

TULSA METROPOLITAN AREA PLANNING COMMISSION
MINUTES of Meeting No. 1419
Wednesday, August 18, 1982, 1:30 p.m.
Langenheim Auditorium, City Hall,
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Gardner Hinkle Kempe, 1st Vice- Chairman Parmele, Chairman Rice Young	Freeman Hennage Higgins Petty Inhofe	Chisum Compton Gardner Wilmoth	Linker, Legal Department

The notice and agenda of said meeting were posted in the office of the City Auditor, Room 919, City Hall, on Tuesday, August 17, 1982, at 10:00 a.m. as well as in the Reception Area of the INCOG Offices.

Chairman Parmele called the meeting to order at 1:40 p.m.

MINUTES:

On MOTION of YOUNG, the Planning Commission voted 6-0-0 (Gardner, Hinkle, Kempe, Parmele, Rice, Young, "aye"; no "nays"; no "abstentions"; Freeman, Hennage, Higgins, Petty, Inhofe, "absent") to approve the minutes of July 28, 1982 (No. 1416) and August 4, 1982 (No. 1417).

CONTINUED ZONING PUBLIC HEARING:

Application No. Z-5730 Present Zoning: RM-2 & RS-3
Applicant: Swenson (Vaughn, Taylor, Scholten) Proposed Zoning: CG
Location: North of the NE corner of Charles Page Blvd. & South Nogales

Date of Application: June 3, 1982
Date of Hearing: August 18, 1982
Size of Tract: irregular

Presentation to TMAPC by: William G. LaSorsa
Address: 1640 South Boston Avenue - 74119 Phone: 583-2625

Relationship to the Comprehensive Plan:

The District 10 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property High Intensity -- Commercial.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts", the CG District is in accordance with the Plan Map.

Staff Recommendation:

The subject tract is located north of the northeast corner of Charles Page Boulevard and Nogales Avenue. It is two small single-family lots with one vacant and one containing a single-family dwelling. It is abutted on the north and west by single-family dwellings zoned RM-2, on the east by the Inner Dispersal Loop, and on the south by a vacant lot zoned CS.

Z-5730 (continued)

The area is designated for high intensity commercial uses by the Comprehensive Plan. It is obvious that the subject property is not well-suited for single-family residential, would not maintain itself at this location for the long term. However, the tract is abutted on two sides by an established single-family neighborhood and the Staff feels the plan is in error and that intensities of the uses allowed in the CG and CS Districts are incompatible with the area. Because the tract has good access to Charles Page Boulevard and because it is a small piece of land abutting the expressway system, the Staff can support OM Medium Office zoning. This zoning would serve as a buffer or transition district, would permit a high utilization of the land, and in our opinion, the best non-residential for the property. OM zoning would also permit off-street parking, which may be needed to serve the CS zoning along Charles Page Boulevard without actually placing any commercial buildings or uses opposite the single-family.

Therefore, the Staff recommends DENIAL of CG and CS and APPROVAL of OM zoning.

For the record, an auto repair, bar and other similar uses permitted in CG and CS Districts would adversely affect the area.

Mr. Gardner thought the applicant was ready to amend the application to office use, which is the Staff's recommendation. The Commission continued this case because of the particular concerns with the present use of the property. The Staff had checked with the Building Inspector's Office and although the bail bond operation is unique, it is their opinion the use is still permitted in an office classification.

Applicant's Comments:

Mr. William G. LaSorsa represented the applicants and advised it is their wish to amend the application and are requesting medium office zoning. The structure on a portion of the property under application is a residential-type and has been used for a surety bail bond business. The vacant lot is owned by Mr. Scholten whose residence is next to the subject property. He presented a letter from Mrs. Florence Nichols, the owner of the property across the street who is in favor of the rezoning (Exhibit "A-1").

<u>Protestants:</u>	James Armstrong	Addresses:	216 South Nogales Avenue
	Rev. J. B. Shinn		Nogales Avenue Baptist Church
	Alvin Floyd		706-1-2 South Boston Avenue
	Jim Runyan		212 South Nogales Avenue

Protestant's Comments:

Mr. James Armstrong presented 11 photographs of the subject property (Exhibit "A-2") and a protest petition containing 29 signatures (Exhibit "A-3"). He explained that the bail bond business has been in operation for approximately two years. The residents had understood that it would be law offices. He felt that if this property is rezoned, it would be a case of spot zoning. The vacant lot under application is trashy and piled with leaves. The neighbors have complained but have not been informed of what is to be done with the vacant lot. Customers of this business are parking everywhere, drinking and throwing out trash. One person was brought into the building wearing handcuffs. He does not feel a residential neighborhood is the proper place for this type of business. Mrs. Nichols, who has written a letter in favor of the rezoning, has been turned in to the

Health Department for not mowing her lot. She also tried to rezone her property a few years ago, but the application was denied because the business would be on Nogales instead of 3rd Street.

Rev. J. B. Shinn, pastor of Nogales Baptist Church, feels the circumstances under which this company moved in and the type of company it is gives an indication of what the neighborhood can expect in the future. One of the real problems is traffic congestion on Nogales that is the main entrance for all of the south and southeast part of Tulsa to the church, which is a metropolitan church. Downtown activities and businesses add to the parking and congestion. He feels the residential atmosphere should be preserved. Several elderly people live in this area because it is close to downtown. Rev. Shinn cannot understand why this business does not locate in another area that would be more suitable.

Mr. Alvin Floyd is an attorney representing Dr. Lawrence McElwaine. At the end of the previous hearing on this matter, the Commission offered the applicants the opportunity to apply to the Board of Adjustment for relief. However, an application was never filed. Mr. Floyd does not believe this use is acceptable because of the type of business. Bondsmen frequently have to arrest criminals and sometimes a bonding company becomes a jail. He feels the use is different from a normal office. This building could be used for a residence. The front and back yards are small, but could be used. If the Commission could continue this application, Mr. Floyd could research the question of the usage, otherwise, he requests the application be denied.

Commissioner Young wondered if office zoning would permit a bail bond use and Mr. Linker felt it would be an appropriate use under office zoning. Bail bond offices sell other kinds of bonds, too. However, he agreed it would be best if the applicants went to the Board of Adjustment for restrictions. Commissioner Young stated that usually a zoning application is for vacant land with no specific use. This request is for a specific use.

Mr. Jim Runyan agreed with Mr. Floyd. He lives across the street from the subject property and feels uncomfortable leaving his family at home while he is at work because there are clients using the building at all times of the day and night.

Applicant's Comments:

Mr. E. L. Scholten is one of the applicants. The vacant lot is covered with mulch that he has purchased, which the neighbors are calling leaves. This has caused many complaints. He agrees there is a parking problem, but the other applicants are going to buy his property if this zoning is approved to build a parking lot. This tract backs up to the expressway and the right-of-way comes within 6.9 feet of his foundation.

Many business people from downtown park on this street which adds to the parking problem. Mr. LaSorsa submitted a statement from an individual who parks in the area during the day while working downtown (Exhibit "A-4"). The parking problem is not totally caused by this business. The main objection is not to a zoning change, but is for the intended use of the business. He thinks it is only fair to apply the same standards as applied to other zoning requests. Not one protestant has alluded to any instance where the police department is involved. Most of the clients of this business are families and friends of the defendants, not the defendants themselves.

Special Discussion for the Record:

Commissioner Young felt this case should go to the Board of Adjustment because it has been in business for one or two years, contrary to the zoning. Some restrictions could be put on the business that way. Chairman Parmele agreed with the comment, but felt the Commission had to look at the land use only and not the type of business. There would be no problem approving office zoning on a vacant piece of land because the Staff Recommendation is for approval and meets all the criteria the Commission has for office zoning. Commissioner Kempe agreed with Commissioner Young because the main problem is the use, which would be a Board of Adjustment case. This is a hind-sight effort to get the proper zoning on a business that has been in existence. She would support Commissioner Young. Commissioner Rice pointed out that the applicant's attorney stated that the only subject to be addressed by the Commission is the use of the property.

Commissioner Gardner remarked that the Commission did give the applicant the opportunity to go to the Board of Adjustment and understands this opportunity was refused. It would be nice to look at the application and say only the land is considered, but this is not the case. The use has been the topic of discussion both times. He felt some controls on the hours of operation are important. Based on these considerations, Commissioner Gardner moved for denial. Motion was second by Young.

Commissioner Young, however, would honor a request for continuance from the applicants' representative if they plan on going before the Board of Adjustment. Mr. LaSorsa agreed to this condition, but stated that there are two pieces of property and one is a vacant lot and feels zoning should be considered on this lot. Under the agreement that the applicants will apply for a Board of Adjustment variance, Commissioner Gardner withdrew his motion and Commissioner Young withdrew the second.

Instruments Submitted: Letter of support from Mrs. Florence Nichols
(Exhibit "A-1")
11 photographs of the subject property (Exhibit "A-2")
Petition of protest containing 29 signatures
(Exhibit "A-3")
Letter from downtown employee who parks
in the area (Exhibit "A-4")

TMAPC Action: 6 members present.

On MOTION of YOUNG, the Planning Commission voted 6-0-0 (Gardner, Hinkle, Kempe, Parmele, Rice, Young, "aye"; no "nays"; no "abstentions"; Freeman, Hennage, Higgins, Petty, "absent") to continue consideration of Z-5730 until September 22, 1982, at 1:30 p.m., in Langenheim Auditorium, City Hall, Tulsa Civic Center, to allow the applicant time to make application to the Board of Adjustment.

SUBDIVISIONS:

For Preliminary Approval:

Cooley Lake West (594) East Admiral Place at 117th East Avenue
(RM-1, RM-2)

The Chair, without objection, tabled this item.

Miller East (3094) SW corner of 41st Street and Mingo Valley Expressway
(CS and FD)

The Staff presented the plat with the applicant not represented, however, the applicant had no objections to the conditions.

The T.A.C. requested that the applicant redraft the plat and send a copy to members for review before any release letters were sent. There was no objection to preliminary approval, subject to this condition.

The Technical Advisory Committee and Staff recommended approval of the preliminary plat of Miller East, subject to the conditions:

On MOTION of GARDNER, the Planning Commission voted 6-0-0 (Gardner, Hinkle, Kempe, Parmele, Rice, Young, "aye"; no "nays"; no "abstentions"; Freeman, Hennage, Higgins, Petty, Inhofe, "absent") to approve the Preliminary Plat for Miller East Addition, subject to the following conditions:

1. Floodplain line on map does not correspond with Ordinance #15075 for RD zoning. Correct to reflect Ordinance, or if Ordinance is incorrect, an amended Ordinance should be published.
2. Show all outside bearings and distances. Show bearings and distances and curve data on Floodway (RD) also.
3. Legal description in covenants should be "metes and bounds" around platted land. If 41st Street is already dedicated, indicate Book and Page on plat. If not, include heavy line out to center of street to match description.
4. Plat and legal description should agree. (Two sets of dimensions if confusing.)
5. Clarify or omit the statement "used for right-of-way line"???. Identify 1/2 section for reference. Show a graphic scale on face of plat. Show engineer's name and address/phone.
6. Show "limits-of-no-access" on expressway. Location map should be complete. Show adjacent and other subdivisions. Identify the expressways. Show Engineer/Surveyor's name and address.
7. 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 should be tied to, or related to property and/or lot lines.

Miller East Addition (continued)

8. A request for creation of a Sewer Improvement District shall be submitted to the Water and Sewer Department prior to release of the final plat. (if required)
9. Paving and/or drainage plans shall be approved by the City Engineer, including storm drainage and detention design (and Earth Change Permit where applicable), subject to criteria approved by the City Commission.
10. A topo map shall be submitted for review by T.A.C. (Sub. Reg's.) (Submit with drainage plans)
11. Access points shall be approved by City and/or Traffic Engineer. (Access will be "Right-turn only".)
12. 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.
13. A Corporation Commission letter (or Certificate of Nondevelopment) shall be submitted concerning any oil and/or gas wells before plat is released. (A building line shall be shown on the plat on any wells not officially plugged.)
14. Covenants should include metes and bounds description. (See #3) Use standard deed of dedication for streets and easements. Include language for floodplain easement as per City Engineer. Separate the private deed restrictions from the dedications for streets and easements. Include language for Water and Sewer Department.
15. A "letter of assurance" regarding installation of improvements shall be submitted prior to release of the final plat. (Including documents required under Section 3.6 (5) of the Subdivision Regulations.)
16. All (other) Subdivision Regulations shall be met prior to release of the final plat.

Williams South (1183) NW corner of 81st Street and South Memorial Drive
(CS)

The Staff presented the plat with the applicant not represented.

This plat will be subject to review by the Regional Municipal Utility Authority (RMUA) prior to release of the final plat, since it is on Haikey Creek sewage.

The Technical Advisory Committee and Staff recommended APPROVAL of the Preliminary Plat of Williams South, subject to the conditions.

On MOTION of YOUNG, the Planning Commission voted 6-0-0 (Gardner, Hinkle, Kempe, Parmele, Rice, Young, "aye"; no "nays"; no "abstentions"; Freeman, Hennage, Higgins, Petty, Inhofe, "absent") to approve the Preliminary Plat for Williams South Addition, subject to the following conditions and subject to review by RMUA:

Williams South Addition (continued)

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements should be tied to, or related to property and/or lot lines. (Show utility easement parallel to the south line along 81st Street.)
2. Paving and/or drainage plans shall be approved by the City Engineer, including storm drainage and detention design (and Earth Change Permit where applicable), subject to criteria approved by the City Commission.
3. Access points shall be approved by the City and/or Traffic Engineer. (Show on plat as per Traffic Engineer.)
4. 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.
5. A "letter of assurance" regarding installation of improvements shall be submitted prior to release of final plat. (Including documents required under Section 3.6 (5) of the Subdivision Regulations.)
6. All Subdivision Regulations shall be met prior to release of the final plat.

Charter Oak (PUD #190) (1083) 76th Street and South Joplin Avenue (RS-3)

The Staff presented the plat with the applicant not represented.

This plat had been submitted earlier for T.A.C. review on November 13, 1980, and a "Sketch Plat" approval was granted. The application for preliminary plat was reviewed by the T.A.C. on January 29, 1981, but the Planning Commission took no action because the number of dwelling units did not fit the PUD. The Commission tabled the plat on February 2, 1981. The PUD was subsequently amended and this current application is a resubmittal for the amended PUD. The format of the plat has been changed to eliminate the grid system of locating the various clusters so the revisions will be easier to read and locate any certain lot. The Staff will review the plat as a new submittal and new notices have been mailed to the abutting property owners.

The Technical Advisory Committee and Staff recommended approval of the Preliminary Plat of Charter Oak, subject to the conditions.

On MOTION of GARDNER, the Planning Commission voted 6-0-0 (Gardner, Hinkle, Kempe, Parmele, Rice, Young, "aye"; no "nays"; no "abstentions"; Freeman, Hennage, Higgins, Petty, Inhofe, "absent") to approve the Preliminary Plat of Charter Oak Addition, subject to the following conditions:

Charter Oak (PUD #190) (continued)

1. The amendment to the PUD permitted 97 units in "Cluster Area No. 1 (CL-1)", but this plat and plot plan show 98 units. The applicant should either eliminate one unit or request the Planning Commission for another amendment to permit the extra unit.
2. The covenants should be rearranged to separate the PUD requirements and the private restrictions from the dedications for streets and/or easements. Include the approval dates of City Commission actions and the amendment dates.
3. All conditions of PUD #190-A shall be met prior to release of the final plat, including any applicable provisions in the covenants or on the face of the plat. Include PUD approval date and references to Sections 1100-1170 of the Zoning Code, in the covenants. (See #1 above.)
4. 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 should be tied to, or related to property and/or lot lines.
5. Water plans shall be approved by the Water and Sewer Department prior to release of the final plat. (if required)
6. Pavement repair within restricted water line easements as a result of water line repairs due to breaks and failures shall be borne by the owner of the lot(s).
7. A request for creation of a Sewer Improvement District shall be submitted to the Water and Sewer Department prior to release of the final plat. (if required)
8. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer.
9. Paving and/or drainage plans shall be approved by the City Engineer, including storm drainage and detention design (and Earth Change Permit where applicable), subject to criteria approved by the City Commission.
10. Street names shall be approved by the City Engineer. Show on plat as required. (See Traffic Engineer - concern Re: Dual naming of 75th Place.)
11. All adjacent streets and/or widths thereof should be shown on the final plat. Identify Hudson and Joplin Avenues.
12. 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.
13. It is recommended that the developer coordinate with Traffic Engineering Department during the early stages of street construction concerning the ordering, purchase, and installation

Charter Oak (PUD #190) (continued)

of street marker signs. (Advisory, not a condition for release of the plat.)

14. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
15. A "letter of assurance" regarding installation of improvements shall be submitted prior to release of the final plat. (Including documents required under Section 3.6 (5) of the Subdivision Regulations.)
16. All Subdivision Regulations shall be met prior to the release of the final plat.

The Charter, Block 2 (PUD #275) (2183) South and West of the SW corner of 91st Street and South Yale Avenue (RS-3, RM-1, and RM-2)

The Staff presented the plat with the applicant represented by Ted Sack, who agreed to the conditions.

This is the second phase in an overall plan that was reviewed in conceptual form and approved on March 3, 1982. Conceptual site plan was furnished, but not a detail site plan as of August 10, 1982. Since the second phase is only being platted as one lot and block, the Staff sees no problem with the plat itself other than the following:

- (a) Since access is through Lot 1, Block 1 to 91st, some reference and/or easement should be shown. (Since it is "landlocked" this may create some problems in water service, since the second block would not abut a dedicated street. Also, this configuration doesn't appear to be specifically spelled out in the PUD, so it may take a minor amendment to permit the phases that would create a landlocked parcel.)
- (b) Detailed site plan review is required as a condition of the PUD, so it would be advantageous to both the developer and the reviewing agencies if we could review the detailed site plan along with the preliminary plat.
- (c) Show ties and/or dimensions to 91st or a 1/4 section corner for reference. Also show a lot number.
- (d) Include PUD number on face of the plat. Also show number of lots and acreage somewhere on the face of the plat for reference.

Item (a) above, was clarified and the Technical Advisory Committee and Staff were satisfied with the plat to show a "mutual access easement" on both blocks.

The Technical Advisory Committee and Staff recommended approval of the Preliminary Plat of The Charter, Block 2, subject to the conditions.

On MOTION of YOUNG, the Planning Commission voted 6-0-0 (Gardner, Hinkle, Kempe, Parmele, Rice, Young, "aye"; no "nays"; no "abstentions"; Freeman, Hennage, Higgins, Petty, Inhofe, "absent") to approve the Preliminary Plat for The Charter Addition, subject to the following conditions:

The Charter, Block 2 (PUD #275) (continued)

1. All conditions of PUD #275 shall be met prior to release of the final plat, including any applicable provisions in the covenants or on the face of the plat. Include PUD approval date and references to Sections 1100-1170 of the Zoning Code, in the covenants.
2. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements should be tied to, or related to property and/or lot lines.
3. Water plans shall be approved by the Water and Sewer Department prior to release of the final plat.
4. Pavement repair within restricted water line easements as a result of water line repairs due to breaks and failures shall be borne by the owner of the lot(s).
5. A request for creation of a Sewer Improvement District shall be submitted to the Water and Sewer Department prior to release of the final plat.
6. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer. (if required?)
7. Paving and/or drainage plans shall be approved by the City Engineer, including storm drainage and detention design (and Earth Change Permit where applicable), subject to criteria approved by the City Commission.
8. It is recommended that the developer coordinate with the Traffic Engineering Department during the early stages of street construction concerning the ordering, purchase, and installation of street marker signs. (Advisory, not a condition for release of the plat.) (if needed for interior street)
9. 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.
10. A Corporation Commission letter (or Certificate of Nondevelopment) shall be submitted concerning any oil and/or gas wells before the plat is released. (A building line shall be shown on the plat on any wells not officially plugged.) (may be included for overall tracts)
11. A "letter of assurance" regarding installation of improvements shall be submitted prior to release of the final plat. (Including documents required under Section 3.6 (5) of the Subdivision Regulations.)
12. All Subdivision Regulations shall be met prior to release of the final plat.

Society of Exploration Geophysicist Headquarters (PUD #269) (1583) North of
the NE corner of 91st Street and South Yale Avenue (OL, RS-3)

On MOTION of YOUNG, the Planning Commission voted 6-0-0 (Gardner, Hinkle, Kempe, Parmele, Rice, Young, "aye"; no "nays"; no "abstentions"; Freeman, Hennage, Higgins, Petty, Inhofe, "absent") to continue consideration of the Preliminary Plat for The Society of Exploration Geophysicists Headquarters until September 14, 1982, at 1:30 p.m., in Langenheim Auditorium, City Hall, Tulsa Civic Center.

Ramsgate (PUD #293) (883) East of the NE corner of 75th Street and South
Lewis Avenue (RD)

The Chair, without objection, tabled this item.

River Wood Office Park (PUD #261) (683) Northeast corner of 71st Street
and Peoria Avenue (CS, RM-2, RM-1)

The Staff presented the plat with the applicant represented by Craig Curry. It was also noted that the name had been changed from "Tulsa Energy Center".

This plat was reviewed by the T.A.C. on July 15, 1982, and a number of recommendations made on both the overall plan and first phase preliminary/final. The T.A.C. wanted to see the draft copy of the preliminary final plat prior to transmitting it to the Planning Commission for approval. The applicant has distributed copies of the plat and the covenants so this is reviewed as "old business".

The City Engineer recommended that the temporary detention pond off-site be indicated in dashed lines, with a separate instrument filed outlining its use and maintenance.

The Technical Advisory Committee and Staff recommended approval of the River Wood Office Park, subject to the conditions.

On MOTION of YOUNG, the Planning Commission voted 6-0-0 (Gardner, Hinkle, Kempe, Parmele, Rice, Young, "aye"; no "nays"; no "abstentions"; Freeman, Hennage, Higgins, Petty, Inhofe, "absent") to approve the Preliminary Plat for River Wood Office Park, subject to the following conditions:

1. All conditions of PUD #261 shall be met prior to release of the final plat, including any applicable provisions in the covenants, or on the face of the plat. Include PUD approval date and references to Sections 1100-1170 of the Zoning Code, in the covenants.
2. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements should be tied to, or related to property and/or lot lines.
3. Water plans shall be approved by the Water and Sewer Department prior to release of the final plat. (Include language in covenants relating to Water and Sewer Department.)

River Wood Office Park (PUD #261) (continued)

4. Pavement repair within restricted water line easements as a result of water line repairs due to breaks and failures shall be borne by the owner of the lot(s).
5. A request for creation of a Sewer Improvement District shall be submitted to the Water and Sewer Department prior to release of the final plat.
6. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer. (if required?)
7. Paving and/or drainage plans shall be approved by the City Engineer, including storm drainage and detention design (and Earth Change Permit where applicable), subject to criteria approved by the City Commission. (Temporary detention pond required.)
8. All curve data shall be shown on the final plat where applicable. (Including corner radii.)
9. 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.
10. Access points shall be approved by the City and/or Traffic Engineer. Show west driveway on 71st as "Limits-of-temporary-access". Show Quincy Avenue for reference.
11. It is recommended that the developer coordinate with the Traffic Engineering Department during the early stages of street construction concerning the ordering, purchase, and installation of street marker signs. (Advisory, not a condition for release of the plat.)
12. Define the reserve areas isolated by the Peoria realignment.
13. A "letter of assurance" regarding installation of improvements shall be submitted prior to release of the final plat. (Including documents required under Section 3.6 (5) of the Subdivision Regulations.)
14. All Subdivision Regulations shall be met prior to release of the final plat.

Mill Creek Bridge (PUD #294) (2283) 9500 Block of South Sheridan Road
(RS-3)

The Staff presented the plat with the applicant represented by Ted Sack.

This plat will be directly in the path of the RIVERSIDE EXPRESSWAY, which is still on the Major Street Plan. Of the 69 lots in the plat, at least 54 will be taken all, or in part, for the Expressway. Consistent with previous recommendations of the T.A.C., approval cannot be recommended because the plat is within the Expressway right-of-way.

Mill Creek Bridge (PUD #294) (continued)

As in other cases of a similar nature, there are two choices: Either the expressway right-of-way would need to be purchased or the developer allowed to proceed. In this case, it appears there would be little left to develop if the expressway right-of-way were acquired. This is the third plat that encroaches on this segment of the Riverside Expressway, and it is obvious pressure will be exerted to develop in this area, since it is in the direct "growth path" of the City. (The three plats are this one, Mill Creek Pond Extended, and Sycamore Hill.) It appears that as more subdivisions are allowed to encroach on this Expressway, the acquisition of right-of-way will be extremely expensive to purchase. Some means to purchase should be explored so that the owners are not holding land they cannot develop.

If the property is not purchased for right-of-way and the TMAPC and CITY approve a PUD, zoning, and waive the Major Street Plan requirements on the plat, then the following standard requirements would apply, noting the T.A.C. is NOT endorsing a waiver of the Subdivision Regulations requiring conformance with the Major Street Plan. It is reviewed on the assumption that the Subdivision Regulations requiring conformance with the Major Street Plan will be waived by the Planning Commission.

The Traffic Engineer has advised that they did not endorse or recommend the low water crossing or the spacing of access on to Sheridan. Pedestrian access to the park will be subject to approval of the Park Department.

The Technical Advisory Committee and Staff recommended approval of the sketch plat of Mill Creek Bridge only after waiver of the Major Street Plan by the Planning Commission, subject to the conditions.

Commissioner Young stated he would abstain on the motion to approve the sketch plat, since he was not present for the PUD hearing.

On MOTION of KEMPE, the Planning Commission voted 6-0-0 (Gardner, Hinkle, Kempe, Parmele, Rice, Young, "aye"; no "nays"; no "abstentions"; Freeman, Hennage, Higgins, Petty, Inhofe, "absent") to waive the Subdivision Regulations requiring conformance with the Major Street and Highway Plan as it pertains to PUD #294 and Mill Creek Bridge.

On MOTION of KEMPE, the Planning Commission voted 5-0-1 (Gardner, Hinkle, Kempe, Parmele, Rice, "aye"; no "nays"; Young "abstaining"; Freeman, Hennage, Higgins, Petty, Inhofe, "absent") to approve the sketch plat for Mill Creek Bridge, subject to the following conditions:

1. All conditions of PUD #294 shall be met prior to release of the final plat, including any applicable provisions in the covenants, or on the face of the plat. Include PUD approval date and references to Sections 1100-1170 of the Zoning Code, in the covenants.
2. Utility easements shall meet the approval of the utilities. Coordinate with the Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements should be tied to, or related to property and/or lot lines.

Mill Creek Bridge (PUD #294) (continued)

3. Water plans shall be approved by the Water and Sewer Department prior to the release of the final plat.
4. Pavement repair within restricted water line easements as a result of water line repairs due to breaks and failures shall be borne by the owner of the lot(s).
5. A request for creation of a Sewer Improvement District shall be submitted to the Water and Sewer Department prior to release of the final plat.
6. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer.
7. Paving and/or drainage plans shall be approved by the City Engineer, including storm drainage and detention design (and Earth Change Permit where applicable), subject to criteria approved by the City Commission.
8. Street names shall be approved by the City Engineer. Show on plat as required, as "private".
9. All curve data shall be shown on the final plat where applicable. (Including corner radii.)
10. Bearings, or true north-south, etc., shall be shown on perimeter of land being platted or other bearings as directed by the City Engineer.
11. Access points shall be approved by the City and/or Traffic Engineer. (See comment above.)
12. It is recommended that the developer coordinate with Traffic Engineering Department during the early stages of street construction concerning the ordering, purchase, and installation of street marker signs. (Advisory, not a condition for release of the plat.)
13. 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.
14. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
15. A Corporation Commission letter (or Certificate of Nondevelopment) shall be submitted concerning any oil and/or gas wells before the plat is released. (A building line shall be on the plat on any wells not officially plugged.)
16. The restrictive covenants and 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.)

Z-5593 Southlawn Addition (continued)

the request, subject to approval of the Traffic Engineer on the access points and approval of any grading plans through the permit process by the City Engineer.

Water Department advised that the owner should check with the Fire Department to assure adequate fire protection.

The Technical Advisory Committee and Staff recommended approval of the waiver of plat on Z-5593, subject to the conditions.

On MOTION of RICE, the Planning Commission voted 6-0-0 (Gardner, Hinkle, Kempe, Parmele, Rice, Young, "aye"; no "nays"; no "abstentions"; Freeman, Hennage, Higgins, Petty, Inhofe, "absent") to approve the waiver of plat on Z-5593, subject to the following conditions:

- (a) Dedication on Peoria (15'),
- (b) access control agreement as per site plan,
- (c) grading plans approval through permit process; and
- (d) sewer main extension.

BOA Case #12128 (Highlands 2nd) (583) 431 South Birmingham Avenue (RM-2)

This is a request to waive the plat on Lots 1 and 2, Block 4 of the above subdivision, since it is already platted and nothing would be gained by a new plat. The property contains an existing church, but the Building Inspector has required them to go to the Board of Adjustment because of an interior remodel. Nothing outside is to be changed. It is recommended that the request be approved.

The Technical Advisory Committee and Staff recommended approval of the waiver of plat on BOA Case #12128, as submitted.

On MOTION of YOUNG, the Planning Commission voted 6-0-0 (Gardner, Hinkle, Kempe, Parmele, Rice, Young, "aye"; no "nays"; no "abstentions"; Freeman, Hennage, Higgins, Petty, Inhofe, "absent") to approve the waiver of plat for BOA Case #12128, as submitted.

Z-5645 (L & M Square) (3293) 5901 South Lewis Avenue (CS)

This is a request from Grandy's Restaurants to waive the plat since the tract is already platted. The existing platted access point is being used as shown on the plat of record. The Staff noted that a large part of this tract was part of the original Joe Creek easement, but when the channel was improved, it did not follow the old previous easements as platted. Applications are in process to vacate those easements not needed with the improved channel. We do notice that there is an existing 7½' utility easement along the north line of this property that may still be of record. A 10' x 20' brick trash enclosure is shown on this easement. If the easement has not been vacated the trash enclosure will need to be moved off the easement. The Staff sees no objection to the request to waive plat provided the easements are properly vacated and those easements that are to remain are clear of obstructions.

The applicant was represented by Roy Johnsen.

Z-5645 (L & M Square) continued)

The Traffic Engineer had recommended that the applicant check with that Department regarding the out-bound lane in their access.
(Location of total access is O. K.)

The Technical Advisory Committee and Staff recommended approval of the waiver of plat on Z-5645, as recommended.

On MOTION of GARDNER, the Planning Commission voted 6-0-0 (Gardner, Hinkle, Kempe, Parmele, Rice, Young, "aye"; no "nays"; no "abstentions"; Freeman, Hennage, Higgins, Petty, Inhofe, "absent") to approve the waiver of plat on Z-5645, as recommended by the Staff.

Lot-Splits for Ratification:

L-14136 (1293) El Paseo, Ltd.	L-15556 (1283) South Lewis West
15545 (374) Jerome Day	15557 (3493) O. E. Shoaf
15551 (3403) Stanley J. Borochoff	15558 (684) Willie Mae Elgin
15553 (1492) TURA	15559 (1783) L. A. Randolph, Jr.
15554 (2592) Leslie W. & Carroll Cook	15560 (3113) Bernard B. Fernen
15555 (283) Densel Williams	

On MOTION of KEMPE, the Planning Commission voted 6-0-0 (Gardner, Hinkle, Kempe, Parmele, Rice, Young, "aye"; no "nays"; no "abstentions"; Freeman, Hennage, Higgins, Petty, Inhofe, "absent") that the approved lot-splits listed above be ratified.

Lot-Splits For Waiver:

L-15530 Alan & Glenda Bagwell (3303) 1325 North Pittsburg Avenue (RS-1)

The applicant is asking for a waiver of the bulk and area requirements to clear title on a 52' x 135' tract. These lots were originally split and approved by the City Planning Commission on June 4, 1952 for 50' x 135' lots. The Staff has been informed that this is an existing residence served by City water and sewer.

It was also noted by the Technical Advisory Committee that the original split created four 50' x 135' lots. Today's review and approval to clear title should apply to all four lots, so an additional review will not be necessary.

The Technical Advisory Committee and Staff recommended approval of L-15530, as submitted.

On MOTION of YOUNG, the Planning Commission voted 6-0-0 (Gardner, Hinkle, Kempe, Parmele, Rice, Young, "aye"; no "nays"; no "abstentions"; Freeman, Hennage, Higgins, Petty, Inhofe, "absent") to approve L-15530 as submitted.

L-15531 Margaret M. Wallace (2613) North and East of East 76th Street
North and North 75th East Avenue (AG)

The applicant is requesting a waiver of the minimum lot width to allow two 165' wide lots. The lots exceed the minimum lot area requirement. A review of the land use maps and the County Engineer's maps shows that no right-of-way is off the subject tract and that

L-15531 (continued)

the existing 50' road is off of the tracts to the west (D/D Book 3503, Page 1964). The tracts will be served by Collinsville Rural Water District #3 and septic systems. (He received Health Department approval). County Board of Adjustment approval is required. Additional right-of-way as needed by the County Engineer's Office.

(It should be noted that these tracts are exactly 2-1/2 acres and if no right-of-way is taken from them, they do not need a lot-split approval, Board of Adjustment approval would be required because of the width of lots.)

The Technical Advisory Committee and Staff recommended approval of L-#15531, subject to the condition.

On MOTION of YOUNG, the Planning Commission voted 6-0-0 (Gardner, Hinkle, Kempe, Parmele, Rice, Young, "aye"; no "nays"; no "abstentions"; Freeman, Hennage, Hinkle, Petty, Inhofe, "absent") to approve L-#15531, subject to the following condition:

- (a) Board of Adjustment approval of frontage.

L-15532 Janet Allen (2824) NE corner of North 141st East Avenue and
East 136th Street North (AG)

This is a request to waive the bulk and area requirements to allow the creation of a 1.25 acre gross tract (.87 acre net). The Staff has been informed that the tracts will be served by RWD #3 for water and by septic systems, which will need to be approved by the Health Department, County Board of Adjustment approval of the zoning waiver is needed.

The Staff notes, also, that creation of this size tract would be the only one that small in the area. All the adjacent lots are from 2.8 acres up to 7.7 acres. If the owner would create two lots of over 2½ acres each, it would not even need a lot-split approval. The percolation test results may also dictate a larger lot. At this point, the Staff felt the owner had other options rather than a lot-split, since the overall tract is 5.76 acres. The Staff had recommended denial to the T.A.C. on that basis. The rest of the T.A.C. members had no comment on the lot size. It was felt that the results of the Health Department review would influence the results more than anything else and the Health Department has approved that size tract.

The Technical Advisory Committee recommended approval of L-#15532, subject to the condition.

On MOTION of RICE, the Planning Commission voted 6-0-0 (Gardner, Hinkle, Kempe, Parmele, Rice, Young, "aye"; no "nays"; no "abstentions"; Freeman, Hennage, Higgins, Petty, Inhofe, "absent") to approve L-#15532, subject to the following condition:

- (a) Board of Adjustment approval.

L-15536 Marilyn Kirk (1262) 50 East 201st Street South (AG)

The applicant is asking a waiver of the bulk and area requirements to permit a lot-split of a one-acre tract from a 139-acre parcel. Verification of water from RWD #6, utilities, and the Health Department is needed. County Board of Adjustment approval is also needed. (NOTE: Land use map shows 3 other 1-acre lots in the area, so the Staff feels this is compatible with other nearby lots.)

The Technical Advisory Committee and Staff recommended approval of L-15536, subject to the conditions.

On MOTION of YOUNG, the Planning Commission voted 6-0-0 (Gardner, Hinkle, Kempe, Parmele, Rice, Young, "aye"; no "nays"; no "abstentions"; Freeman, Hennage, Higgins, Petty, Inhofe, "absent") to approve L-15536, subject to the following conditions:

- (a) Verification of water service,
- (b) Health Department approval of Septic systems, and
- (c) Board of Adjustment approval.

L-15538 M. Auxier and R. Read (193) 8107 East Admiral Place (CS)

This request is to waive the frontage to allow the creation of a 103.9 foot lot in a CS District. (150' being the minimum) The applicants' plan shows sufficient right-of-way on Admiral. The Staff notes that all the frontage across the street to the south is zoned CH, so there is no minimum frontage requirement on that side of Admiral. The Staff recommended approval, subject to Board of Adjustment approval of frontage.

The Traffic Engineer advised that the location of the access point on the east tract was O.K., and further suggested a "mutual access easement" on the west part parallel to Admiral.

The Technical Advisory Committee and Staff recommended approval of L-15538, subject to the conditions.

On MOTION of YOUNG, the Planning Commission voted 6-0-0 (Gardner, Hinkle, Kempe, Parmele, Rice, Young, "aye"; no "nays"; no "abstentions"; Freeman, Hennage, Higgins, Petty, Inhofe, "absent") to approve L-15538, subject to the following conditions:

- (a) Board of Adjustment approval of frontage, and
- (b) sewer main extension.

L-15541 Southeastern, Inc. (1593) South and West of East 30th Street and South Sheridan Road (CS)

This is a request to waive the frontage requirement of 150' to allow a 103' lot. Our maps and records show that this is a portion of a previous lot-split (L-11075), and that there is an existing restaurant on the tract, and also a convenience store on the remaining portion (corner of 30th and Sheridan). Approval of the utilities and the City Board of Adjustment will be required. Land use maps show many other lots in the CS District in this vicinity that have less than 150' of frontage, some with only 50'.

L-15541 (continued)

The Technical Advisory Committee and Staff recommended approval of L-15541, subject to the condition.

On MOTION of KEMPE, the Planning Commission voted 6-0-0 (Gardner, Hinkle, Kempe, Parmele, Rice, Young, "aye"; no "nays"; no "abstentions"; Freeman, Hennage, Higgins, Petty, Inhofe, "absent") to approve L-15541, subject to the following condition:

- (a) Board of Adjustment approval.

L-15407 J. F. Wiggins (793) 1838 East 17th Street South (RS-3)

The applicant was present and is asking for approval of a 60' x 146' and a 40' x 146' tracts, instead of the original 47.5' and 52.5' tracts that were reviewed and approved by the Planning Commission and the City Board of Adjustment. This application is being sent back to the Planning Commission for approval of the amended legals for the reason that the original plot plan was drawn in error and caused the lot-split line to go through the existing dwelling by 2'. The Staff made their review and recommendation based on the applicant's plot plan, and was unable to determine any errors from our maps. Approval of the revision is recommended, since there are other 40' wide lots in the neighborhood.

On MOTION of YOUNG, the Planning Commission voted 6-0-0 (Gardner, Hinkle, Kempe, Parmele, Rice, Young, "aye"; no "nays"; no "abstentions"; Freeman, Hennage, Higgins, Petty, Inhofe, "absent") to approve L-15407 as recommended.

OTHER BUSINESS:

PUD #206-1 Sensintaffar (Isaball) 6417 East 94th Place

Staff Recommendation - Minor Amendment

Planned Unit Development #206, Sheridan South Addition, is located at the southwest corner of East 91st Street and South Sheridan Road. The applicant is requesting a minor amendment to reduce the rear yard setback from 20' to 10'.

The Staff has reviewed the Plot Plan, Elevation and Floor Plans as submitted by the applicant, and compared that to the previous action taken on this lot. On June 21, 1978, the TMAPC approved the reduction of the side yard, distance between 94th Place property line and structure, from 20' to 10' per the plat. Our review finds that the problem that now exists, is a problem of definition more than necessary yard space.

Because the way "yards" are defined in the Zoning Code a rear yard has to be on the opposite side of the house from the front yard. This is normal and desired in the majority of cases. However, in some cases, it is not feasible to maintain this strict requirement. The subject tract has a 20-foot yard adjacent to a street, two yards that are 10 feet in width, and a yard off the back of the house of 20 feet. In other words, the subject tract has all the necessary yards, but they are not on the proper sides of the house to meet the Zoning Code definitions.

The Staff feels that this is minor in nature and would recommend APPROVAL of this request, subject to the submitted Plot Plan and Elevations.

On MOTION of HINKLE, the Planning Commission voted 6-0-0 (Gardner, Hinkle, Kempe, Parmele, Rice, Young, "aye"; no "nays"; no "abstentions"; Freeman, Hennage, Higgins, Petty, Inhofe, "absent") to approve PUD #206-1, subject to the submitted Plot Plan and Elevations.

PUD #287-SP-1 Burrow (Timbercrest) South Utica Place Addition Site Plan

Staff Recommendation - Site Plan and Landscape Plan Review

Phase I of Lots 1 through 6, Block 1, South Utica Place

Planned Unit Development #287 is located on both sides of South Utica Avenue, just north of East 71st Street. It was approved by the TMAPC and City Commission for a 9-lot office complex use. A condition of the approval was that any lots which are proposed to be combined into one development parcel could not receive a building permit until a Detail Site Plan has been submitted to and approved by the TMAPC.

It is now proposed that Lots 1 thru 6 be developed as a small office condominium complex using four phases of development with Lots 1 thru 3, being Phases I & II and Lots 4 thru 6 being Phases III & IV. It is also proposed that each phase will then be replatted to handle the sale of the units.

The Staff has reviewed the minutes of the meeting and compared that to the submitted Detail Site Plan and covenants and find the following:

8.18.82:1419(25)

PUD #287-SP-1 (continued)

<u>ITEM</u>	<u>APPROVED</u>	<u>SUBMITTED</u>	<u>REMAINING</u>
Net Area:	3.65 acres	.61 acre	3.04 acres
Permitted Uses:	OM	OM	Same
Floor Area Allocated to Lots 1 through 6:	60,300 sq. ft.	8,748 sq.ft.	51,522 sq.ft.
Maximum Building Height:	10 stories	2 stories	Same
Minimum Landscaped Open Space:	15% net area	33.5% net area	Same
Minimum Building Setback:			
From Utica Avenue	25 feet	25 feet	Same
From Other Boundaries	18 feet	16 feet*	Same
Minimum Parking:	1 space/350 sq. ft. general office of 25 spaces	----- 38 spaces	Same
	1 space/250 sq. ft. medical office or 35 spaces.		
Signs:	PUD Chapter	As Approved	Same

*The distance between the stairwell on the northernmost unit and the property line is only 16 feet. We feel this to be very minor in nature and would recommend that it be permitted, since only a small portion of the stairwell actually encroaches into the 18-foot required setback.

After the above review, the Staff can support the submitted plan.

In addition, the Staff reviewed the Detail Landscaping Plan submitted and find that it is consistent with the PUD purpose of preserving meaningful landscaped open space.

Therefore, the Staff recommends APPROVAL of the Phase I Detail Site Plan and Phase I Detail Landscape Plan, subject to the Plans and Covenants submitted.

On MOTION of YOUNG, the Planning Commission voted 6-0-0 (Gardner, Hinkle, Kempe, Parmele, Rice, Young, "aye"; no "nays"; no "abstentions"; Freeman, Hennage, Higgins, Petty, Inhofe, "absent") to approve Phase I Detail Site Plan and Phase I Detail Landscape Plan, subject to the Plans and Covenants submitted and Staff Recommendation.

PUD #204-1 Cincocca (Feamster) 9417 South Gary Avenue

Staff Recommendation - Minor Amendment- Lot 2, Block 1

Planned Unit Development No. 204, Sycamore Hills Addition, is located 1/4 mile south of the southwest corner of 91st Street South and Harvard Avenue. The applicant is requesting a minor amendment to allow an 832 square-foot garage to be built in the side yard. The Zoning Code permits up to 750 square feet by right.

PUD #204-1 (continued)

The Staff has reviewed the plot plan and elevations submitted, and find the request to be consistent with other actions taken in this area. All other bulk and area requirements are being met and the garage will be connected to the main house by a covered drive-thru.

Therefore, the Staff finds the request to be minor in nature and recommends APPROVAL, per plot plan and elevations submitted.

On MOTION of RICE, the Planning Commission voted 6-0-0 (Gardner, Hinkle, Kempe, Parmele, Rice, Young, "aye"; no "nays"; no "abstentions"; Freeman, Hennage, Higgins, Petty, Inhofe, "absent") to approve the minor amendment to PUD #204-1, per plot plan and elevations submitted.

There being no further business, the Chair adjourned the meeting at 3:15 p.m.

Date Approved 9-1-82


Chairman

ATTEST:


Secretary

