

TULSA METROPOLITAN AREA PLANNING COMMISSION
 MINUTES of Meeting No. 1458
 Wednesday, June 1, 1983, 1:30 p.m.
 Langenheim Auditorium, City Hall
 Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the office of the City Auditor, Room 919, City Hall, on May 31, 1983, at 10:55 a.m., as well as in the Reception Area of the INCOG Offices.

Chairman Kempe called the meeting to order at 1:30 p.m.

MINUTES:

On MOTION of GARDNER, the Planning Commission voted 7-0-0 (Gardner, Higgins, Hinkle, Kempe, Petty, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Benjamin, Draughon, Miller, Inhofe, "absent") to approve the minutes of May 18, 1983 (No. 1456).

REPORTS:

Chairman's Report:

Chairman Kempe welcomed Mr. Rick Passo, a new member of the City Legal Department.

Director's Report:

Ms. Dane Matthews of the INCOG Staff submitted Resolutions amending the District 5 and District 8 Plan Maps and Text, as instructed by the Commission during the meeting of May 25, 1983. The Resolution for District 5 reflects a compromise with Mr. Roy Johnsen concerning funding as discussed during the Public Hearing.

On MOTION of T. YOUNG, the Planning Commission voted 7-0-0 (Gardner, Higgins, Hinkle, Kempe, Petty, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Benjamin, Draughon, Miller, Inhofe, "absent") to approve and adopt the following Resolution:

A RESOLUTION
AMENDING THE DISTRICT 5 PLAN
A PART OF THE COMPREHENSIVE PLAN
FOR THE TULSA METROPOLITAN AREA

WHEREAS, Pursuant to Title 19, OSA, Section 863.7, the Tulsa Metropolitan Area Planning Commission did by Resolution on the 29th day of June 1960 adopt "Comprehensive Plan, Tulsa Metropolitan Area", which Plan was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the County Commissioners of Tulsa County, Oklahoma, all according to law; and

WHEREAS, The Tulsa Metropolitan Area Planning Commission is required to prepare, adopt, and amend, as needed in whole or in part, an Official Master Plan to guide the physical development of the Tulsa Metropolitan Area; and

WHEREAS, on the 21st day of April 1976 this Commission, by Resolution No. 1109:425 did adopt the District 5 Plan, District Plan Map, as a part of the Comprehensive Plan of the Tulsa Metropolitan Area, which was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and the Board of County Commissioners of Tulsa County, Oklahoma; and

WHEREAS, This Commission did call a Public Hearing on the 10th day of May, 1983 for the purpose of considering amendments to the District 5 Plan and Public Notices of such meeting was duly given as required by law; and

WHEREAS, A Public Hearing was held on the 25th day of May, 1983 and after due study and deliberation this Commission deems it advisable and in keeping with the purpose of this Commission, as set forth in Title 19, OSA, Section 863, to modify its previously adopted District 5 Plan as follows:

PLAN MAP:

Designate as Special District 1 the area within District 5 generally described as lying south of 21st Street, north and west of Skelly Drive, north of Skelly Track Park, and east of South 85th East Avenue, and within such Special District designate and delineate a portion thereof as an urban renewal area known as Indian Acres Redevelopment Project.

PLAN TEXT:

Revise the following section to read as indicated:

3. Specific Areas

A Special District is indicated on the District Plan Map which includes the Indian Acres Rede-

Resolution No. 1458:576 (continued)

velopment Project area, as well as adjacent land on the east and west, to ensure compatibility of adjacent land uses.

3.1 Development Policies within the Special District 1 Indian Acres Area.

3.1.1 Development within the Indian Acres Redevelopment Area should be in accordance with a detailed plan for that area, and should proceed subject to availability of funding.

3.1.2 Development within areas of the Special District lying outside but adjacent to the Indian Acres Redevelopment Area should be compatible with land uses in the Redevelopment Area, as well as land uses in adjacent areas outside the Special District.

NOW, THEREFORE, BE IT RESOLVED BY THE TULSA METROPOLITAN AREA PLANNING COMMISSION that the amendment to the District 5 Plan, be and is hereby adopted as parts of the District 5 Plan, a part of the Comprehensive Plan of the Tulsa Metropolitan Area, and filed as public record in the Office of the County Clerk, Tulsa County, Oklahoma.

BE IT FURTHER RESOLVED THAT upon approval and adoption hereof by the Tulsa Metropolitan Area Planning Commission, this Resolution be certified to the Board of Commissioners of the City of Tulsa, Oklahoma, and to the Board of County Commissioners of Tulsa County, Oklahoma, for approval and thereafter, that it be filed as public record in the Office of the County Clerk, Tulsa County, Oklahoma.

APPROVED and ADOPTED THIS 1st DAY OF JUNE, 1983.

On MOTION of T. YOUNG, the Planning Commission voted 7-0-0 (Gardner, Higgins, Hinkle, Kempe, Petty, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Benjamin, Draughon, Miller, Inhofe, "absent") to approve and adopt the following Resolution:

RESOLUTION No. 1458:577

A RESOLUTION
AMENDING THE DISTRICT 8 PLAN A PART
OF THE COMPREHENSIVE PLAN FOR THE
TULSA METROPOLITAN AREA

WHEREAS, Pursuant to Title 19, OSA, Section 863.7, the Tulsa Metropolitan Area Planning Commission did by Resolution on the 29th day of June 1960, adopt a "Comprehensive Plan, Tulsa Metropolitan Area", which Plan was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the County

Resolution No. 1458:577 (continued)

Commissioners of Tulsa County, Oklahoma, and was filed of record in the Office of the County Clerk, Tulsa County, Oklahoma, all according to law; and

WHEREAS, The Tulsa Metropolitan Area Planning Commission is required to prepare, adopt, and amend, as needed in whole or in part, an Official Master Plan to guide the physical development of the Tulsa Metropolitan Area; and

WHEREAS, On the 9th day of June 1976, this Commission, by Resolution No. 1115:428 did adopt the District 8 Plan, District Plan Map, as a part of the Comprehensive Plan of the Tulsa Metropolitan Area, which was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and the Board of County Commissioners of Tulsa County, Oklahoma; and

WHEREAS, This Commission did call a Public Hearing on the 10th day of May, 1983 for the purpose of considering amendments to the District 8 Plan and Public Notice of such meeting was duly given as required by law; and

WHEREAS, A Public Hearing was held on the 25th day of May, 1983 and after due study and deliberation this Commission deems it advisable and in keeping with the purpose of this Commission, as set forth in Title 19, OSA, Section 863, to modify its previously adopted District 8 Plan Text as follows:

Plan Text Amendments to: Sections 3.4.3, 3.5, 4.1.2, 4.2.1, 4.3.2, 4.5.2, 4.7, 5.2.2, 6.2, 6.3.2, 6.5.2, 6.6.2, all as shown in attached Exhibit A made a part hereof.

Plan Map Amendments to: Remove the agricultural Land Use Designation and Pattern from the District 8 Plan Map; and correct map error by changing the low intensity, non-specific land use designation in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NE quadrant to medium intensity industrial.

NOW, THEREFORE, BE IT RESOLVED BY THE TULSA METROPOLITAN AREA PLANNING COMMISSION that the Amendment to the District 8 Plan, be and is hereby adopted as part of the District 8 Plan, a part of the Comprehensive Plan of the Tulsa Metropolitan Area, and filed as public record in the Office of the County Clerk, Tulsa County, Oklahoma.

BE IT FURTHER RESOLVED THAT upon approval and adoption hereof by the Tulsa Metropolitan Area Planning Commission, this Resolution be certified to the Board of Commissioners of the City of Tulsa, Oklahoma, and to the Board of County Commissioners of Tulsa County, Oklahoma, for approval and thereafter, that it be filed as public record in the Office of the County Clerk, Tulsa County, Oklahoma.

APPROVED AND ADOPTED THIS 1st DAY OF JUNE, 1983.

PUD 326 Cox (Barnes) East of the SE corner of 15th Street and 77th E. Avenue

Mr. Gardner informed the Commission this case was continued from last week but was inadvertently left off the agenda because the applicant was not prepared. This will need to be continued for one week.

On MOTION of C. YOUNG, the Planning Commission voted 7-0-0 (Gardner, Higgins, Hinkle, Kempe, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Benjamin, Draughon, Miller, Inhofe "absent") to continue consideration of PUD #326 until June 8, 1983, at 1:30 p.m. in Langenheim Auditorium, City Hall, Tulsa Civic Center.

SUBDIVISIONS:

Preliminary Plat:

Rolling Oaks (1992) West 36th Street and South 74th West Avenue (RS)

The Staff presented the plat with the applicant represented by Jack Finley. This plat has a Sketch Plat approval, subject to conditions.

The Staff further notes that the name has been changed from "Smoking Oaks" to "Rollings Oaks". On November 12, 1981, the applicant's engineer submitted a sketch of some changes to the plat. The Staff advised the T.A.C. that, due to the adjacent development around this plat in Sand Springs ("Shanandoah"), some changes in the street layout were required. Also, some topography indicated that a redesign was necessary. The plat being reviewed currently reflects those changes shown on November 12, 1981.

The P.S.O. representative advised the T.A.C. that one of their transmission towers is in an area shown as street right-of-way at the southwest corner of the plat. It was agreeable with the T.A.C. and applicant to redesign that part of the street to miss the tower.

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

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

1. Coordinate with the City of Sand Springs and "Shanandoah" development for street connection at the NW corner of the plat near West 33rd Street South. (If redesign is required, developer should try to make the connection so that there will be a logical and smooth transition between this "County Plat" and the proposed development inside the City Limits of Sand Springs.)
2. Show on face of plat:
 - (a) Show Sand Springs City Limits on location map and adjacent land.
 - (b) Show 25' Building Lines or identify on all lots where not obvious by the drawing.

Rolling Oaks (continued)

3. Location of street paving within the P.S.O. easement along 36th Street shall meet the approval of both P.S.O. and County Engineer.
4. On final/preliminary plats tie down location of pipeline easements. Provide that utilities may cross but not parallel in this easement; subject to approval of owner of pipelines and utility companies.
5. 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.
6. Water plans shall be approved by the Water and Sewer Department prior to release of final plat - (Include applicable language in covenants).
7. Paving and/or drainage plans shall be approved by the County Engineer, including storm drainage and detention design (and Earth Change Permit where applicable), subject to criteria approved by the County Commission.
8. Street names shall be approved by the County Engineer, required.
9. The method of sewage disposal and plans therefore shall be approved by the City-County Health Department. (Private sewage disposal plant) (Collection system to meet City of Tulsa standards.)
10. The method of water supply and plans therefore shall be approved by the City-County Health Department.
11. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
12. Street lighting in this Subdivision shall be subject to the approval of the County Engineer and adopted policies as specified in Appendix "C" of the Subdivision Regulations.
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 plat on any wells not officially plugged.)
14. Covenants:
 - (a) Item #6 - After 1st and 2nd sentences, add "...except where easements are greater."
 - (b) Item #16 - Check P.S.O. language?
 - (c) Between Item #16 and #17, add applicable language for Water and Sewer facilities.
 - (d) Item #19 - must meet Health Department requirements? Check?
 - (e) Item #21 - Add provision that Items #16 and #17 (or as applicable) are not subject to time limitations.
 - (f) Suggest the covenants be separated into two sections - one with the private restrictions and one section for easement dedications.

Rolling Oaks (continued)

15. The south 1/2 of West 34th Street at South 72nd West Avenue should be dedicated by separate instrument and indicated on plat, or included as part of plat. (1/2 street dedications are not acceptable).
16. A second point of access is essential, particularly to tie or loop the water lines back to the east. It appears the most logical location is to obtain the necessary right-of-way to connect West 34th Street.
17. This plat has been referred to Sand Springs because of its location near or inside a "fence line" of that municipality. Additional requirements may be made by the applicable municipality; otherwise, only the conditions listed herein shall apply.
18. 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.)
19. All (other) Subdivision Regulations shall be met prior to release of the final plat.

Mill Creek Bridge II (PUD #294) (2283) 96th St. and S. Lakewood Ave. (RS-3)

The Staff presented the plat with the applicant represented by Mike Taylor.

This is the second phase in an overall plan approved by the Planning and City Commissions on PUD #294. The fact that it lies within the proposed right-of-way of an expressway has been thoroughly discussed previously and the Planning Commission waived the Subdivision Regulations requiring conformance with the Major Street and Highway Plan. However, a requirement was made to show the expressway right-of-way on the plat on the first phase, which was done and shown on the location map. Recent discussions by the Planning Commission and Rules and Regulations Committee resulted in instructions that expressway right-of-way be clearly shown on the face of the plat, not just on the location map. Therefore, that is the basis for condition #1.

The applicant objected to condition #1 in the T.A.C. meeting, but the T.A.C. and Staff recommended it be required. There were other requirements, but #1 is the only one that was objectionable to the developer.

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

Mr. Wilmoth explained this is the fourth plat in the right-of-way of the expressway. The developer of Sycamore Hills, another plat in the right-of-way, requested the proposed expressway not be shown on the face of the plat, although the T.A.C. had requested it be shown. This plat has been filed of record for some time.

Mill Creek Bridge II (continued)

Mr. Gardner explained this requirement has always been a part of the Subdivision Regulations. The expressway has been illustrated on previous plats in the location map at the corner of the plat. The Legal Department feels buyers should be put on notice when property is purchased that it is in the path of the proposed expressway. Most of the time, the developers back off the right-of-way.

Mr. Passo, Legal Counsel, explained the provision in the Subdivision Regulations states that existing and proposed streets adjacent to the property must be shown. This requirement is a proper and legal one according to the Subdivision Regulations.

Commissioner T. Young objected to the proposal. He felt the location map fulfilled the requirement. The City cannot hold property in abeyance until it can afford to purchase right-of-way. It is a taking of the land if the owner is prevented from using the land. The requirement to show expressway right-of-way on the face of a plat would result in undevelopment.

Commissioner Petty felt it is good planning to notify people of the expressway proposals and did not want the Commission to be accused of withholding information from the public. It is unfortunate this has to be the first plat presented to the Commission and be subject to this requirement, but the Commission must start somewhere. The recent bond election results show the expressways and the means for moving people in the City of Tulsa are going to be needed.

Commissioner Higgins informed the Commission she had questioned this requirement during the Rules and Regulations Committee meeting. Mr. Linker assured her this was not a taking of the land. After some discussion, she had agreed with Legal on this interpretation of the Subdivision Regulations. The Commission has to stand behind the Subdivision Regulations, unless it is proven in court that this interpretation is wrong.

Commissioner T. Young noted he has recently been elected as the Chairman of the Transportation Policy Committee and they are presently engaged in the update of the Major Street and Highway Plan. He feels it is important to preserve the rights-of-way in order to build an expressway system in the City and County, so he is not in any way trying to prevent the expressways from happening. However, the major update now being considered will likely result in the movement of the expressway farther south than the current, proposed alignment. He wondered what would happen to the plat if this is done and Commissioner Petty stated the plat would be amended.

Commissioner Petty realized the expressway route might be moved, but the situation must be dealt with at this time. Commissioner T. Young wished to consider the financial harm done to the owner of the property during the interim.

Commissioner C. Young disagreed. If several of the plats show the possible easement for expressways and it is moved farther south, one instrument could be filed with the County Clerk to remove the expressway. This would not be any problem or expense. Mr. Passo agreed.

Mill Creek Bridge II (continued)

Commissioner Petty felt the only reason for relocation of the expressway is due to the failure to preserve the right-of-way. The expressway is appropriately located to connect with other expressways.

Commissioner C. Young conceded this could imply a taking. However, if the expressway is going through, it will; and, condemnation proceedings will be necessary. At least by placing the lines on the plat, it will show buyers this is a possibility. He does not think it will change the value; in fact, the value might be enhanced in the future.

Applicant's Comments:

Mr. Mike Taylor represented Sisemore-Sack-Sisemore, the engineers on the project. He could agree with all the comments made by the Commissioners. However, it is their request that the proposed expressway not be shown across the face of the plat. He is not in objection to the condition #1, merely the location of where the lines are shown and could agree to putting it on the location map or as a notation. The preliminary plat shows the expressway right-of-way clearly on the location map.

Commissioner T. Young noticed another potential problem because the floodplain is also designated on the plat. With both the floodplain and the expressway designations, the tract is rendered useless.

On MOTION of C. YOUNG, the Planning Commission voted 6-1-0 (Gardner, Higgins, Hinkle, Kempe, Petty, C. Young "aye"; T. Young "nay"; no abstentions"; Benjamin, Draughon, Miller, Inhofe "absent") to approve the Preliminary Plat for Mill Creek Bridge II, subject to the following conditions, with the expressway noted on both the face of the plat and within the location map:

1. Show the outline of the proposed expressway on the face of the plat, with the following notation: "Approximate location of right-of-way line for future expressway. This is not a dedication by this plat, but is shown for information purposes only (Subdivision Regulations 3.6 (g) and (p))".
2. Covenants:
 - (a) Page 2, reference is made to "Drainage Easement" which appears to also be all of "Reserve A" and apparently "Reserves B & C". It should be clarified that they are the same, or add the notation on face of the plat that they are also "drainage easements". (Make sure covenants agree with information on face of the plat.)
 - (b) Page 4, Add language referring to the Haikey Creek Treatment Plant as follows:

"The approval and filing of this plat does not guarantee that connections will be permitted to the Haikey Creek Wastewater Treatment Plant. The owner of each lot is responsible for obtaining from the Superintendent of Waterworks and Sewerage in Tulsa a connection contract and/or connection permit, certifying to capacity. If capacity is not available, connection of the lot will not be permitted."

Mill Creek Bridge II (continued)

- (c) Page 6, paragraph 3.7: Add provision that these setbacks shall not encroach where easements are greater than the specified setback.
3. 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.
 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. (overhead lines on "south".)
 5. Water plans shall be approved by the Water and Sewer Department prior to release of the final plat.
 6. Pavement repair within restricted water lines 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. (RMUA approval required. Also see 2b above.)
 8. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer. (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. (Compensatory storage required.)
 10. Street names shall be approved by the City Engineer. Show on plat as required.
 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. 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 "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 (other) Subdivision Regulations shall be met prior to release of the final plat.

Mill Creek Bridge II (continued)

***Later in the meeting, Mr. Ben Franklin, owner of the property, wished to address the issue. He did not think the proposed expressway should have to be outlined on his plat, since this is something the City plans to do in the future. This is condemnation without compensation and will force him into a legal position that will be difficult.

In order to reopen this case, Chairman Kempe advised a motion is needed to reconsider the vote. Commissioner C. Young commented he would make such a motion, although it is unusual and requested the discussion be kept at a minimum. Commissioner Petty was concerned because other interested parties might have been present during the previous discussion but have since left the meeting.

On MOTION of C. YOUNG, the Planning Commission voted 5-2-0 (Higgins, Hinkle, Kempe, C. Young, T. Young "aye"; Gardner, Petty "nay"; no "abstentions"; Benjamin, Draughon, Miller, Inhofe "absent") to reconsider the vote previously made on Mill Creek Bridge II.

Commissioner C. Young explained the Planning Commission merely wants to inform anyone purchasing property in this area that the expressway is a possibility. A notation will clearly be put on the plat that this is for information purposes only.

Commissioner T. Young felt buyers should be aware of what they are buying. Units of government should give proper notice of plans and construction, zoning and land use. This includes transportation plans and notice was given for the public hearings that were held to consider the plans. The plan has been amended with notices given. He does not believe this Commission needs to go beyond the notice required in the adoption of a plan and the subdivision plat is not the place to give notice of something that may or may not occur. The public does have an opportunity to find out these facts. Title attorneys should have such information available.

Commissioner C. Young did not think the notation in the location map is sufficient. It should be easily seen; and, a notation in the location map does not seem to serve any purpose, unless it is put on the face of the plat. The Legal Department has advised the Commission to place a notation on the face of the plat and Commissioner C. Young would stand behind that opinion.

Commissioner T. Young would advocate a change in the Subdivision Regulations to eliminate this requirement, since he does not believe it is a constitutional requirement. If a notation is necessary, in order not to cause financial harm, he suggested keeping the notation in the location map until such time as the Regulations can be amended.

Chairman Kempe explained the Rules and Regulations Committee studied this and the recommendation to the Planning Commission was to follow the Subdivision Regulations and the policy adopted that, henceforth, the expressways would be shown on the plat.

Mill Creek Bridge II (continued)

Mr. Ben Franklin is the developer for Mill Creek Pond and Mill Creek Bridge, as well as several other subdivisions. He considered this issue before purchasing the property because he was aware it did lie in the expressway right-of-way. After discussions with various representatives from the Highway Transportation Department, the concensus seemed to be the expressway would not be built due to lack of funds. The initial advice of his legal counsel was not to develop the property. About a year ago, however, this opinion was changed and they decided to proceed. He feels showing the expressway, even in the location map, is not a valid requirement. The truth is that the Highway Department has no definite plan and has changed the location many times. This would not be factual information on the plat.

Commissioner C. Young stated there is a Major Street and Highway Plan that has been adopted and is on file with the County Clerk, available to the public. Mr. Franklin has admitted the property was purchased with the knowledge there is a plan. This put him on notice and the Commission wants others to be aware of this.

Commissioner Higgins noted the Rules and Regulations Committee met twice to consider the question. This opinion is not something the Committee accepted without question, but was thoroughly researched.

Commissioner T. Young did not feel the City Legal Department is a court, but an operation of the City to define things in the interest of the City. The orientation of this interpretation needs to be taken into consideration. He felt a written opinion would be appropriate and requested action be deferred until such an opinion is submitted.

Mr. Gardner explained the Rules and Regulations Committee merely asked the Legal Department if the Subdivision Regulations needed to be amended; and, the opinion of the legal counsel was that the Regulations already required the notation on the plat and no amendment was necessary. The Commission needed to enforce the requirement.

MOTION was made by C. YOUNG, seconded by HIGGINS, to approve the Staff and T.A.C. recommendation.

Mr. Passo advised the Commission that the Legal Department would submit a written opinion, if requested.

On MOTION of C. YOUNG, the Planning Commission voted 6-1-0 (Gardner, Higgins, Hinkle, Kempe, Petty, C. Young "aye"; T. Young "nay"; no "abstentions"; Benjamin, Draughon, Miller, Inhofe "absent") to approve the Preliminary Plat of Mill Creek Bridge II, subject to the conditions previously stated, including notation of the expressway on the face of plat.

Commissioner Higgins requested a legal opinion from the City Legal Department. She felt some type of document should be filed on other plats having an expressway through the tracts so it would be equal treatment.

Mill Creek Bridge II (continued)

Commissioner T. Young felt the only opinion needed from the Legal Department is whether or not the location of a proposed expressway in the location map sufficiently addresses the provision in the Sub-division Regulations.

Commissioner C. Young also requested a legal opinion as to why it is necessary for this notation to be on the face of the plat, based on the Subdivision Regulations. He additionally requested a legal opinion as to whether or not it would be possible or practical to file something at the Courthouse that would put the entire Major Street and Highway Plan in every subdivision plat. He does not want to see the issue dropped.

Commissioner T. Young felt this issue is enough of a concern to be dealt with by both the City and County Commissions. He requested a letter be sent to the Commission asking if they wish to amend the Subdivision Regulations.

On MOTION of C. YOUNG, the Planning Commission voted 7-0-0 (Gardner, Higgins, Hinkle, Kempe, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Benjamin, Draughon, Miller, Inhofe "absent") to request the following:

1. That a Legal Opinion be requested to determine if the lines showing a future expressway can and should be placed on the plat;
2. That a Legal Opinion be requested as to whether or not the entire Major Street and Highway Plan could be noted on all abstracts or filed of record so it would be noticeable on all abstracts; and,
3. that a letter be written to the City and County Commissions asking if a hearing should be held to amend the Subdivision Regulations to delete this requirement.

Pecan Tree Place Amended (PUD #278)(3193) SW corner of 55th Street and South
Lewis Avenue (OL)

The Staff presented the plat with the applicant represented by Mike Taylor.

Apparently, this amended plat is being filed only to divide the tract into three lots. (This could have been done by a simple lot-split.) However, by dividing the tract into three lots, two of them will not have direct access to the sewer. (SEE #4 below.) A new building has been constructed on Lot 1. The other two are vacant.

The Staff advised the applicant to assure himself that the changes comply with all PUD requirements, including Site Plan approval.

The Technical Advisory Committee and Staff recommended approval of the Preliminary Plat of Pecan Tree Place Amended, subject to the conditions.

Mike Taylor informed the Commission Charles Norman is the attorney representing the client. It was Mr. Norman's opinion that, because of the Unit Ownership Act and Laws, a replat was required rather than a lot split.

Mill Creek Bridge II (continued)

Mr. Ben Franklin is the developer for Mill Creek Pond and Mill Creek Bridge, as well as several other subdivisions. He considered this issue before purchasing the property because he was aware it did lie in the expressway right-of-way. After discussions with various representatives from the Highway Transportation Department, the concensus seemed to be the expressway would not be built due to lack of funds. The initial advice of his legal counsel was not to develop the property. About a year ago, however, this opinion was changed and they decided to proceed. He feels showing the expressway, even in the location map, is not a valid requirement. The truth is that the Highway Department has no definite plan and has changed the location many times. This would not be factual information on the plat.

Commissioner C. Young stated there is a Major Street and Highway Plan that has been adopted and is on file with the County Clerk, available to the public. Mr. Franklin has admitted the property was purchased with the knowledge there is a plan. This put him on notice and the Commission wants others to be aware of this.

Commissioner Higgins noted the Rules and Regulations Committee met twice to consider the question. This opinion is not something the Committee accepted without question, but was thoroughly researched.

Commissioner T. Young did not feel the City Legal Department is a court, but an operation of the City to define things in the interest of the City. The orientation of this interpretation needs to be taken into consideration. He felt a written opinion would be appropriate and requested action be deferred until such an opinion is submitted.

Mr. Gardner explained the Rules and Regulations Committee merely asked the Legal Department if the Subdivision Regulations needed to be amended; and, the opinion of the legal counsel was that the Regulations already required the notation on the plat and no amendment was necessary. The Commission needed to enforce the requirement.

MOTION was made by C. YOUNG, seconded by HIGGINS, to approve the Staff and T.A.C. recommendation.

Mr. Passo advised the Commission that the Legal Department would submit a written opinion, if requested.

On MOTION of C. YOUNG, the Planning Commission voted 6-1-0 (Gardner, Higgins, Hinkle, Kempe, Petty, C. Young "aye"; T. Young "nay"; no "abstentions"; Benjamin, Draughon, Miller, Inhofe "absent") to approve the Preliminary Plat of Mill Creek Bridge II, subject to the conditions previously stated, including notation of the expressway on the face of plat.

Commissioner Higgins requested a legal opinion from the City Legal Department. She felt some type of document should be filed on other plats having an expressway through the tracts so it would be equal treatment.

Mill Creek Bridge II (continued)

Commissioner T. Young felt the only opinion needed from the Legal Department is whether or not the location of a proposed expressway in the location map sufficiently addresses the provision in the Sub-division Regulations.

Commissioner C. Young also requested a legal opinion as to why it is necessary for this notation to be on the face of the plat, based on the Subdivision Regulations. He additionally requested a legal opinion as to whether or not it would be possible or practical to file something at the Courthouse that would put the entire Major Street and Highway Plan in every subdivision plat. He does not want to see the issue dropped.

Commissioner T. Young felt this issue is enough of a concern to be dealt with by both the City and County Commissions. He requested a letter be sent to the Commission asking if they wish to amend the Subdivision Regulations.

On MOTION of C. YOUNG, the Planning Commission voted 7-0-0 (Gardner, Higgins, Hinkle, Kempe, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Benjamin, Draughon, Miller, Inhofe "absent") to request the following:

1. That a Legal Opinion be requested to determine if the lines showing a future expressway can and should be placed on the plat;
2. That a Legal Opinion be requested as to whether or not the entire Major Street and Highway Plan could be noted on all abstracts or filed of record so it would be noticeable on all abstracts; and,
3. that a letter be written to the City and County Commissions asking if a hearing should be held to amend the Subdivision Regulations to delete this requirement.

Pecan Tree Place Amended (PUD #278)(3193) SW corner of 55th Street and South
Lewis Avenue (OL)

The Staff presented the plat with the applicant represented by Mike Taylor.

Apparently, this amended plat is being filed only to divide the tract into three lots. (This could have been done by a simple lot-split.) However, by dividing the tract into three lots, two of them will not have direct access to the sewer. (SEE #4 below.) A new building has been constructed on Lot 1. The other two are vacant.

The Staff advised the applicant to assure himself that the changes comply with all PUD requirements, including Site Plan approval.

The Technical Advisory Committee and Staff recommended approval of the Preliminary Plat of Pecan Tree Place Amended, subject to the conditions.

Mike Taylor informed the Commission Charles Norman is the attorney representing the client. It was Mr. Norman's opinion that, because of the Unit Ownership Act and Laws, a replat was required rather than a lot split.

Pecan Tree Place Amended (continued)

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

1. All conditions of PUD #278 shall be met prior to release of the final plat, including any applicable provisions in the covenants or on the face of the plat.
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. (overhead lines on perimeter)
3. 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.
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 City Commission. (Storm water detention as previously approved.)
5. Access points shall be approved by City and/or Traffic Engineer.
6. 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.
7. 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.)
8. All (other) Subdivision Regulations shall be met prior to release of the final plat.

Valley Glen Condo's (1994) 3200 Block of South 108th East Avenue (RM-1)
The Staff presented the plat with the applicant NOT represented.

This plat had an approval (Preliminary, 8/5/81), but expired since it was not completed. This is the same plat being resubmitted.

The Technical Advisory Committee and Staff recommended approval of the Preliminary Plat of Valley Glen Condo's, subject to the conditions.

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

Valley Glen Condo's (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.
2. Water plans shall be approved by the Water and Sewer Department prior to release of the final plat. (if required)
3. 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). (Add this to covenants.)
4. 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)
5. Identify 33rd Street (east of 108th) and show width of 108th East (60').
6. 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.
7. A topo map shall be submitted for review by T.A.C. (Subdivision Regulations) (Submit with drainage plans)
8. 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 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. 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.

For Final Approval and Release:

Tri-Center Village (1393) 27th and S. 85th E. Ave. (CS, OM)

The Staff advised the Commission that all approval letters had been received and final approval and release was recommended.

Tri-Center Village (continued)

On MOTION of C. YOUNG, the Planning Commission voted 7-0-0 (Gardner, Higgins, Hinkle, Kempe, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Benjamin, Draughon, Miller, Inhofe "absent") to approve the final plat of Tri-Center Village and release same as having met all conditions of approval.

Request to Waive Plat:

Z-5731 Interstate Central Extension (2893) NW corner of 51st Street and South Yale Avenue (OMH)

The Staff presented the request with the applicant represented.

This is a request to waive plat on Lots 9 & 10 of the above subdivision since it is already platted. Only reason for the request is to permit operation of a car wash north of the existing service station. The Board of Adjustment application #12552 has been approved, pending review of a more detailed site plan on May 19, 1983. The tract is "subject to a plat" and the applicant is requesting waiver because nothing will physically change at this time. (The east 201' of Lot 10 is being split off under L-15802).

The Technical Advisory Committee and Staff recommended approval of the Waiver of Plat on Z-5731, subject to the following conditions:

- (a) Grading plans through the permit process.
- (b) An additional 10' of right-of-way will be required on Yale Avenue, plus a 30-foot radius at the corner.
- (c) Changes in access and/or limitations will be required. (Note that the plat shows only one 50-foot access (25 feet each side property line) at the southwest corner of Lot 10 and the same at the northeast corner of said lot on Yale. Plot plan shows numerous other access points that apparently have no official approval. Access to Lot 9 was not limited in any way by the original plat.)
- (d) Not a condition for approval of the waiver, but the Staff notes that the car wash building encroaches on the building line of 110' from the centerline of Yale, but does meet the original platted 50-foot building line or 100 feet from the centerline of Yale. (Building lines on the plat were established before Major Street Plan on Yale increased from 100 to 120 feet.)
- (e) Sewer main extension required to "Tract A" shown on drawing.
- (f) Perimeter, standard utility easements required (11').

The Staff advised the Planning Commission that all of the conditions have been met except condition (a). It is their recommendation this request for waiver of a plat be approved, subject to condition (a).

On MOTION of HIGGINS, the Planning Commission voted 7-0-0 (Gardner, Higgins, Hinkle, Kempe, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Benjamin, Draughon, Miller, Inhofe "absent") to approve the request to waive the platting requirements for Z-5731, subject to the completion of condition (a) listed above.

Z-5765 (Unplatted)(2792) 4200 South 33rd West Avenue (CS, OL and RS-3)

The Staff made the following summary on this development:

This is a request to waive plat on a small tract on the east side of South 33rd West Avenue at 52nd Street. Proposed use is an office/warehouse which has had the approval of the Board of Adjustment under Case #12529. The Board has imposed conditions on the use of the property and allowed a number of variances. Access control agreement may be needed. Paving and drainage plans will be required in the permit process. The applicant is requesting waiver of all or part of the Major Street Plan requirement for dedication of 50' from the centerline of 33rd West Avenue.

The applicant was represented by Ken Cox, Jr. The City Engineering Department advised the T.A.C. there was a 72" storm drain and easement diagonally across the southwest corner of this tract, right through the proposed buildings. Also, the Traffic Engineering Department would not recommend waiver of the Major Street Plan. Access points should also be reduced to two drives and an "Access Control Agreement" executed. The Water and Sewer Department advised the applicant to receive assurance of access to the existing sewer.

The development needed to be completely redesigned due to the storm sewer and right-of-way dedications. The applicant and his attorney have since been working with the applicable agencies and have prepared a new plot plan, taking into consideration the comments and/or requirements of the T.A.C. meeting on May 12, 1983.

Ken Cox, Jr., advised the T.A.C. that the applicant will execute a "Removal Contract" with the City and provide piers and protection for the storm sewer in accordance with the City Engineer's requirements.

Access has been changed and approved by the Traffic Engineer, subject to signing an access control agreement.

The Technical Advisory Committee and Staff, therefore, recommended approval of the Waiver of Plat on Z-5765, subject to the conditions.

Mr. Ken Cox represented Mr. Gerald Snow, a developer. The only question would be condition (c), dedication of the right-of-way. Currently, South 33rd West Avenue is 60' in width; and, an additional 20' of right-of-way would place the right-of-way too close to the front of the houses. He would request the deletion of condition (c).

Commissioner C. Young did not think the City had the right to require additional right-of-way in this manner. A MOTION was made by Commissioner C. Young to approve the request except for the additional dedication of 20' of right-of-way.

Commissioner Petty questioned how much right-of-way would be involved if a plat were required. Mr. Gardner explained the same amount would be required. The point is a legal one. If a plat were required, the right-of-way would be required. The request is that the provision be waived whether or not the tract is platted.

Z-5765 Unplatted (continued)

Mr. Wilmoth noted there could not be any additional structures on that 20 feet because the Board of Adjustment has tied the developer to the plot plan.

On MOTION of C. YOUNG, the Planning Commission voted 6-1-0 (Gardner, Higgins, Hinkle, Kempe, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Benjamin, Draughon, Miller, Inhofe "absent") to approve the request to waive the platting requirements for Z-5765, subject to the following conditions which exclude the provision for "Dedication of right-of-way to meet the Major Street Plan requirement from 50' from the centerline":

- (a) Removal Contract and protection of storm drain as required by the City Engineer.
- (b) Access control agreement.
- (c) Grading plans in permit process.

BOA #12602 Berrymans Estates Addition (393) 146 S. Sheridan Rd (RS-3)

This is a request to waive plat on Lots 2, 3, 4, 5, 12, 13, 14, 15 and 16, Block 7 of the above named plat. The proposed use is a day care school or center in an existing church building. Nothing will be changed from the existing buildings and/or platting. Right-of-way on South Sheridan was dedicated with the original plat and meets the Major Street Plan. It is recommended the request be approved.

On MOTION of GARDNER, the Planning Commission voted 7-0-0 (Gardner, Higgins, Hinkle, Kempe, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Benjamin, Draughon, Miller, Inhofe "absent") to approve the request to waive the platting requirements for BOA #12602.

Change of Access Review:

Second Amended Plat of Warren Center (483) SW/corner of 61st & S. Yale (CH)

The proposed changes were recommended and approved by the City Engineering Department to coincide with the intersection and street improvements on Yale and 71st Street. This request has received approval by the Traffic Engineer and the Staff also recommends approval.

On MOTION of HINKLE, the Planning Commission voted 7-0-0 (Gardner, Higgins, Hinkle, Kempe, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Benjamin, Draughon, Miller, Inhofe "absent") to approve the requested change of access for the Second Amended Plat of Warren Center.

Reinstatement of Plat:

Forest Park Patio Homes (PUD 139)(3692) 57th Pl. & S. Owasso (RM-1)

Mr. Wilmoth advised a letter was received from the owner. This plat just recently expired because the applicant did not follow up after final approval and release. All the Staff work has been completed and there are no changes. The Staff recommended the plat be reinstated. It will have to be brought back for City Commission approval and has to meet the PUD requirements.

Forest Park Patio Homes Reinstatement of Plat (continued)

On MOTION of HIGGINS, the Planning Commission voted 7-0-0 (Gardner, Higgins, Hinkle, Kempe, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Benjamin, Draughon, Miller, Inhofe "absent") to approve the request and reinstate the plat for Forest Park Patio Homes.

LOT SPLITS:

For Waiver:

L-15816 Taste Makers, Inc. (1993) SE of the SE corner of 31st Street and
South Rockford Avenue (RS-3)

This is an application to split two existing duplexes on the party-wall to allow separate ownership of each side. Previous lot split #12388 and Board of Adjustment #9701 were approved for the duplex use. The right-of-way along 31st Street and on Rockford Avenue was previously dedicated, including a partial waiver of the Major Street Plan. (Right-of-way on 31st total 40' from the centerline, with the additional 10' being waived.) The Staff sees no objection to the split, subject to the necessary utility expansions and/or agreements for maintenance of common lines. There will be no change in the physical appearance of the area.

Water and Sewer Department advised that Tracts B and C have no water and A and D have no sewer. Extension and/or easements or other assurance must be made for these services. Some additional easements will be required.

The Technical Advisory Committee and Staff recommended approval of L-15816, subject to the conditions.

On MOTION of T. YOUNG, the Planning Commission voted 7-0-0 (Gardner, Higgins, Hinkle, Kempe, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Benjamin, Draughon, Miller, Inhofe "absent") to approve the request to waive the lot split requirements for L-15816, subject to the following conditions:

- (a) Board of Adjustment approval.
- (b) Maintenance agreement for commonly owned utility lines or extensions thereof.
- (c) Utility easements as needed between Tracts C and D and along the south property line.

L-15817 Gray Development Co. (1583) West of the NW corner of 91st Street
and Sheridan Road (RM-1)

This request is to split a portion of Chimney Ridge Townhomes (condo's) into three additional tracts for separate ownership during construction only. Two interior Tracts (A & B) will not have direct frontage on a dedicated street, but do have access by the interior private streets.

L-15817 (continued)

Utilities were designed in the platting process, but some short extensions might be necessary. Board of Adjustment approval will be required for the two tracts without frontage on 91st Street. The applicant is also advised that he should ascertain the setbacks, livability space and parking for each individual tract and make sure it meets the RM-1 standards. If not, specific requestes would be included in his Board of Adjustment application.

The applicant was not represented.

The Technical Advisory Committee and Staff recommended approval of L-15817, subject to the condition.

On MOTION of GARDNER, the Planning Commission voted 6-0-0 (Gardner, Hinkle, Kempe, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Benjamin, Draughon, Higgins, Miller, Inhofe "absent") to approve the requested waiver of the lot split requirements for L-15817, subject to the following condition:

(a) Board of Adjustment approval.

For Ratification of Prior Approval:

L-15833 (3193) Douglas Crews
15679 (3193) Toby and Laura Powell
15821 (2892) Laura Buckendorf
15822 (3394) Tom Grant, Jr.
15823 (3602) T.U.R.A.
15832 (194) J.B. Harrison

On MOTION of C. YOUNG, the Planning Commission voted 6-0-0 (Gardner, Hinkle, Kempe, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Benjamin, Draughon, Higgins, Miller, Inhofe "absent") that the approved lot splits listed above be ratified.

OTHER BUSINESS:

PUD #190 - Lot 38, Block 1, Minshall Park I Addition

Staff Recommendation - Minor Amendment

The subject lot is located at the northwest corner of 75th Street and South Lakewood Avenue. The PUD conditions call for a 25-foot rear yard setback and the applicant is requesting to reduce that to 21 feet. Since the lot is located on a corner, both yards abutting the streets are 25 feet and requiring a third yard to be 25 feet, also, would make the lot extremely difficult to build on. Therefore, the Staff recommends APPROVAL of the requested 21-foot rear yard, subject to the Plot Plan submitted.

TMAPC Action: 6 members present.

On MOTION of C. YOUNG, the Planning Commission voted 6-0-0 (Gardner, Hinkle, Kempe, Petty, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Benjamin, Draughon, Higgins, Miller, Inhofe, "absent") to approve the requested minor amendment to PUD #190, subject to the Plot Plan submitted.

PUD #190 - Minshall Park I Addition

Staff Recommendation - Minor Amendment

Lot 3, Block 5

The subject tract is located in a developing single-family subdivision. The PUD conditions call for a 25-foot rear yard; however, the underlying zoning is RS-3, which only requires a 20-foot rear yard and there have been several requests in this subdivision for encroaching into the rear yard. The stem-walls are in place on the subject tract and the house is under construction. However, the Staff cannot find any hardship for encroachment into the rear yard, except the economic hardship of the building being under construction. Therefore, the Staff cannot support the request.

We would note that abutting property owners were notified and they may not have any objections or concerns. The Commission could approve the request, since the actual distance of encroachment (4 feet) does fall within the Board of Adjustment Guidelines for a minor variance.

Lot 13, Block 7

The subject tract is located in a developing single-family subdivision. The PUD conditions call for a 25-foot rear yard; however, the underlying zoning is RS-3 which requires only a 20-foot rear yard and there have been several requests in this subdivision for encroaching into the rear yard. The lot is slightly irregular and has a utility easement running along one side, making it difficult to place the house on the tract without encroaching into one of the setbacks. Since this lot backs up to a large open space drainage area, the more logical yard to encroach into is the rear yard; and, since the encroachment is minor, the Staff can support the request.

PUD #190 Minor Amendments (continued)

Therefore, the Staff recommends APPROVAL of a reduction of the rear yard from 25 feet to 20 feet on Lot 13, Block 7, Minshall Park I, subject to the submitted plot plan.

Lot 7, Block 12

The subject tract is located in a developing single-family subdivision. The PUD conditions call for a 25-foot rear yard; however, the underlying zoning is RS-3 which requires a 20-foot rear yard. There have been several requests in this subdivision for encroaching into the rear yard. The subject lot is odd-shaped making it difficult to place a building on it without encroaching into one of the setbacks. As shown on the plot plan, only a small portion of the rear corner of the building will be encroaching 5 feet. The Staff sees this as being minor.

Therefore, the Staff recommends APPROVAL of a reduction of the rear yard from 25 feet to 20 feet on Lot 7, Block 12, Minshall Park I Addition, subject to the Plan submitted.

Applicant's Comments:

Mr. Jerry Holland with Design Properties explained there are four lots in this PUD where they used the same floor plan. A building permit was received for Lot 3, Block 5 and the footings were in place when the building inspector denied a request for a building permit on the other lots. The plat called for 15' rear yard and the PUD had a 25' rear yard.

Mr. Compton explained the PUD conditions call for a 25' rear yard setback and the covenants reviewed by the Staff included a 25' rear yard setback. However, the plat filed of record showed a 15' rear yard setback. He is not sure if this was a typographical error in going from the approved covenants to the plat, but the Building Inspector has started using the PUD conditions to issue permits instead of the plat, as previously done. The Staff has been discussing the possibility of filing an additional covenant on the plat to indicate the rear yard requirement is actually 25 feet instead of 15 feet, but there are very few lots in Minshall Park I that have not already been constructed.

Mr. Gardner noted this is an economic hardship, which the Commission can consider.

In answer to Commissioner C. Young's inquiry, Mr. Holland stated the structure has been pried and the grade beam has been poured.

TMAPC Action: 7 members present.

On MOTION of C. YOUNG, the Planning Commission voted 7-0-0 (Gardner, Higgins, Hinkle, Kempe, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Benjamin, Draughon, Miller, Inhofe "absent") to approve the requested minor amendments for PUD #190, Lot 3, Block 5; Lot 13, Block 7; and Lot 7, Block 12, subject to the conditions set out in the Staff Recommendation.

PUD #294 Steve Schuller 96th and West side of Sheridan (Development Area "A")

Staff Recommendation - Detail Site Plan Review

The subject tract is located 1/2 mile south of the southwest corner of East 91st Street and South Sheridan Road. It is approximately 9 acres in size and approved for 48 single-family dwelling units. The applicant is now requesting Detail Site Plan approval.

The applicant has received approval of a Final Plat on the subject tract. Normally, the Staff would accept that approval in substitution for the Detail Site Plan approval on a single-family development; however, in this case, approximately 1/2 of the livability space for Development Area "A" is provided in Development Area "B". Therefore, the Staff could not accept the Final Plat alone as being the Detail Site Plan and requested the applicant submit a covenant restricting the use of Development Area "B" to open space and Development Area "C" to a total of 21 dwelling units. This would insure that if the applicant meets all other PUD conditions on a lot-by-lot basis, his development would be consistent with the Code.

The Staff has reviewed the submitted covenants and find them to be consistent with the PUD conditions and would recommend APPROVAL of the Final Plat for Mill Creek Bridge as being the Detail Site Plan, subject to the submitted restrictive covenants being approved by the Legal Department and filed of record in the County Clerk's Office.

Applicant's Comments:

Mr. Steve Schuller was present for the applicant and submitted the restrictive covenants.

TMAPC Action: 7 members present.

On MOTION of HIGGINS, the Planning Commission voted 7-0-0 (Gardner, Higgins, Hinkle, Kempe, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Benjamin, Draughon, Miller, Inhofe "absent") to approve the Detail Site Plan and the submitted restrictive covenants, subject to review by the City Legal Department.

Z-4900-SP-1 Paul Gunderson South of the SE corner, 71st & Mingo (Phase I)

Staff Recommendation - Minor Amendment to Site Plan

The subject tract is located approximately 1,000 feet south of the southeast corner of 71st Street and South Mingo Road. It is 16.58 acres in size and zoned CO. The applicant is requesting to encroach into the building setback along the entry road (73rd Street) 2 feet. The only portion of the building to encroach will be patios and balconies and the Staff can support that as being minor. In addition, the applicant is requesting to rearrange the central recreation/office complex. Since there are no building additions proposed than what was previously approved, the Staff can support the rearrangement as being minor, as long as the 10 feet between all buildings requirement is met.

Therefore, the Staff recommends APPROVAL of the Amended Site Plan, subject to the submitted Plan and meeting all other PUD conditions.

TMAPC Action: 7 members present.

On MOTION of HIGGINS, the Planning Commission voted 7-0-0 (Gardner, Higgins, Hinkle, Kempe, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Benjamin, Draughon, Miller, Inhofe "absent") to approve the requested minor amendment to Z-4900-SP, subject to the submitted plan and all PUD conditions.

PUD 128-A-4 Goble (R & S Development) Lot 41, Block 3 Kensington II Blocks
3-8 Amended

Staff Recommendation - Minor Amendment

The subject tract is located in a developing single-family neighborhood and is located at 7731 South Trenton Avenue. The applicant has requested an amendment to the 25-foot front setback to 20 feet to allow the proposed dwelling a larger rear yard.

After review of the application, the Staff finds the request to be minor in nature and recommend APPROVAL, per plot plan submitted, for the following reasons:

- (1) The applicant has a true hardship as defined by the Zoning Code with an irregular shaped lot;
- (2) several similar amendments have been granted in the area; and
- (3) a 20-foot setback will not be injurious to the neighborhood or have significant impact.

TMAPC Action: 7 members present.

On MOTION of C. YOUNG, the Planning Commission voted 7-0-0 (Gardner, Higgins, Hinkle, Kempe, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Benjamin, Draughon, Miller, Inhofe "absent") to approve the requested minor amendment to PUD 128-A per the plot plan submitted.

PUD 215 Development Area "C" (Staff) South and West of the SW corner of Memorial Drive and 81st Street

Staff Recommendation - Minor Amendment

Development Area "C" of Planned Unit Development #215 is located south and west of the intersection of 81st Street and South Memorial Drive and is approved for single-family, duplex and multifamily uses. Detailed Site Plans have been approved for Lots 1, 2 and 3, Block 1 of Creekwood Addition. A rear yard setback of 20 feet was required by the PUD. The total development area was not platted into one lot, but 3 lots; therefore, the rear setback is between development phases and not exterior yards. The buildings would be required to be set apart 40 feet. This is not required for any other buildings within the development and the Staff sees no reason to require it for these buildings and sees the change as being minor in nature.

The Staff, therefore, recommends APPROVAL of the rear yard setback for each building as depicted on the approved Detail Site Plans for the following buildings:

PUD 215 Minor Amendment (continued)

- (1) Lot one (1), Block One (1), Creekwood Addition
Building A-9
Building A-10
- (2) Lot Two (2), Block One (1), Creekwood Addition
Building 4.19
Building 3.14
- (3) Lot Three (3), Block One (1), Creekwood Addition
Building 2.11
Building 2.10
Building 1.08
Building 1.07

TMAPC Action: 7 members present.

On MOTION of HIGGINS, the Planning Commission voted 7-0-0 (Gardner, Higgins, Hinkle, Kempe, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Benjamin, Draughon, Miller, Inhofe "absent") to approve the requested minor amendment to PUD 215, Development Area "C" as recommended by the Staff.

PUD 314-1 Kelly Southwest corner of 51st Street and Union

Staff Recommendation - Minor Amendment and Detail Site Plan Review

Planned Unit Development No. 314 is located at the southwest corner of Union Avenue and the Skelly Bypass. It is approximately 16 acres in size and Development Area "A" consists of the west 8 acres. This area was approved to be used for miniature automobile racing tracts, video games, retail sales of clothing articles associated with the racing and concession sales activities. The applicant is now requesting to amend the PUD to reduce the setback from the south property line from 350' to 300' and to increase his building height from 20' to 25'. In addition, he is requesting Detail Site Plan review.

In reviewing the PUD conditions, the Staff finds that the applicant was required by the City to work with his neighbor to the west to develop adequate noise buffering. To fulfill this requirement, it became necessary to move the building closer to the south boundary. Since the initial setback was set, based upon the plat, and is not a condition of the Zoning Code; and, since the building is still 300' from the property line, the Staff can support this change as being minor in nature. Also, the applicant wishes to increase his building eave height from 20' to 25'. The PUD allows a 35-foot height in Development Area "B" and the underlying CG zoning has no height restriction. The Staff sees no reason to restrict the applicant to his initial 20-foot height, given the above facts; and, we can support this request as being minor.

After the above review, the Staff compared the PUD conditions to the submitted Detail Site Plan and found the following:

Item	Approved	Submitted
Land Area:	8 acres	8 acres
Minimum Floor Area:		
Main Building	10,000 sq. ft.	9,000 sq. ft.
Accessory Storage Bldg	4,600 sq. ft.	1,152 sq. ft.*
Minimum Off-Street Parking:	1/222 sq. ft.	
Main Building	40 spaces	73 spaces
Storage Building	1 space	1 space
Maximum Building Height:	25 ft.-eave ht.	25 ft.-eave ht.
Minimum Building Setbacks:		
From north property line	50 feet	250 feet
From Dev. Area "B"	150 feet	400 feet
From south property line	300 feet	350 feet
From west property line	30 feet	30 feet
Minimum Trails Setback:	10 feet	80 feet

*This structure can be temporary for one year, but must be removed or placed on a permanent foundation after the year ends.

Based on the above review, the Staff can recommend APPROVAL of the Detail Site Plan, subject to the Plan submitted, except the Staff notes that the Plan shows a 19-foot setback from the west property and a billboard located at the north central part of the tract, which we cannot support. The proposed building meets the PUD condition of a 30-foot setback and the applicant has eliminated the billboard; therefore, the Staff can support the plot plan with these changes.

Applicant's Comments:

Mr. Ron Kelly represented the applicant. Commissioner C. Young and Commissioner Petty wondered if the City had placed any restrictions on the hours of operation. Mr. Kelly recalled there was some discussion during the hearing before the Planning Commission concerning the hours of operation and the Commission was not positive they had the right to legislate hours of operation, so the applicant let it drop. Upon reviewing this project, the applicant does not have a problem with limiting the time to 10:00 a.m. until 10:00 p.m. during the school terms. However, they believe the hours should be increased until 1:00 or 1:30 a.m. during the summer on Saturday and Sunday. Mr. Kelly has discussed this with a security service staffed with members of the Tulsa Police Department and a contract will probably be forthcoming. They are trying to create a family environment with adequate supervision. The requested minor amendment has priority over the time factor, so Mr. Kelly did not include hours of operation in this minor amendment.

TMAPC Action: 7 members present.

On MOTION of C. YOUNG, the Planning Commission voted 7-0-0 (Gardner, Higgins, Hinkle, Kempe, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Benjamin, Draughon, Miller, Inhofe "absent") to approve the submitted Detail Site Plan, subject to the Plan submitted and the conditions set out in the Staff Recommendation.

There being no further business, the meeting was adjourned at 3:30 p.m.

Date Approved June 22, 1983

Cherry Kempe
Chairman

ATTEST:

Marilyn Girdle
Secretary

