

TULSA METROPOLITAN AREA PLANNING COMMISSION
MINUTES of Meeting No. 1454
Wednesday, May 4, 1983, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Benjamin Draughon Gardner Hinkle, Secretary Kempe, Chairman Petty, 2nd Vice- Chairman C. Young, 1st Vice- Chairman T. Young	Higgins Miller Inhofe	Chisum Compton Gardner Wilmoth	Linker, Legal Dept.

The notice and agenda of said meeting were posted in the office of the City Auditor, Room 919, City Hall, at 11:00 a.m., as well as in the Reception Area of the INCOG Offices.

Vice Chairman C. Young called the meeting to order at 1:30 p.m.

MINUTES:

On MOTION of GARDNER, the Planning Commission voted 6-0-0 (Draughon, Gardner, Hinkle, Petty, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Benjamin, Higgins, Kempe, Miller, Inhofe, "absent") to approve the minutes of April 20, 1983 (No. 1452).

REPORTS:

Comprehensive Plan Steering Committee:

The Commission was advised that a meeting will be held on May 25, 1983, at 12:00 to consider amendments to the Districts 5 and 8 Comprehensive Plans.

Rules and Regulations Committee:

The Rules and Regulations Committee met prior to the Commission meeting and recommended to the Planning Commission that no change be made in the Subdivision Regulations concerning prior approval of lot splits.

On MOTION of HINKLE, the Planning Commission voted 7-0-0 (Benjamin, Draughon, Gardner, Hinkle, Petty, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Higgins, Kempe, Miller, Inhofe, "absent") that no changes be made to the Subdivision Regulations regarding prior approval of lot splits.

Director's Report:

Mr. Gardner informed the Commission that the INCOG Golf Tournament has been changed to June 18 at the Claremore Golf Course.

SUBDIVISIONS:

For Preliminary Approval:

Compton Addition (182) NW corner of 66th Place and South Peoria Avenue (CS)

The Staff presented the plat with the applicant represented by Bob Compton.

This plat is a result of a recommendation on Zoning Application No. 4554 that the unplatted tract adjacent to Block 1, Cline Addition be replatted into one usable commercial area. Request to waive the plat on the unplatted portion was not recommended, so this new plat is in accordance with the recommendations of the TMAPC.

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

Mr. Wilmoth advised that 9 of the 10 conditions recommended by the T.A.C. have been met. The remaining condition should be met by next week.

On MOTION of BENJAMIN, the Planning Commission voted 7-0-0 (Benjamin, Draughon, Gardner, Hinkle, Petty, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Higgins, Kempe, Miller, Inhofe, "absent") to approve the Preliminary Plat for Compton Addition, subject to the following conditions:

1. 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.
2. All (other) Subdivision Regulations shall be met prior to release of the final plat.

Lansing Industrial Park I (3602) SW corner of North Lansing Avenue and East Marshall Street (IM)

The Staff presented the plat with the applicant represented by Bob Bruton and Don Bybee from T.U.R.A.

This was rezoned and is being redeveloped by T.U.R.A. and is not subject to platting. However, since a number of lots and new streets are being constructed, a plat is desirable and is being processed for T.U.R.A.

The Technical Advisory Committee and Staff recommended approval of the Preliminary Plat of Lansing Industrial Park I, subject to the conditions.

The conditions recommended by the T.A.C. include two waivers. The corner radius is a requirement of the Subdivision Regulations, but T.U.R.A. has already written the legal descriptions on these tracts for sale. The streets are existing and improved, so there is no need for the two little radius'. There is also an over-length cul-de-sac and there is no problem with that. Waivers would require 6 votes to be approved.

Lansing Industrial Park I (continued)

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

Manchester Square (PUD #319) (1193) East side of South 79th East Avenue,
South of 15th Street (RD)

The Staff presented the plat with the applicant not represented.

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

On MOTION of T. YOUNG, the Planning Commission voted 7-0-0 (Benjamin, Draughton, Gardner, Hinkle, Petty, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Higgins, Kempe, Miller, Inhofe, "absent") to approve the Preliminary Plat for Manchester Square Addition, subject to the following conditions:

1. All conditions of PUD #319 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.)
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.

Lansing Industrial Park I (continued)

On MOTION of GARDNER, the Planning Commission voted 7-0-0 (Benjamin, Draughon, Gardner, Hinkle, Petty, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Higgins, Kempe, Miller, Inhofe, "absent") to approve the Preliminary Plat for Lansing Industrial Park I, subject to the following conditions, which include two waivers:

1. The underlying plat(s) should be properly vacated to the satisfaction of T.U.R.A. and/or City of Tulsa. (This may have already been done.)
2. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. (17½'?) Existing easements should be tied to, or related to property and/or lot lines. (Use standard industrial language in P.S.O. portion of dedication.)
3. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer, (if required).
4. 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.
5. A topo map shall be submitted for review by T.A.C. (Sub. Reg's.) (Submit with drainage plans)
6. Street names shall be approved by the City Engineer. Show on plat as required.
7. All curve data shall be shown on the final plat where applicable. (Including corner radii.)
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.)
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. The key or location map shall be complete.
11. Covenants: 5th paragraph, include Cable TV. Restriction #12; check language with Water and Sewer Department?
12. Show number of lots and acres on the face of the plat near location map. Under title, include name of resubdivision, or brief metes and bounds description, etc.
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.

Manchester Square (PUD #319)(continued)

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.)
11. Omit paragraph regarding access limitations since this does not abut an arterial street. (Option it, at descretion of applicant.)
12. 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.)
13. All (other) Subdivision Regulations shall be met prior to release of the final plat.

Woodland Springs Center (1283) South side of 71st Street, West of Mingo Rd.
(CS)

The Staff presented the plat with the applicant represented by Paul Gunderson.

This plat has a sketch plat approval, subject to conditions.

The Technical Advisory Committee and Staff recommended approval of the Preliminary Plat of Woodland Springs Center, subject to the conditions.

On MOTION of BENJAMIN, the Planning Commission voted 8-0-0 (Benjamin, Kempe, Draughon, Gardner, Hinkle, Petty, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Higgins, Miller, Inhofe, "absent") to approve the Preliminary Plat of Woodland Springs Center, subject to the following conditions:

CHAIRMAN KEMPE NOW PRESENT AND PRESIDING.

1. 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.
2. 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)
3. 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.
4. Access points shall be approved by the City and/or Traffic Engineer.
5. Identify adjacent land to the east as "unplatted".
6. 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.)

Woodland Spring Center (continued)

7. All Subdivision Regulations shall be met prior to release of the final plat.

Chimney Hills South, Block 40, Amended (PUD #215) (1483) 91st Street and South 77th East Avenue (RS-3)

The Staff presented the plat with the applicant represented by Adrian Smith.

This block is being refiled to increase the number of residential lots from 24 to 32 for a net gain of 8 lots, as approved by a minor amendment to PUD #215-C on April 13, 1983.

The Technical Advisory Committee and Staff recommended approval of the Preliminary Plat of Chimney Hills South, Block 40, Amended, subject to the conditions.

On MOTION of GARDNER, the Planning Commission voted 8-0-0 (Benjamin, Draughon, Gardner, Hinkle, Kempe, Petty, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Higgins, Miller, Inhofe, "absent") to approve the Preliminary Plat for Chimney Hills South, Block 40, Amended, subject to the following conditions:

1. Existing easements in vicinity of Lots 11 and 15 (new plat) need to be properly vacated or shown on the plat. (working)
2. Include amendment date in restrictive covenants pertinent to PUD #215-C. Show in title that this is a part of PUD #215-C.
3. All conditions of PUD #215-C 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.
4. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. (17½') Existing easements should be tied to, or related to property and/or lot lines.
5. A request for a creation of a Sewer Improvement District shall be submitted to the Water and Sewer Department prior to release of the final plat, (if required?).
6. Revised water plan required to relocate fire hydrant.
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 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.

Chimney Hills South, Block 40, Amended (PUD #215) continued

9. The key or location map shall be complete. (Update, new subdivisions.)
10. 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.)
11. All (other) Subdivision Regulations shall be met prior to release of the final plat.

Canyon Creek Addition (PUD #285) (383) 68th Street and South Canton Ave. (OL)

The Staff presented the plat with the applicant represented by Adrian Smith.

This plat has a sketch plat approval, subject to conditions.

The Staff advised that no site plan has been approved as of April 20, 1983; and it should be submitted for Planning Commission review, as well as the Technical Advisory Committee.

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

On MOTION of C. YOUNG, the Planning Commission voted 8-0-0 (Benjamin, Draughton, Gardner, Hinkle, Kempe, Petty, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Higgins, Miller, Inhofe, "absent") to approve the Preliminary Plat of Canyon Creek Addition, subject to the following conditions:

1. All conditions of PUD #285 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.
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.

Canyon Creek Addition (continued)

8. Street names shall be approved by the City Engineer. Show on the plat as required and identify as "Private".
9. All adjacent streets and/or widths thereof, should be shown on the final plat. (Show Canton Avenue.) Also identify adjacent land as "unplatted", or by name of the plat.
10. All curve data shall be shown on the final plat where applicable. (Show data required on easements and accessways.)
11. The key or location map shall be complete. (Show new subdivisions in section.)
12. Show building lines in accordance with PUD Text and Covenants. 30' on 68th, 20' on west and north, and 50' on east.
13. Include Cable TV in covenants.
14. Include applicable language in covenants for drainage.
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 release of the final plat.

For Final Approval and Release:

Blake Hills (1583) SE corner of 81st Street and Yale Avenue (RM-1)

and

Sebring Grand Prix (PUD #314) (3492) West of the SW corner of I-44 and South Union Avenue (CG)

The Staff advised that all release letters have been received and recommended final approval and release.

On MOTION of PETTY, the Planning Commission voted 8-0-0 (Benjamin, Draughon, Gardner, Hinkle, Kempe, Petty, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Higgins, Miller, Inhofe, "absent") to approve the final plat of Blake Hills Addition and release same as having met all conditions of approval.

On MOTION of BENJAMIN, the Planning Commission voted 8-0-0 (Benjamin, Draughon, Gardner, Hinkle, Kempe, Petty, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Higgins, Miller, Inhofe, "absent") to approve the final plat of Sebring Grand Prix and release same as having met all conditions of approval.

REQUEST TO WAIVE PLAT:

Z-5809 Guy Cook Addition (3194) NW corner of 61st Street and South 99th
East Avenue (OL)

This is a request to waive plat on Lots 6 & 7, Block 1, of the above subdivision since it is already platted. The zoning has been changed to light office and the intended use will be a one-story office building. Grading plans will be required in the permit process and Traffic Engineering Department may wish to impose access limitations on 61st Street since there is access to 99th East Avenue. Utility extensions may be required.

The Technical Advisory Committee and Staff recommended approval of the Waiver of Plat on Z-5809, subject to the conditions.

On MOTION of GARDNER, the Planning Commission voted 8-0-0 (Benjamin, Draughon, Gardner, Hinkle, Kempe, Petty, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Higgins, Miller, Inhofe, "absent") to approve the request to waive the platting requirements for Guy Cook Addition, subject to the following conditions:

- (a) Grading plans in permit process and
- (b) access limitation agreement.

REQUEST TO CHANGE ACCESS:

Bradford Addition (1994) South side of East 31st Street at South 101st
East Avenue (CS)

The Staff informed the Commission this request is to move one access approximately 143' west, away from the expressway ramp. This is re-location only; the total number of access is same.

The Traffic Engineer and the Staff recommend APPROVAL.

On MOTION of GARDNER, the Planning Commission voted 8-0-0 (Benjamin, Draughon, Gardner, Hinkle, Kempe, Petty, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Higgins, Miller, Inhofe, "absent") to approve the request to change access on Bradford Addition.

LOT SPLITS:

For Ratification of Prior Approval:

L-15779 (2683)	Prestige Properties	L-15796 (283)	Crockett/Ellison
15787 (183)	Never Fail, Jr.	15798 (3492)	James Mahoney
15790 (592)	Bob Litterell	15799 (3094)	Floyd Hardesty
15792 (683)	E. B. Miller	15800 (1683)	Charles Powell
15793 (583)	Albert Equip. Co., Inc.	15801 (1293)	Garth Caylor, Jr.
15795 (283)	Richard Hackler	15802 (2893)	F. H. Geiler Trust

On MOTION of GARDNER, the Planning Commission voted 8-0-0 (Benjamin, Draughon, Gardner, Hinkle, Kempe, Petty, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Higgins, Miller, Inhofe, "absent") that the approved lot splits listed above be ratified.

The residents in Rice Addition have held a meeting and have approved of the waiver.

Special Discussion for the Record:

Commissioner Petty asked the Staff what the square-footage requirement is in an RS-1 District and Mr. Gardner informed him it is 13,500 sq. ft. The waiver is almost for 50% of the requirement for minimum lot size. The area is zoned RS-1, as is most of the surrounding properties. The Planning Commission does not have any jurisdiction over the Board of Adjustment. The Board, upon hearing this application, will require that a hardship be shown under the terms of the Ordinance.

Commissioner T. Young asked Commissioner C. Young if he had signed the petition that was circulated. Commissioner C. Young does not live in the same subdivision, although it is the same street. Commissioner C. Young did not want to make a recommendation and obviously all the neighbors do not care.

Mr. Hinkle, also informed the Commission a sewer line will have to be moved and some work will have to be done on the Smith property, which abuts the subject tract, but is in another addition. Mr. Smith has agreed to have this work done.

Commissioner Draughon wondered if the Staff could foresee any problems to the neighbors. Mr. Gardner explained that the Commission is always faced with a precedent. At another time, a property owner in the area might wish to split his lot by 50% and there might be protestants.

Commissioner T. Young explained the down-zoning issue, which was before the Commission a few years ago, to the new Commissioners.

Chairman Kempe agreed with a statement made by Commissioner T. Young that the proper course of action would be a rezoning request to RS-2.

Commissioner Gardner remembered that the homeowners in the neighborhood were emphatic about changing the zoning to RS-1. Based on that, Commissioner Gardner moved for denial of the application.

Commissioner Petty assumed this could be rezoned to RS-2, since it has been rezoned to RS-1. Mr. Gardner agreed that RS-2 approval on this lot would be spot zoning. If the applicant did apply for rezoning, he would probably state he did not fully understand or appreciate the down-zoning issue. There is one person to the south who did not down-zone their property. But in a normal zoning application, if someone requested RS-2 and was surrounded by RS-1, the Commission would consider it spot zoning. Mr. Hinkle confirmed that the RS-2 lot is directly south from the subject property.

Commissioner Draughon asked Mr. Hinkle if there is a hardship in this case and Mr. Hinkle replied there is not from a legal standpoint.

On MOTION of GARDNER, the Planning Commission voted 7-0-1 (Benjamin, Draughon, Gardner, Hinkle, Kempe, Petty, T. Young, "aye"; no "nays"; C. Young, "abstaining"; Higgins, Miller, Inhofe, "absent") to DENY this request for waiver of the lot split requirements for L-15749.

CONTINUED ZONING PUBLIC HEARING:

Application No. PUD 316
Applicant: Cox (Webster Prop.)
Location: South and East of the Southeast corner of E. 91st St. S. & S. Memorial

Present Zoning: RS-3
(CO pending)

Date of Application: March 3, 1983
Date of Hearing: May 4, 1983
Size of Tract: 36.088 acres

Presentation to TMAPC by: John Moody
Address: 4100 BOK Tower - 74172

Phone: 588-4068

Staff Recommendation:

Planned Unit Development No. 316 is located approximately 1/4 mile east and 1/4 mile south of the southeast corner of 91st Street and South Memorial Drive. It is approximately 36 acres in size, has an underlying zoning of RS-3 and was recently recommended by the Planning Commission for a 325' by 648' tract in the southwest corner to be zoned CO. The subject tract is vacant, rolling and partially wooded. The applicant is now requesting PUD supplemental zoning to allow approximately 480 units to be developed on the tract.

The Staff has reviewed the submitted Outline Development Plan and find that it is consistent with the development potential of the tract and the land use relationships that exist now or are expected to develop in the area. Therefore, the Staff recommends APPROVAL of PUD #316, subject to the following conditions:

- (1) That the applicant's Outline Development Plan be made a condition of approval as being representative of the development proposed.
- (2) Development Standards:

AREA "A"

Gross Land Area:	132,770.88 sq ft	3.048 acres
Permitted Uses:	Detached, single-family dwelling units and related accessory uses.	
Maximum Dwelling Units:	9 units	
Maximum Density:	2.5 DU's per acre	
Maximum Building Height:	26 feet	
Minimum Building Setback:		
From Perimeter	10 feet	
Side Yard	5 feet	
Building Setback Lines	25 feet	
Minimum Livability Space per Dwelling Unit:	4,000 sq. ft.	
Parking Spaces:	2 per D.U.	

AREA "B"

Gross Land Area:	1,228,622.4 sq ft	28.205 acres
Permitted Uses:	Detached, single-family dwelling units & related accessory uses.	
Maximum Dwelling Units:	103 D.U.'s	
Maximum Density:	3.95 D.U.'s per acre	
Maximum Building Height:	26 feet	

Minimum Building Setback:	
Rear Yard	20 feet
Side Yard	5 feet
Building Setback Line from Street	25 feet
Minimum Livability Space per Dwelling Unit:	2,500 sq. ft.
Parking Spaces:	2 per DU
Minimum Frontage: (Measure at Building	
Setback lines on Curves)	45 feet

AREA "C"

Gross Land Area:	522,720 sq ft	12.00 acres
Permitted Uses:	Attached multifamily dwelling units and related accessory uses such as off-street parking, clubhouse, pool, tennis courts and open space areas.	
Maximum Dwelling Units:		368 D.U.'s
Maximum Density:		30.66 D.U.'s per acre
Maximum Building Height:		36 feet
Minimum Building Setback:		
From Perimeter		20 feet
Between Buildings		15 feet
From E. 93rd Street South (Proposed)		50 feet
Setback from Freeway Right-of-Way Line		40 feet
Minimum Livability Space per Dwelling Unit:		200 sq. ft.
Off-Street Parking:		584 spaces

- (3) One identification sign may be erected on the 93rd Street frontage. This sign shall not exceed 32 square feet in surface area nor 15 feet in height and illumination, if any, shall be by constant light.
- (4) That a final plat on the single-family portions of the development will be considered as a detail site plan and that detail site plan for the multifamily area be submitted to and approved by the TMAPC prior to the issuance of a building permit.
- (5) That a Detail Landscape Plan for the multifamily area be submitted to and approved by the TMAPC prior to occupancy, including a 6-foot, solid wood fence along the east property line.
- (6) That no building permit shall be issued until the requirements of Section 260 of the Code have been satisfied, submitted to 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, making the City of Tulsa beneficiary to said covenants.

Mr. Gardner pointed out the discussion held by the Staff, the Legal Department and the Planning Commission last week under PUDs. This might be an appropriate instance where the requirement under Item #6 should be that the entire area be platted. The reason for this requirement is because there is no way to impose the PUD conditions of approval unless the area is platted. Mr. Gardner assumes the developer will want to develop the multifamily portion first, which will be platted. The rest of the development would not be within the restrictive covenants until it is

presented for plat. One alternative is to file separate restrictive covenants on the balance of the property. The Staff does not have the answers today; but, technically, under the requirements of the Ordinance, the entire tract must be platted in order to assure the conditions are enforceable under the covenants. If the Board wants to take action in lieu of this, a preliminary plat could be filed on the entire tract and final plats in phases with restrictions filed by separate instrument in the clerk's office binding the land to the PUD approval. Problems would probably arise in the future if this question is not addressed.

Chairman Kempe felt one of the alternatives should be listed as a condition to the PUD approval.

Applicant's Comments:

Mr. John Moody wished to address his comments to the discussion by the Staff, since it was not included in the PUD recommendation from the Staff.

Essentially, every person who purchases property in Tulsa is deemed to have knowledge of the zoning and the PUD Ordinance because it is published. The restrictive covenants have been a device to permit the City to enforce particular applicable covenants they wish to enforce under that Ordinance. This information is available on any piece of property in the City of Tulsa. He has no opposition to saying they will file a separate instrument if this is developed in phases. However, he does not wish to be required to plat the entire property at one time. A separate instrument can be filed as each phase is begun, stating the conditions of PUD #316 on the entire property, with the provision the developer may amend it by the procedure previously used. Mr. Moody is adverse to imposing the restrictive covenants in advance of knowing what the actual development will be with the Detail Site Plan that is submitted to the Planning Commission.

Mr. Moody can foresee some changes in the single-family area as far as allocation of lot lines, increase in sizes, some additional cul-de-sacs and some minor detailing in that area. He did not want to be restricted to a plat as submitted today and it is their desire to develop in phases.

Commissioner T. Young felt the building permit process would be the controlling element with the three development areas. Commissioner T. Young felt condition #6 of the Staff recommendation satisfies the entire issue.

Mr. Linker noted there is a problem. The Legal Department has advised the Staff that the Zoning Code requires covenants to be filed of record up front. It is the opinion of the Legal Department that the Planning Commission is going against the requirements of the PUD sections if one subdivision plat is not required with the covenants. If one plat is not required, the Commission should require that the covenants be put of record covering the entire area. In the covenants approved by the Commission, it should provide how the covenants can be amended. Mr. Linker believes when the Ordinances were drawn up, it was clearly envisioned one plat with one PUD. The situation has arisen now without protection of covenants for innocent purchasers.

Mr. Gardner explained that condition #6 would be assuming there is a subdivision plat on the entire tract. It is the Staff's feeling a statement should be added, "In the event partial plats occur, a covenant shall be filed, listing the conditions and filed of record in the office of the County Clerk". Mr. Moody did not feel this statement would create problems, as long as the Legal Department agrees and can work with him when the covenants are reviewed. However, if the Planning Commission is trying to protect innocent purchasers with this condition, it is not needed. Someone buying a multifamily tract is an experienced purchaser. Someone buying a portion of a developed parcel, such as one lot, would have to conform to the plat on file and the restrictive covenants. Notice should be given if this is to be a requirement for PUDs in the future. He has no problem with a separate instrument, as long as it states the PUD number and that it can be amended with City approval and does not require signatures from all property owners.

Mr. Linker felt attorneys such as Mr. Moody are capable of setting up a subdivision covenant that does not require signatures from all property owners in order to amend the covenants. Mr. Linker is not requiring this merely to protect innocent purchasers. The Zoning Code requires it.

Mr. Linker advised he would want a condition to the effect that some notice be put of record with the County Clerk of the requirements of PUD #316 for the entire tract before any subdivision plat is approved.

Mr. Moody did not care for the requirement of a preliminary plat on the entire property. Mr. Gardner explained that a preliminary plat could be very basic, showing one lot, one block and streets. The drawing displayed by Mr. Moody could almost be called a preliminary plat.

Mr. Moody did not feel a preliminary plat would accomplish the goals and objectives which have been stated. The filing of the restrictive covenants on the entire addition creates and accomplishes the objectives.

Mr. Gardner suggested, if Legal would agree, that the Outline Development Plan filed with the Staff has the same weight as the preliminary plat and the restrictive covenants filed on the land would be the only additional step. Mr. Linker felt it would be sufficient to file a covenant that would refer back to PUD #316. Mr. Linker suggested Condition #6 include approval by the City Legal Department.

Protestants: None.

TMAPC Action: 8 members present.

On MOTION of C. YOUNG, the PC voted 8-0-0 (Benjamin, Draughon, Gardner, Hinkle, Kempe, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Higgins, Miller, Inhofe "absent") to recommend to the Board of City Commissioners that the following described property be approved for PUD, subject to the conditions set out in the Staff Recommendation, with the following change to condition #6:

- (6) That no building permit shall be issued until the requirements of Section 260 of the Code have been satisfied, submitted to 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, making the City of Tulsa beneficiary to said covenants; and,

further provided that a covenant be filed on the undeveloped portions of the tract, restricting the use of the land in accordance with the controls of the PUD prior to any portion being platted and released, subject to approval as to format by the City Legal Department.

Legal Description

A tract of land being a part of the Northwest Quarter of Section 24, Township 18 North, Range 13 East of the Indian Base and Meridian, Tulsa County, Oklahoma, being more particularly described as follows, to wit:

BEGINNING AT A POINT, said point being the Southeast corner of "Oak Leaf, Block 1 through Block 7", an Addition to the City of Tulsa as per the recorded plat thereof, thence South $00^{\circ}-01'-40''$ East a distance of 1,052.05 feet to a point, thence North $86^{\circ}-39'-33''$ West a distance of 1,403.79 feet to a point, thence Due North a distance of 1,320.23 feet to a point, said point being the Southwest corner of said "Oak Leaf, Block 1 through Block 7" Addition, thence Due East a distance of 115.00 feet to a point, thence Due South a distance of 0.00 feet, thence along a curve to the right having a radius of 336.28 feet and a delta angle of $09^{\circ}-09'-00''$ a distance of 53.70 feet to a point, thence South $80^{\circ}-51'-00''$ East a distance of 50.00 feet to a point, thence South $73^{\circ}-18'-03''$ East a distance of 125.20 feet to a point, thence Due South a distance of 16.05 feet to a point, thence South $79^{\circ}-41'-34''$ East a distance of 116.89 feet to a point; thence Due South a distance of 33.54 feet to a point, thence along a curve to the right having a radius of 165.49 feet and a delta angle of $04^{\circ}-22'-50''$ a distance of 12.65 feet to a point, thence South $85^{\circ}-37'-10''$ East a distance of 50.00 feet to a point, thence South $63^{\circ}-25'-00''$ East a distance of 238.47 feet to a point, thence South $73^{\circ}-56'-52''$ East a distance of 50.00 feet to a point, thence North $16^{\circ}-03'-08''$ East a distance of 0.00 feet, thence along a curve to the left having a radius of 495.49 feet and a delta angle of $01^{\circ}-16'-53''$ a distance of 11.08 feet to a point, thence South $63^{\circ}-25'-00''$ East a distance of 124.63 feet to a point, thence Due East a distance of 580.81 feet to the POINT OF BEGINNING, containing 1,571,973.142 square feet or 36.088 acres, more or less.

Subject to any easement or rights-of-way of record.

Application No. PUD 166-C
Applicant: Ingram (Burlingame)
Location: SE corner of 91st Street and Sheridan Road

Present Zoning: (CS)

Date of Application:
Date of Hearing: May 4, 1983
Size of Tract: 1.0 acre, more or less

Presentation to TMAPC by: Terry Ingram
Address: 6660 South Lewis, Suite #102 - 74136
Phone: 492-2634

Staff Recommendation:

Planned Unit Development No. 166-C is located south and east of the corner of 91st Street and South Sheridan Road. Development Area "A-1" is approximately 1-acre in size and located at the immediate intersection. It is approved for 8,000 square feet of commercial floor area and to date contains 2,400 square feet. The applicant is now requesting to build a 5,200 square-foot B. F. Goodrich Tire Center on the remainder of the tract. The PUD was approved for uses permitted by right within the CS District and since the service center is a Use Unit 17, which is a permitted use only by exception, a major amendment and public hearing is required for TMAPC action.

In addition, the submitted Site Plan uses a 30-foot access easement that exists along their east boundary (15 feet on either side). In utilizing that portion of the easement that exists on the adjacent development area (Heatherridge, Area "A-3") the applicant will be reducing another parties parking by 16 spaces.

We have been in contact with the developers of Heatherridge and they have submitted a letter and revised "As-Built" drawing to show that they can meet their parking requirements. The Staff is satisfied that the parking requirements can be met and can support the revised Site Plan for Heatheridge or Development Area "A-3").

The Staff has also reviewed the Outline Development Plan submitted by the applicant for PUD #166-C, Development Area "A-1" (Quik-Trip). We can support exception uses only if conditions are approved that would mitigate possible adverse impacts.

Therefore, the Staff recommends APPROVAL of PUD #166-C, subject to the following conditions:

(1) That the applicant's Outline Development Plan, as revised, be made a condition of approval.

(2) Development Standards:

Gross Area:	1.43 acres
Permitted Uses:	Convenience grocery store and a tire service center.
Maximum Building Height:	35 feet
Maximum Floor Area:	8,000 sq. ft.
Minimum Off-Street Parking:	1 space/225 sq. ft. of floor area
Minimum Building Setbacks:	
From North Boundary	80 feet

5.4.83:1454(18)

PUD #166-C - Development Area "A-1" - Minor Amendment to Site Plan for PUD
#166-A, Development Area "A-3" (Heatherridge)

From East Boundary	35 feet
From South Boundary	18 feet
From West Boundary	80 feet

Minimum Open Space: 4,188 sq. ft.

- (3) That one ground sign no greater than 12 feet in height or 48 square feet of display surface area shall be permitted on the 91st Street frontage; that permitted canopy and wall signs comply with Section 1130.2 (b) of the Tulsa Zoning Code; and that this allocation shall be considered to total amount of permitted signage for Development Area "A-1".
- (4) That no temporary or permanent outside storage of parts, tools or automobiles shall occur.
- (5) That no temporary or permanent outside advertising shall occur, except that permitted under Condition (3).
- (6) That no outside servicing of automobiles shall occur.
- (7) That the proposed structure be architecturally consistent with the existing Quik-Trip structure, including brick exterior and trim colors.
- (8) That a Detail Landscape Plan be submitted to and approved by the TMAPC prior to occupancy including extensive landscape buffering along the north and east sides of the proposed structure.
- (9) That a Detail Site Plan, consistent with the Staff's revised plan, be submitted to and approved by the TMAPC prior to the issuance of a building permit.
- (10) That no building permit shall be issued until amended covenants have been submitted to and approved by the TMAPC and filed of record in the County Clerk's Office, incorporating the PUD conditions of approval, making the City of Tulsa beneficiary to said covenants.

Applicant's Comments:

Mr. Terry Ingram was confused about the Staff recommendation for a 35-foot height. Their proposal calls for 12 to 14 feet. Mr. Gardner explained the 35-foot height comes from the original PUD, which permitted 2 stories and agreed it should be changed to a number that would allow them to build basically one-story. A 15-foot maximum would allow the developer to build the structure as he wants.

Mr. Ingram wondered if Condition #3 allows another sign in addition to the Quik-Trip sign already in place and Mr. Gardner said an additional sign would be permitted.

Mr. Ingram asked for clarification on Condition #4 and Condition #5 and was told there could be no racks of tires or tools outside the building. Also, the sign requirement allows a lot of signage but temporary "sale" signs could be permitted.

Interested Party: John Moody

Address: 4100 BOK Tower - 74172

Interested Party's Comments:

Mr. John Moody lives in the Heatheridge Addition. He realizes the property is zoned CS, but this requested use is for a higher use than CS would normally permit. Mr. Moody advised that the 35' access easement between the Heatheridge Center and the Quik-Trip does not exist. It is presently a problem with people trying to get between the two. He requested a condition be placed on the automobile tire center that the access easement be built. He could agree with this application only because of the conditions placed by the Staff. This area has a very low intensity type of retail and office commercial use. The existing uses are single-story and are very in-offensive and compatible. He did not see how the tire store could get around the restriction of not having cars parked outside the building.

Commissioner T. Young felt Condition #4 is unreasonable. If the Staff is considering outside storage as a vehicle parked outside until it can be worked on inside, the company would find it impossible to do business. Mr. Gardner explained it is considered parking if this is to be serviced.

Storage would be when a car is parked outside for a month. Normally, tire sales do not cause problems; however, any type of car repair would create a storage problem. Commissioner C. Young thought a limitation should be placed on the number of days a car can be parked on the premises.

Mr. Ingram remarked that this was a concern of the applicant. This particular Goodrich operation does not perform work such as the Goodyear or Firestone stores. The business is strictly tires and has been in this business in various other states. Mr. Gardner noted the Staff has not permitted an automobile repair business.

Applicant's Comments:

Mr. Ingram ran across the 35' easement when he was going through the records on his particular tract. It did not show up on any of the plats that were at the Planning Commission office. Apparently, it was not filed of record in the Heatheridge Addition. He had the property surveyed and the easement is described as 15' on either side of the line. Quik-Trip did not want it open because they thought it would create a traffic problem. Also, they have a place for people to tie up horses in that area. The people to the south evidently are not aware of the easement because they have attempted some landscaping between the Quik-Trip property and the office building. There is access to the Quik-Trip and there is access to the north of the subject property directly into the Heatheridge Center. When Heatheridge was built, they did not have a curb cut on their property and there is an agreement of record opening this access.

Mr. Gardner explained the Staff has limited this amendment specifically to the requested uses.

Protestants: None.

TMAPC Action: 8 members present.

On MOTION of T. YOUNG, the Planning Commission voted 8-0-0 (Benjamin, Draughon, Gardner, Hinkle, Kempe, Petty, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Higgins, Miller, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property

PUD #166-C (continued)

be approved for amendment to PUD #166, subject to the conditions set out in the Staff Recommendation and the following additional conditions:

(Condition #2 of the Staff Recommendation be changed to a "Maximum Building Height: 15 feet")

(Condition #3 be changed to read, "That one additional ground sign...")

Lot 1, Block 1, Quik-Trip First Addition, Tulsa County, Okla.

TMAPC Action: 8 members present.

On MOTION of T. YOUNG, the Planning Commission voted 8-0-0 (Benjamin, Draughon, Gardner, Hinkle, Kempe, Petty, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Higgins, Miller, Inhofe, "absent") to approve the requested minor amendment to PUD #166-A.

OTHER BUSINESS:

PUD #171 Krukeil, H. J. Plaza NW corner of 81st Street and Sheridan Road,
Lots 1 and 2 (Development Area "B")

Staff Recommendation - Detail Site Plan Review

Planned Unit Development No. 171 is located at the NW corner of Sheridan Road and 81st Street. Development Area "B" is approximately 4 acres in size and approved for those uses permitted by right in the CS District.

The Staff reviewed the approved PUD conditions and compared them to the Site Plan submitted and find the following:

Item	Undeveloped Approved	Submitted	Remaining
Net Area	3.43 acres	3.01 acres	.42 acre
Permitted Uses	CS District	CS District	CS District
Maximum Floor Area:	51,698 sq. ft.	34,903 sq. ft.	16,795 sq. ft.*
Maximum Building Height:	2 stories	2 stories	2 stories
Maximum Setbacks:			
From Sheridan Road:	75 feet	75 feet	75 feet
From 81st Street:	71 feet	71 feet	NA
From North & West Boundaries:	25 feet	25 feet	25 feet
Off-Street Parking: 1 space/225 sq. ft.		Required 155/ Provided 167	1 space/ 225 sq. ft.

*Based upon the Site Plans submitted, there would be 16,795 sq. ft. of approved floor area potential remaining to be built on the site; however, the Staff would not support this type of lopsided allocation on the remaining lot.

In addition the PUD required that only two signs be permitted, one on each arterial street frontage. These signs must be located a minimum of 150' from any residential use and be no greater than 20 feet in height and 72 square feet of display surface area per sign. On August 18, 1981 the Planning Commission approved the Detail Site Plan for Quik-Trip located within this PUD and fronting onto Sheridan. With that approval, it was noted that the sign proposed would utilize the PUD's Sheridan sign allotment.

Therefore, the Staff recommends APPROVAL of the Detail Site Plan, subject to no additional shopping center identification sign being permitted on the Sheridan Road frontage.

TMAPC Action: 8 members present.

On MOTION of C. YOUNG, the Planning Commission voted 8-0-0 (Benjamin, Draughon, Gardner, Hinkle, Kempe, Petty, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Higgins, Miller, Inhofe, "absent") to approve the requested minor amendment to PUD #171, subject to the conditions set out in the Staff Recommendation.

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

Date Approved May 18, 1983

Cherry Kempe
Chairman

ATTEST:

Marilyn Henkle
Secretary