street developments he works on. The paragraph reads as follows: "The Owner/Developer acknowledges for itself and its successors in title that the private streets as depicted on the accompanying plat do not meet the City of Tulsa, Oklahoma standard as to width of right-of-way, and further acknowledges that the City of Tulsa, Oklahoma shall

have no duty to maintain any of the private streets within the subdivision, nor have any implied obligation to accept any subsequent tender of dedication of any private street within the subdivision." He stated this has passed the review by Russell Linker, City Attorney's office. He feels this is an important provision in that it attempts to state the facts as it is administered in regard to private streets.

Mr. Johnsen reviewed the standard language of the Colefax Hill Homeowners Association in that a homeowners association is going to be formed, the lot owner is a mandatory member and lot owners are subject to assessment. He feels the homeowners association language lacks mentioning private streets. He suggested the document, which contains the specifics of the homeowners association, filed after the subdivision plat has been filed should include basic language to put the homeowner on notice of the private streets.

In regard to maintenance, Mr. Johnsen provided an analysis of homeowners association assessment necessary to fund perpetual maintenance of private streets for Brooke Farm Development Area C-1. He feels if the streets are built to city standards, it is a quality street and the maintenance cost is actually fairly low. He stated there are recognized standards the City follows in regard to maintenance. After a certain number of years, there will be some fairly significant repair and after several more years it may be necessary to install an overlay. He stated he was informed the key element in street deterioration is moisture penetration. Therefore, cracks in the street will need to be sealed to avoid moisture penetration into the subgrade. He feels the surface itself has a very long life. He then reviewed the cost analysis for street maintenance and pointed out the cost per owner, per month would be less than \$7.00 per month. He feels this is not a heavy burden to someone who lives in a \$150,000 home.

Lastly, Mr. Johnsen expressed the importance of inspection of the private streets. He notes his clients did not have any hesitation about inspecting the private streets. He stated he contacted Mr. Buchert and inquired whether the city would inspect the private streets. He stated Mr. Buchert replied in the affirmative but stated there would be a fee, just like when constructing public streets.

Mr. Johnsen proposed the following notation to be included on the face of the plat. "The streets within this subdivision are private, and the maintenance thereof shall be the obligation of the owners of the lots within the subdivision." He also suggested the following standard be included within the Deed of Dedication of the private street subdivision and the association's documents, "The construction of the private streets shall be inspected by the City of Tulsa, Oklahoma in accordance with the standards of inspection of minor residential public streets. Maintenance of private streets is the obligation of the owners of the lots within the subdivision and the Association, and the Association assessments shall include a sinking fund assessment, limited to payment of private street maintenance and sufficient to pay the expected scheduled cost of maintenance of the private streets."

In regard to the street right-of-way issue, Mr. Johnsen requested guidance from the Planning Commission and stated he is prepared to argue the recommendation of staff requiring a 50-foot right-of-way. He stated a standard that has been consistent throughout all of the private street subdivision is to permit and/or require a 30-foot right-of-way. There were some earlier exceptions, but the standard is currently 30 feet. He feels a 50-foot right-of-way is a significant change in policy which is unnecessary due to the requirement being based on the possibility that if a street is not built correctly and the people who live in this subdivision may not want to maintain the street, they may demand the City to accept the dedication. He feels these are a lot of "ifs" that do not warrant the requirement of a 50-foot right-of-way for the private street.

In regard to setback standards, Mr. Johnsen believes 40 feet from centerline is the standard setback. This consists of 27 feet from the curb, which allows enough room to park a vehicle in front of the garage without having the vehicle extending into or past the curb. He noted it is not enough for two vehicles, but with a two-car garage, it would allow two vehicles in the garage and two parked in front of the garage. He stated the 40-foot setback is very important to the project in regard to the layout of the lots. He expressed the purposed of a village-type development is to have the home closer to the street with a more intimate setting. He stated he objects to the 50-foot right-of-way and the proposed setbacks by staff and requested the past standards of 40 feet from centerline.

Mr. Johnsen stated all requirements are met in regard to the second point of access. He informed the Commission that Area C-1 will have a main entrance as well as a secondary emergency access.

Mr. Johnsen stated he concurs with Mr. Stump's idea of trying to work through the design plan during the subdivision process. He feels there are some concerns with collector streets being used as a speed bypass. He reminded the Commission that all the lots back to the collector street. He spoke with Traffic Engineering in regard to the collector street and feels Traffic Engineering does not have any concern with it. However, he suggested installing a stop sign at the street in front of the school where the collector street intersects with the boulevard. He reminded there would be marked school zones with reduced speeds. He stated if the applicant's is required to provide a physical break in the boulevard, it will require a major redesign of the project. He feels a redesign will cause a loss of the scenic boulevard concept.

There were no interested parties wishing to speak.

TMAPC Comments:

Chairman Carnes expressed concerns with Section C-1 having only one access. Mr. Stump stated the applicant is proposing an emergency access in addition to the main access for Section C-1. Mr. Stump feels these types of details should be addressed at the subdivision plat process and by the Technical Advisory Committee, and if the Commission chooses to allow private streets, then the motion should include a condition in that respect.

Mr. Stump reminded the Commission the main issue today is whether this project is to have public or private streets.

Mr. Doherty stated there are 51 lots in the southeastern development area and questioned whether the TMAPC policies for private street development had a limit of 25 units per single entrance. Mr. Stump replied in the affirmative.

Mr. Midget clarified the collector street design would be worked out during the design or subdivision process. He feels the major issues today are the private streets and setback requirements.

Mr. Boyle questioned the ability to collect from the homeowners and enforcement of required street maintenance. Mr. Johnsen replied, in regard to enforcement, the City does not have the resources or inclination to check and verify if the required funds for maintenance are being set aside. However, the association has the means to enforce these requirements.

Mr. Boyle questioned whether Mr. Johnsen feels a subdivision of this size, pay can for the maintenance of the private streets. Mr. Johnsen replied there will be individual associations for the public street development area as well as for each of the three private street developments. Mr. Johnsen stated each private street development will pay for the maintenance of its own private streets and interior amenities.

Mr. Boyle feels the 50-foot right-of-way needs to be discussed at this time. He questioned why Mr. Johnsen feels the 50-foot right-of-way should not be imposed. Mr. Johnsen feels the additional space is required and when controlled within a PUD in a small village setting, it is extra and wasted ground. Mr. Johnsen stated if Mr. Boyle's concern is that a demand will be made to the City for maintenance, he feels the City will decline. Mr. Johnsen feels the street requirements cannot be governed by the expectation that some exception may happen. He feels it is less likely to happen under the standards proposed. Mr. Johnsen feels imposing the 50-foot right-of-way is over-regulating.

Mr. Johnsen suggested requiring a utility easement on the front ten feet of the property to achieve the same goal. He stated a 50-foot right-of-way was not originally intended to have 50 feet of pavement. It was a standard 26 feet of pavement plus an area for utilities if needed and generally to separate homes from the street.

Mr. Boyle questioned whether the additional 26 feet, 13 feet on each side, is needed for maintenance of the 26-foot wide roadway. Mr. Johnsen replied in the affirmative, but stated the street maintenance/utility easement would provide the area needed for maintenance.

Mr. Johnsen stated the same 50-foot right-of-way could be achieved by reducing the building setback from the right-of-way. Currently the setback is 25 feet which equates to 40 feet from center line. Reducing the setback to 15 feet and dedicating the other 10 feet to right-of-way would result in the 50-foot right-of-way.

Mr. Doherty asked Mr. Jones if there is a need for an easement adjacent to a narrower street right-of-way for utilities and whether an easement would suffice. Mr. Jones stated every plat is different and depends on whether the utilities will service the property from the front or rear, which would require easements in both front and back of the property. Mr. Jones believes Public Works is requiring a minimum of 12 feet behind the curb of additional right-of-way or at least an easement. Mr. Jones replied there is a need for the right-of-way.

Mr. Doherty stated a 30-foot right-of-way would give 15 feet from centerline and a ten-foot street maintenance/utility easement would be sufficient. He asked Mr. Jones if there would be anything in the future that would hamper the City if they were required to maintain the streets with a street maintenance/utility easement in lieu of a 50-foot right-of-way. Mr. Jones replied he is not aware of anything at this time.

Mr. Ledford stated the Commission has been fairly consistent with the 30-foot right-of-way and a 10-foot street maintenance/utility easement on each side which would make it a total of 50 feet. He stated he does not object to the right-of-way dimension. However, he clarified the TMAPC policies in regard to private streets being built to city standards is for the cross-section only, not the curb, radius or right-of-way. The cross section consist of six and one-half inches of asphalt and eight inches of treated subgrade.

Mr. Ledford expressed concern with the homeowners association in that there is no element by which to review the association's documents to ensure that those items that are covered in the plat are also covered in them. He stated he recently attended a HOA meeting and reviewed their documents. He noted a requirement in the HOA documents was that fees could not be raised more than five percent per year. This is another element which needs to be reviewed since the rate of inflation is going to be far more than five percent. He feels the charges or fees should be sufficient to cover the sinking fund and other amenities in the subdivision which are to be maintained by the property owners' association.

Mr. Ledford feels the layout needs to be reviewed at the preliminary plat process; however, he noted for the record there will be numerous double and triple frontage lots. He expressed concern with the consistency of fencing along the collector street when dealing with double and triple frontage lots. He feels if the fence issue is not addressed in the Restrictive Covenants there will be a hodgepodge of fencing along the collector street. He stated the fence issue should be discussed during the preliminary plat process.

Mr. Horner feels Mr. Ledford's points are well taken. He noted a subdivision in St. Louis that is well-maintained and has no problems with the HOA and annual fees.

Chairman Carnes reminded the Commission when the oil boom failed, many homeowners associations failed as well. Fences were dilapidated and in need of repair, and the associations were requesting assistance or relief from the Commission and City. He stated he appreciates staff's position.

Mr. Doherty expressed he disagrees with Mr. Johnsen's statement that 51 units on a single point of egress is within the TMAPC policies on private streets. There were considerations other than emergency access at the time of drafting; the number of cars going through a single intersection at a rush period was only one of them.

Mr. Doherty agrees with Mr. Johnsen that 36 feet of pavement will not be necessary, stating it will not function as a collector street. He stated, after reviewing the location and the expressway pattern around the proposed development, he does not have very much concern with the boulevard being used as a high-speed cut-through. He feels there is not much traffic coming from Mingo going west on 81st or east of 81st going north on Mingo, given the proximity to the expressway and the nature of the corridor. He feels 26 feet of pavement would be adequate and if no parking were permitted on the boulevard. He feels this would be a beautiful boulevard within the subdivision.

Mr. Doherty stated he shares staff's concern with the possibility of the City having to take over the maintenance of the streets and feels the Commission should act on the possibility. He favors the proposal by Mr. Johnsen to include a notification on the face of the plat, but feels a notice on the face of the deed should also be included in regard to private streets and the required sinking fund to maintain these streets. He agrees that there should be some type of City review of the HOA documents by whatever mechanism, whether filed as a part of the PUD or any other means.

Mr. Doherty expressed he does not have a problem with encroachment of the houses on the street. He feels the current market is for more expensive houses on smaller lots and to enforce larger lots and more open space development would buck the market trend.

Chairman Carnes stated he opposes the single entry for Development Area C-1.

Chairman Carnes asked whether only the cross-section was addressed during the adoption the TMAPC policies on private streets. Mr. Ledford replied the intent was for the cross-section only. Mr. Ledford feels, over a period of time, Public Works staff has decided that it means more than what the TMAPC intended. Mr. Doherty stated the discussion at the Rules and Regulations Committee was specifically on construction standards such that the streets be built with the same material and thickness of materials. Mr. Stump stated he was involved in writing the language and the intent was the standards of the cross-section, only due to other problems with turning radius, vertical slopes and related items, these things were not included.

Ms. Pace asked Mr. Johnsen to clarify the amount of acreage for each development area and the total acreage for the private-street gated developments. Mr. Johnsen replied Development Areas C-1, C-2, and C-3 would all be individual private-street gated communities for a total of approximately 45 acres and the developers have agreed to gate the second access in Development Area C-1.

Mr. Doherty stated the question is whether to consider these as three individual private-street, gated communities or as a large single private-street gated community. He stated it has been the Commission's practice, when a subdivision is divided by a collector street, to treat the development areas separately. Mr. Boyle noted that Development Areas C-1 and C-3 are not separated by a collector street. Mr. Doherty added that they have two or three separate access points.

Mr. Johnsen stated the developers review each Development Area as a separate private-street gated community. Mr. Doherty stated he does not have problems with areas C-1 and C-3 since they wrap around the node, and farther to the interior is a public street. Mr. Doherty feels it functions within the intent of the TMAPC policies.

Mr. Boyle noted it is a fairly large private street. Mr. Doherty stated that Mr. Johnsen could have presented each development separately and the Commission may have looked at them differently.

Mr. Midget stated he does not have a problem with the development having individual development areas, some with private streets and the others without.

Mr. Midget made a motion to approve the minor amendment subject to the conditions that the building setback be reduced to allow the same visual effect and accommodate the 50-foot right-of-way as required by staff, and approve the private street as submitted by the applicant and other details to be worked out during the preliminary plat stage. The motion died due to lack of second.

Mr. Doherty stated he prefers the 10-foot street maintenance/utility easement on each side, in addition to the 30-foot right-of-way and the 40-foot setback as proposed by the applicant. Mr. Johnsen stated this would consist of 27 feet from the curb, 25 feet from the right-of-way line and 15 from the easement line.

Mr. Doherty feels a condition could be placed in the motion to require City Legal review of the homeowner association document in regard to a notification of the private streets and the responsibility of the homeowner association to maintain the private streets. Mr. Linker stated staff does not have the manpower to review the homeowners association documents and he requested approval by the City Attorney or Mayor prior to making it a condition or requirement of the PUD.

Ms. Pace feels this is a very big and complicated project and asked whether the proposed project could be approved in the broad sense and deal with other parts at a later date or during the preliminary plat process. Mr. Stump feels if a condition is imposed to require review of the homeowner association documents by City Legal, and since it has never been done before, it needs to be included in the PUD requirements after approval by City Attorney or Mayor.

Ms. Pace noted that at the Community Workshop/Training Session on code enforcement, zoning and police officers stated PUDs are a nightmare to enforce. She feels this should be kept in mind when approving PUDs. She suggested making the motion as broad as possible to deal with the other issues at the preliminary plat process.

Mr. Midget suggested approval of the application as discussed, but to omit the requirement of reviewing the homeowner association documents by City Legal at this time and impose the requirement of notification on the face of the plat.

Mr. Doherty stated he would like to avoid any loop holes and trust Mr. Johnsen's expertise in this area. He feels Mr. Johnsen's proposals in regard to notification of private streets and responsibility of the maintenance for the private streets can be incorporated into the TMAPC policies. He feels it can be left open in this particular application, but feels in future PUDs, some mechanism needs to be imposed to address this issue.

Mr. Boyle asked whether the notification of private streets would be included on the Deed as well as the face of the plat. Mr. Linker replied it could be on both. However, he believes some of the statutes require notification on the Deed of Transfer, but the Commission is requiring it on the face of the plat. Mr. Johnsen stated the notice on the Deed would be lost after the first transfer and suggested the notice on the face of the plat would be sufficient.

Mr. Ledford expressed the homeowners association bylaws need to be refined at some later date to address the private street issue.

TMAPC Action; 8 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-0** (Boyle, Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Ballard, Dick, Westervelt "absent") to **APPROVE** the Minor Amendment PUD-460-1 to allow smaller lots in one development area and private streets in three development areas as submitted by the applicant with the following exceptions: a ten-foot street maintenance/utility easement on each side of

the private street 30-foot rights-of-way; the private streets be built to City construction standards and inspected by the City and a notice appear on the face of the plat in regard to the private streets and the responsibility of the homeowners association to maintain the private streets, a second gated access be provided in Development Area C-1 and the design of all the streets will be addressed during the preliminary plat process.

ZONING PUBLIC HEARING:

Application No.: PUD-561

RS-3 to RS-3/PUD

Applicant: William B. Holloway

(PD-6) (CD-4)

Location: Southeast corner East 18th Street and South Peoria Avenue

Staff Recommendation:

This PUD proposes to redevelop two existing lots zoned RS-3 at the southeast corner of Peoria Avenue and 18th Street South. Four single-family dwellings are proposed which obtain access from a private courtyard off of 18th Street. The applicant's conceptual design proposes to not dedicate the additional 20' of right-of-way on Peoria that is required by the Major Street and Highway Plan. In fact, the PUD proposes to place dwellings and fences within this planned right-of-way and count this right-of-way as part of the land area required for the dwelling units proposed. The TAC has requested that an additional 20' of right-of-way be dedicated by the owners, but there is no area of Peoria with more than the existing 60' of right-of-way anywhere near the subject tract. Because of this, staff can support the PUD if the applicant obtains a variance from the Board of Adjustment to allow structures in the planned right-of-way and a variance of the required livability space.

In addition, staff believes for this development to be compatible with existing single-family dwellings to the south and east, the setbacks from Peoria and 18th Street should be similar to the existing homes.

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-561 to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding area; (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-561 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	
(Gross):	36,924 SF
(Net):	27,046 SF
Permitted Uses:	Attached and detached single-family dwellings on individual lots.
Maximum Number of Dwelling Units:	4
Minimum Building Setback:	
From centerline of Peoria Avenue	40'*
From centerline of East 18 th Street:	
west half of PUD	35'
east half of PUD	40'
From east boundary of PUD	
garages	3'
other parts of dwelling	10'
From south boundary of PUD	10'
Minimum Livability Space per Dwelling	3,000 SF*
Maximum Building Height	35'
Maximum Height of Perimeter Fence or Wall**	
Abutting Peoria Avenue	6'*
Abutting east sides of PUD except north of dwellings	6'
Abutting 18 th Street and north of dwelling on the east side of the PUD	4'
Abutting south side of PUD	6'

* Requires a variance from the Board of Adjustment

** All perimeter fences or walls abutting a street require an addition approval by the City Traffic Engineer to assure adequate site distances are provided.

3. No Zoning Clearance Permit shall be issued within the PUD until a Detail Site Plan, which includes all buildings, required parking, fences or walls, and entry gates, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
4. A homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain all common areas, including any private streets, entryways and stormwater detention areas within the PUD.
5. No Building Permit shall be issued until the requirements of Section 1107F 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.
6. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
7. All vehicular access to the PUD shall be from 18th Street and shall be limited to a single point. The design of any entry gate shall be approved by the City Traffic Engineer.

Applicant's Comments:

William B. Holloway stated he is in agreement with staff's recommendation.

Interested Parties Comments:

A.T. White, 1232 East 18th Street, requested a traffic signal light to be installed at the intersection of 18th and Peoria due to high-speed traffic and increase traffic volume. He stated the original signal light had been removed. He feels the proposed development will increase the density and traffic in the area.

TMAPC Comments:

Mr. Doherty informed Mr. White that the Planning Commission cannot require the installation of a traffic signal light. Mr. Gardner stated there was a signal light previously, but has since been removed. Mr. Gardner stated this is a Traffic/City Engineer or Public Works Director's item.

Mr. Doherty informed Mr. White that Dwain Midget is the Mayor's designee and suggested he get with Mr. Midget to contact Traffic Engineering to look into the signal light request. Mr. Midget agreed to meet with Mr. White to discuss his request after the meeting.

Mr. Gardner noted for the record that since the proposed development is within an HP District the applicant is required to get a Certificate of Appropriateness and the applicant has acquired that certificate.

In regard to setbacks, Mr. Gardner pointed out the applicant is proposing to align with the single-family homes to the south. The apartments to the north have only a ten-foot setback, and a twenty-foot right-of-way would go through the middle of the apartment district and homes in the area. That is why staff did not recommend more right-of-way.

Ms. Pace stated this item will be forwarded to the City Council for consideration and suggested Mr. White to voice his opposition at the City Council meeting.

TMAPC Action; 8 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-0** (Boyle, Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Ballard, Dick, Westervelt "absent") to recommend **APPROVAL** of PUD-561, subject to the conditions as recommended by staff.

Legal Description for PUD-561:

West 85' of Lot 7, Block 25, Park Place Addition and West 50' of the West 150' of the East 215' Lot 7, Block 25, Park Place Addition, and North 72.5' of the West 151' of Lot 6, Block 25, Park Place Addition, all in the City of Tulsa, according to the recorded Plats thereof, and located on the southeast corner of East 18th Street South and South Peoria Avenue, Tulsa, Oklahoma.

Application No.: Z-6593

RS-2 to CS

Applicant: Barry Holcomb

(PD-5) (CD-5)

Location: West of southwest corner East 15th Street and South 101st East Ave.

Staff Recommendation:

Relationship to the Comprehensive Plan:

The District 5 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Low Intensity - No Specific Land Use.

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

Staff Comments:

Site Analysis: The subject property is approximately 6.08 acres in size and located west of the southwest corner of East 16th Street South and South 101st East Avenue. The property is sloping, non-wooded, vacant and zoned RS-2.

Surrounding Area Analysis: The subject tract is abutted on the north by a parking lot, zoned PK; to the east by a large commercial building, under construction, and a private lodge, zoned CS; to the south and west by vacant property and drainage channel, zoned RS-2.

Zoning and BOA Historical Summary: The property was formerly within the 100-year floodplain, but because of major improvements to the drainage and water detention the property has reverted to the RS-2 zoning designation. Commercial zoning has been approved on property adjoining the tract on the east and PK zoning was approved on the tract abutting the subject tract on the north.

Conclusion: Based on the existing zoning and development within this area, staff recommends **APPROVAL** of CS zoning for Z-6593.

TMAPC Action; 8 members present:

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Boyle, Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Ballard, Dick, Westervelt "absent") to recommend **APPROVAL** of CS zoning for Z-6593 as recommended by staff.

Legal Description for Z-6593:

A tract of land that is part of Government Lot 3, Section 7, T-19-N, R-14-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, said tract of land being described as follows, to-wit: commencing at the Northeast corner of said Government Lot 3; thence S 00°03'46" E along the Easterly line of said Lot 3 for 819.95'; thence S 89°56'13" W along the Southerly line of Lot 1, Block 1, Delta Place, an Addition in the City of Tulsa, Tulsa County, Oklahoma, for 568.29' to a corner of said Block 1; thence S 18°50'33" W along an Easterly line of Block 1 for 92.96' to a Southeasterly corner of Block 1; thence N 50°27'12" W along a Southerly line of Block 1 for 32.07' to a Southwest corner of Block 1, said point being the point of beginning of said tract of land; thence S 18°50'33" W along a Southwesterly extension of the West line of said Block 1 for 168.62'; thence N 50°56'45" W for 0.00' to a point of curve; thence Northwesterly along a curve to the right with a central angle of 00°22'59" and a radius of 995.00' for 6.65'; thence N 50°33'46" W for 384.29'; thence N 00°07'06" W for 503.33'; thence N 89°56'13" E for 304.76' to a point on the Southwesterly right-of-way line of East 16th Street South; thence S 00°04'52" E for 0.00' to a point of curve; thence Southerly, Southeasterly, Easterly and Northeasterly along said right-of-way line and along a curve to the left with a central angle of 142°53'53" and a radius of 50.00' for 124.70'; thence N 37°01'15" E for 0.00' to a point of curve; thence Northeasterly along said right-of-way line and along a curve to the right with a central angle of 52°53'19" and a radius of 13.00' for 12.00' to a point of tangency; thence N 89°56'14" E along said right-of-way line and along said tangent for 38.67' to the Northwest corner of Lot 1, Block 2 of Professional Office Park Addition, an Addition in the City of Tulsa, Tulsa County, Oklahoma; thence S 05°03'35" E along the Westerly line of said Lot 1 for 250.95' to the Southwest corner of said Lot 1, said point also

being the Northwest corner of said Block 1 of Delta Place; thence S 18°50'33" W along the Westerly line of said Block 1 for 335.60' to the Point of Beginning of said tract of land and located west of the southwest corner of East 15th Street South and South 101st East Avenue, Tulsa, Oklahoma.

Application No.: PUD-268-B (PD-18) (CD-8)
Applicant: William B. Jones
Location: 9200-9400 South Mingo Road
(Major Amendment to allow office use.)

Chairman Carnes set a five-minute time limit for interested parties.

Staff Recommendation:

The applicant is proposing to amend a portion of PUD-268, which is currently approved for multifamily development, to allow medical and general offices.

A collector street, 93rd Street South, will be extended through the tract to intersect with Mingo Road. This will create two development areas, Development Area A north of 93rd Street containing four acres, and Development Area B south of 93rd Street containing three acres.

In Area A, a two-story building is proposed and in Area B, only a one-story building. The only uses currently needing buffering from these office uses are the single-family homes immediately west of the site. To the north is a dedicated drainage-way. To the south is an undeveloped tract which fronts Mingo Road and the Creek Turnpike. Across Mingo is a single-family dwelling, undeveloped land and a golf driving range.

Staff finds that 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-268-B 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-268-B 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:**

Development Area A

Land Area: (Gross)	4.62 Acres
(Net)	4.08 Acres
Permitted Uses:	Use Unit 11 and Customary accessory uses (i.e. pharmacy and laboratory).
Maximum Building Floor Area:	60,000 SF
Maximum Building Height:	Two (2) stories excluding mechanical floors.
Minimum Building Setbacks:	
From centerline of Mingo Road	100'
From centerline of 93 rd Street	55'
From west boundary of PUD	
two-story buildings	60'
one-story buildings	40'
From north boundary of PUD	20'

Development Area B

Land Area: (Gross)	3.63 Acres
(Net)	2.96 Acres
Permitted Uses:	Use Unit 11 and customary accessory uses (i.e. pharmacy and laboratory).
Maximum Building Floor Area:	20,000 SF
Maximum Building Height:	One (1) story excluding mechanical floors.

Minimum Building Setbacks:

From centerline of Mingo Road	100'
From centerline of 93 rd Street	55'
From west boundary of PUD	75'
From south boundary of PUD	20'

3. No access to 93rd Street from Development Area A shall be within 200' of the west boundary of the development area. No access to 93rd Street from Development Area B shall be within the west 30' of the development area. The actual location of all access points onto Mingo Road and 93rd Street shall be determined at the time of Detail Site Plan Approval and shall be reflected on the plat of the property.
4. A screening fence shall be provided along the entire west boundary of the tract where it abuts residential development.
5. 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.
6. 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.
7. 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.
8. All trash, mechanical and equipment areas shall be screened from public view by persons standing at ground level.
9. All parking lot lighting shall be hooded to direct light downward and away from adjacent residential area. Light standards shall be limited to a maximum height of ten feet in the area west of the office buildings.

10. 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.
11. No Building Permit shall be issued until the requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and files of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City/County beneficiary to said covenants.
12. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.

Applicant's Comments:

William Jones stated he agrees with staff's recommendation.

Interested Parties Comments:

Priscilla Schiller, 9311 South 95th East Place, 74133, stated her property abuts the subject property. She expressed concern that the neighborhood does not know or had it explained to them the definition of a collector street. Also the neighborhood does not know the difference between office and light commercial zoning. Mr. Doherty explained the purpose and definition of a collector street. He stated the standard width of a collector is 36 feet, but that can be reduced if needed. He feels a 36-foot width is appropriate for this street. She expressed concern with the influx of traffic through the subdivision and requested the width of the street not be reduced.

Ms. Schiller stated most of the residents are in agreement with office zoning instead of multifamily. She stated she supports the office zoning. She asked if the office zoning is approved, how the neighborhood might work with the developer in the design of the plan to make it compatible with the neighborhood. Chairman Carnes stated Mr. Jones could arrange a meeting to discuss the issues. Ms. Schiller stated she has already met with Mr. Jones and discussed some of the issues. Mr. Doherty suggested if there were any issues agreed upon between the parties the issues should be stated for the record. Ms. Schiller stated Kathy West and Mr. Jones discussed the issues.

Kathy West, 9323 South 95th East Place, 74133, and Mr. Jones presented the issues discussed between them prior to the meeting. Mr. Jones stated he talked with Kathy on the telephone to attempt to answer questions brought up by the homeowners association. He stated they discussed the issue of a screening fence. He stated some of the lots already have fencing and others have none. He stated he suggested to Kathy to have a meeting with the neighborhood, the

architect and the developer to discuss the fencing on the west side of the development. Chairman Carnes suggested that Kathy and other residents meeting with the architect and developer to work out an agreement on the fencing, and the fencing will be addressed at the site plan stage.

Ms. West expressed concerns with traffic problems, especially left turns from the neighborhood onto 91st Street, and increased traffic through the neighborhood. She hopes something can be designed to reduce speed and the amount of traffic.

Mr. Jones stated that he also discussed the issue of lighting being shielded and directed downward, and that all the mechanical equipment would be enclosed and not visible from the neighborhood.

Joseph Whitaker, 9332 South 95th East Avenue, stated he is a licensed real estate broker and has practiced real estate for 23 years. He presented letters from fifteen people who live in Woodland Glen who are in favor of the zoning change. However, these people are in opposition to Development Area A standards for a two-story building north of 93rd Street.

Letters were received from the following persons:

John and Christy Hardesty, 9232 South 95th East Avenue, 74133

Pamela Long, 9211 South 95th East Avenue, 74133

Ronda S. Penix, 9223 South 95th East Avenue, 74133

Troy Darren McVey, 9215 South 95th East Avenue, 74133

Eric Jackson, 9207 South 95th East Avenue, 74133

Donald Overmyer, 9240 South 93rd East Avenue, 74133

Mr. Bonnie Joe Winn, Sr., 9203 South 94th East Avenue, 74133

Craig White, 9316 South 95th East Place, 74133

Joseph Whitaker, 9332 South 95th East Place

John Pratt, 9341 South 94th East Avenue

Mary E. Lins, 9344 South 95th East Place

David Backer, 9237 South 94th East Avenue

Jeffrey A. Duncan, 9343 South 95th East Place, 74133

Lyne and Phillip Hays, 9212 South 95th East Avenue, 74133

Richard A. Akin II, 9231 South 95th East Avenue, 74133

Renee and Danny Newman, 9339 South 95th East Place, 74133

Mr. Whitaker stated it would be difficult to screen the buildings, especially the two-story structure, from the single-family dwelling. He indicated the properties on the map that would be impacted and feels the impact on the desirability of the property will make it more harder to sell.

Mr. Whitaker feels it does not matter what occupies the structure; the request for a one-story structure has to do with the impact and desirability of surrounding property. He stated this property was zoned in 1981 or 1982 for two- or three-story apartment complexes and at that time these lots were not developed and no homeowners present to voice their opinion.

Mr. Whitaker stated the point he is trying to make is the visual impact on the surrounding property. He feels a two-story building cannot adequately be screened. He feels if a one-story building, with appropriate screening, were proposed, then the people who submitted letters would be in agreement with the development.

Eric Jackson, 9207 South 95th East Avenue, 74133, stated he owns one of the lots that is to the north of 93rd Street, the corner of the cul-de-sac. He stated he echoes the same concerns that Mr. Whitaker addressed.

Mr. Jackson stated he supports the office zoning; however, he would prefer a one-story structure. He stated his home sits on a hill with a sloped backyard and his view would be directly into the two-story office building.

Mr. Jackson stated he has not had an opportunity to speak with Mr. Jones or his representatives. He would like to be involved in the discussions on screening fences.

Robert Cochran, 9235 South 95th East Avenue, stated he is also located on the corner of the cul-de-sac. He stated he prefers a one-story office building as opposed to a two- or three-story apartment complex.

Mr. Cochran asked whether the entrance would be off of Mingo or from 93rd. Mr. Jones presented a site plan that indicated the location of the entrances. He pointed out that the two-story has a setback of 60 feet minimum and noted the drop in elevation.

Don Overmyer, 9240 South 95th East Avenue, **Willena McDaniel**, 9307 South 95th East Place, and **Jamie Shrum**, 9227 South 95th East Avenue, signed up as interested parties but did not speak.

TMAPC Comments:

Mr. Doherty suggested that stop signs may be in order to assist with the traffic problems as expressed by Ms. West.

Mr. Gardner stated that staff did not impose a one-story limitation on the southern tract; that was what the applicant requested. The applicant requested a two-story building on the northern tract. He reminded the Commission that currently the property could have a two-story apartment complex that would be operable around the clock within 50 feet of the neighborhood boundary. An office building is normally operated from 8:00 a.m. to 5:00 p.m. so there would not be a privacy problem that an apartment complex would have. Also staff imposed a greater setback for the two-story office building.

Mr. Midget stated if an apartment were proposed, then height would not be an issue since it is allowed by the current zoning.

Mr. Midget clarified the statement by Mr. Whitaker in regard to the present zoning being approved prior to the development of Woodland Glenn. Mr. Midget pointed out that the residents should have been aware of the apartment zoning prior to purchasing their homes.

Chairman Carnes informed Mr. Jackson that the fencing issue would be addressed at the site plan stage. Mr. Boyle encouraged the interested parties to work out a solution prior to the site plan meeting.

Mr. Doherty asked Mr. Jackson if he had to choose between a two-story office building and a two-story apartment complex, which he would choose. Mr. Jackson replied the office building would be the choice. Mr. Jackson stated, in regard to the current zoning for apartments, he did not have the expertise of a realtor.

TMAPC Action; 8 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-0** (Boyle, Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Ballard, Dick, Westervelt "absent") to recommend **APPROVAL** of Major Amendment PUD-268-B, subject to the conditions as recommended by staff.

Legal Description for PUD-268-B:

A tract of land lying in the NE/4 of Section 24, T-18-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, more particularly described as follows: beginning at a point on the East line of said NE/4, said point lying 1,061.87' South of the Northeast corner thereof; thence S 00°03'20" E along said East line a distance of 582.07' to a point; thence S 89°56'40" W a distance of 120.00' to a point; thence S 60°51'28" W a distance of 207.82' to a point; thence N 30°49'47" W a distance of 253.83' to a point; thence N 2°26'15" E a distance of 79.00' to a point thence N 18°34'26" W a distance of 27.89' to a point; thence N 1°00'00" W a distance of 106.67' to a point; thence N 12°56'20" E a distance of 60.00' to a point; thence N 77°03'40" W a distance of 0.00' to a point of curve; thence along said curve to the right, said curve having a central angle of 4°45'58", a radius of 520.00'; a distance of 43.26' to a point of tangent; thence N 72°17'42" W a distance of 126.87' to a point; thence N 17°42'18" E a distance of 206.00' to a point; thence N 62°13'55" E a distance of 111.52' to a point, thence N 42°02'32" E a distance of 181.33" to a point; thence S 67°31'15" E a distance of 275.60' to a point; thence S 00°03'20" E a distance of 132.61' to a point; thence N 89°56'40" E a distance of 50.00' to the point of beginning and located at 9200 - 9400 South Mingo Road, Tulsa, Oklahoma.

Application No.: Z-5773-SP-2

(PD-18) (CD-8)

Applicant: Harry G. Dandelles

Location: 6217 South Mingo Road

(Corridor Site Plan for a scientific research and development use.)

Staff Recommendation:

The Corridor Site Plan only proposes to change the use of an existing building which previously received Corridor Site Plan approval for an indoor soccer facility. The new use (Use Unit 22 - Scientific Research and Development) proposed is the development of prototype aeronautic simulators and related products. No exterior change to the building is proposed. The required parking for a Use Unit 22 use is less than required for the previous use, therefore no change in the parking area is required. Staff can support the use as being compatible with the surrounding area.

Therefore, staff recommends **APPROVAL** of Z-5773-SP-2 subject to the following conditions:

1. Repair or replacement of any dilapidated required screening fences on the east and south boundaries of the site prior to occupancy.
2. All activities and storage of materials shall be within the existing building.
3. If a ground or wall sign is to be erected, a sign plan for such sign shall be approved by the TMAPC prior to issuance of a permit for its installation.

Applicant's Comments:

Harry Dandelles stated he is in agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **6-0-0** (Boyle, Carnes, Doherty, Horner, Ledford, Pace "aye"; no "nays"; none "abstaining"; Ballard, Dick, Gray, Midget, Westervelt "absent") to recommend **APPROVAL** of Corridor Site Plan Z-5773-SP-2, subject to the conditions as recommended by staff.

Legal Description for Z-5773-SP-2:

Lot 1, Block 1, Newhart-Hutson Addition to the City of Tulsa, Tulsa County, State of Oklahoma, and located at 6217 South Mingo Road, Tulsa, Oklahoma.

PUD-179-C-13 James Adair
8336 East 73rd Street South
(Minor Amendment to allow a ground sign.)

(PD-18) (CD-8)

Staff Recommendation:

The applicant is requesting minor amendment approval to allow a free-standing ground sign in lieu of a wall sign on the office building on Lot 5B. The proposed signage is 12 feet in overall height and eight feet wide. The sign identifies the building and contains seven changeable panels identifying individual tenants, with a total display surface area of 80 square feet.

The PUD Development Standards call for a single sign for each lot of record with a surface display area of 2/10 square foot for each lineal foot of street frontage but not restricted to less than 32 square feet. Lot 5B has 62.31 feet of frontage on East 73rd Street South which would allow 32 feet of surface display area on either the building wall or the street. Because the lot is in an OL district, a variance would be required to allow the increased signage. Since this lot is not close to an arterial street and is adjacent to other office uses, it would be poor precedent to allow a ground sign of this size for an office lot with this small amount of street frontage.

Therefore, staff recommends **DENIAL** of the proposed minor amendment.

Applicant's comments:

Denise, Ark Valley Company, 1803 East 16th Place, explained how the buildings were situated on the cul-de-sac, and therefore, do not have much frontage on 73rd Street. She stated the building is occupied by six individual businesses. She expressed the request of the occupants was to have signage identifying their businesses for directional and advertisement purposes.

She presented photographs of other local businesses and commercial facilities in the area and the types of signage they were permitted and requested the Commission to approve the request for a ground sign.

TMAPC Comments:

Mr. Stump stated that the applicant could replace the existing wall sign with 32 square feet of surface display area sign.

Mr. Doherty suggested the applicant work with her sign company, Claude Neon Federal, to construct an appropriate 32 square feet of surface display area sign.

TMAPC Action; 7 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-0** (Boyle, Carnes, Doherty, Horner, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Ballard, Dick, Gray, Westervelt "absent") to **DENY** the Minor Amendment PUD-179-C-13 as recommended by staff and to **APPROVE** a maximum of a 32-square foot ground sign to replace the existing wall sign.

PUD-481-10 John Lower

(PD-18) (CD-8)

East 71st Street and South Highway 169
(Minor Amendment to increase the size of a ground sign.)

Staff Recommendation:

The applicant is requesting minor amendment approval to increase the allowed square footage for an existing pylon-style ground sign from 75 square feet to 175 square feet. The PUD Development Standard for Lot 1, Block 2 set the surface display area at 75 square feet. The applicant was approved for a 25-foot pylon sign in 1995 with display space for the jewelry store and building owner and one tenant sign space. The jewelry store utilizes 2,730 square feet of retail floor space leaving the balance of the floor area for three tenant spaces of approximately 2,000 square feet.

Staff has reviewed the proposed sign and no height increase is proposed. The addition of three tenant spaces in addition to the jewelry store, the existing signage and identification of other tenant spaces elsewhere in the PUD and the maximum allowed display area allowed under Zoning Code in a CS District point to the existing PUD standard as overly restrictive.

With 181 feet of street frontage along East 71st Street, staff can support the applicant's request. Therefore, staff recommends **APPROVAL** of the minor amendment increasing the maximum surface display area for a ground sign on Lot 1, Block 2 to 175 square feet.

NOTE: Minor Amendment approval does not constitute Sign Plan review or approval.

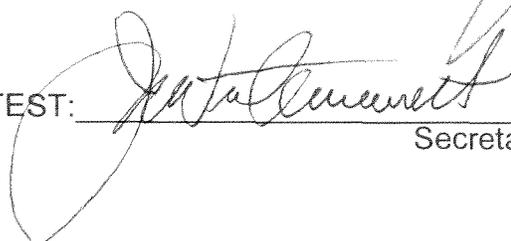
TMAPC Action; 7 members present:

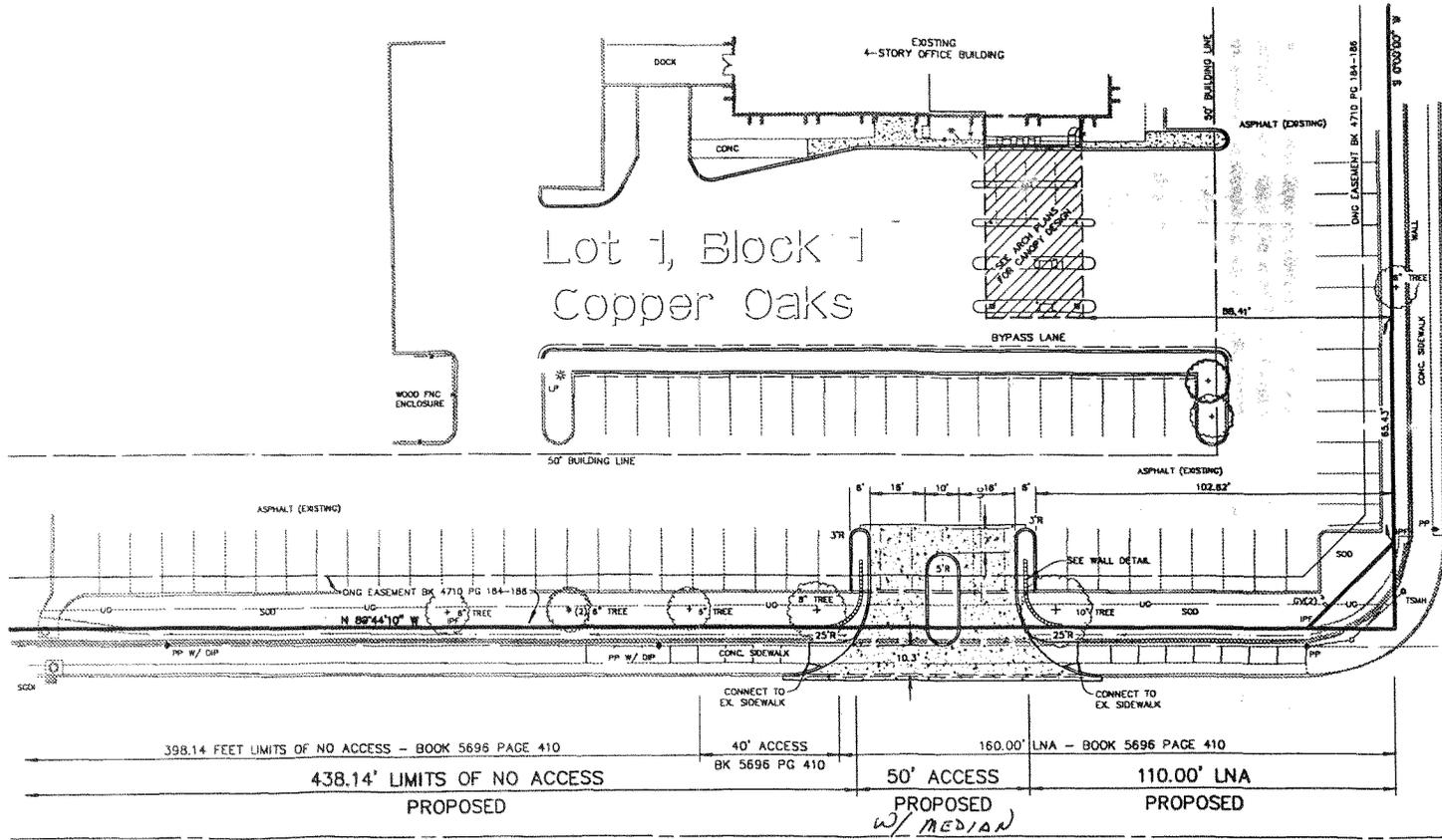
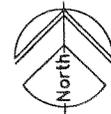
On **MOTION** of **HORNER**, the TMAPC voted **6-1-0** (Boyle, Carnes, Horner, Ledford, Midget, Pace "aye"; Doherty "nay"; none "abstaining"; Ballard, Dick, Gray, Westervelt "absent") to **APPROVE** the Minor Amendment PUD-481-10 as recommended by staff.

There being no further business, the Chairman declared the meeting adjourned at 3:50 p.m.

Date Approved: 5/28/97


Chairman

ATTEST: 
Secretary



South Yale Avenue

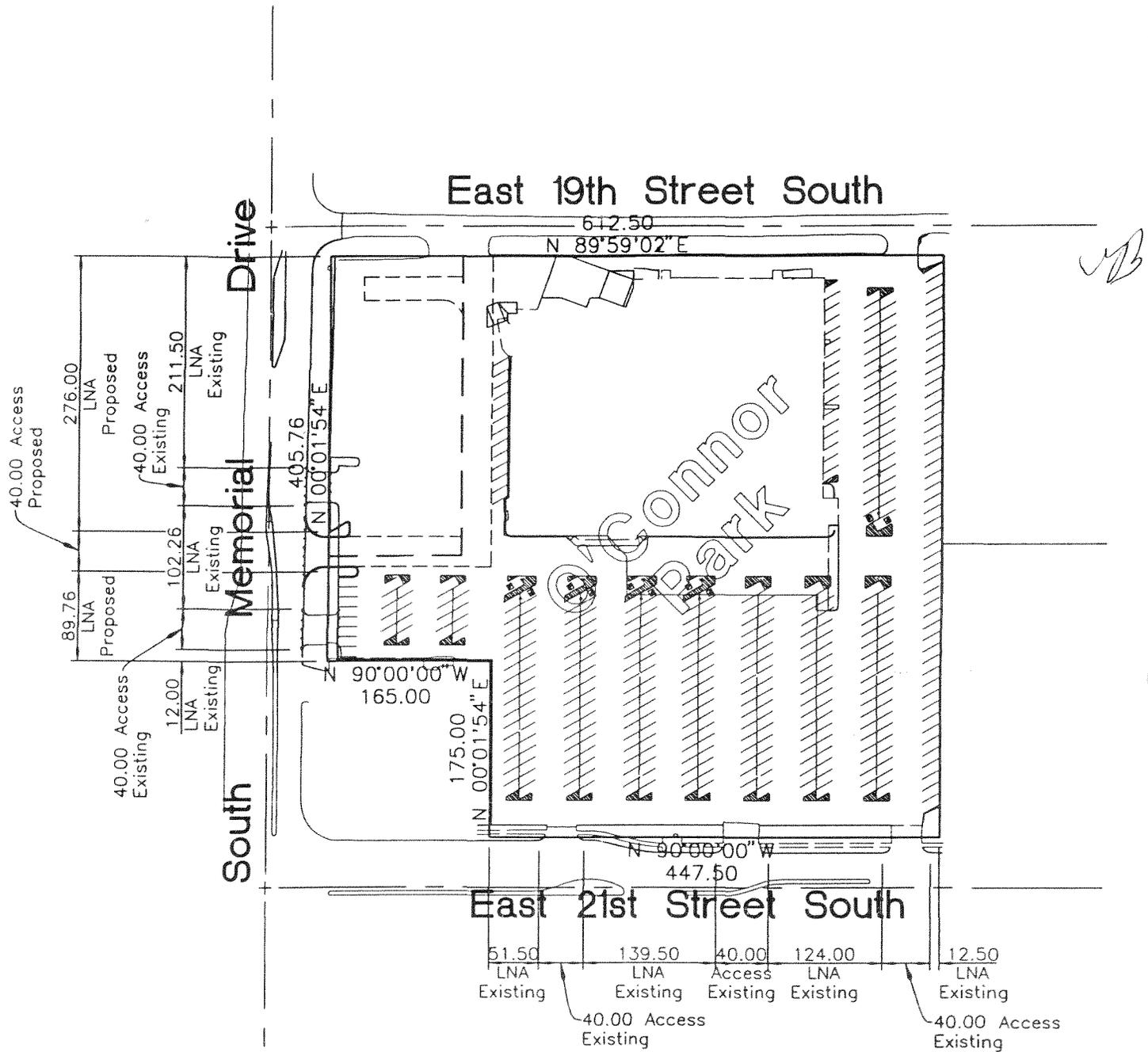
East 71st Street South

DDF
3-31-97

**Change of Access Exhibit
Copper Oaks Addition**

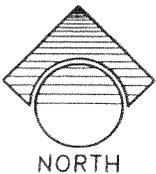
Tanner Consulting
2202 E. 48TH ST. S., SUITE 400 • TULSA, OKLAHOMA 74105 • (918)745-9929

EXHIBIT "B"



Note: C' Connor Park,
Plat No. 1236, Had
No Access Restrictions

JMS 3/26/97



TULSA ENGINEERING & PLANNING ASSOCIATES, INC.
CERTIFICATE OF AUTHORIZATION NO. 531 • RENEWAL DATE: JUNE 30, 1997



8209 EAST 63rd PLACE SOUTH • TULSA, OKLAHOMA 74133
PHONE: (918) 252-9621 • FAX: (918) 250-4566
LAND PLANNING • CIVIL ENGINEERING • SURVEYING

Scale No Scale
Job No. 96-076
Date 03/24/97
7EXH9676.DWG