

TULSA METROPOLITAN AREA PLANNING COMMISSION
MINUTES of Meeting No. 1488
Wednesday, January 4, 1984, 1:30 p.m.
Langenheimer Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Beckstrom Connery Flick Higgins Kempe, Chairman Rice Woodard C. Young, 1st Vice-Chairman	Draughon Hinkle Inhofe	Compton Gardner Martin Wilmoth	Linker, Legal Department

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, City Hall, on Tuesday, January 3, 1984, at 11:30 a.m., as well as in the Reception Area of the INCOG offices.

Chairman Kempe called the meeting to order at 1:35 p.m.

MINUTES:

On MOTION of C. YOUNG, the Planning Commission voted 6-0-0 (Beckstrom, Connery, Kempe, Rice, Woodard, C. Young, "aye"; no "nays"; no "abstentions"; Draughon, Flick, Higgins, Hinkle, Inhofe, "absent") to approve the Minutes of December 14, 1983 (No. 1487).

REPORTS:

Director's Report:

Mr. Gardner advised that the City Attorneys Office tried a law suit on a lot split known as "Golden Pond". It was a flag lot with the building site located behind an existing house. The lot split was highly contested and there was more than one application filed on this particular piece of property. The judge ruled in favor of the plaintiff, Mr. John Rupe, and thus reversed the decision made by the Planning Commission. Because of the law suit the Commission may want to look into additional language or standards which should be followed in similar instances.

SUBDIVISIONS:

For Final Approval and Release:

Cedar Ridge Park (2483) 97th and So. Mingo (RS-3)

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

On MOTION of C. YOUNG, the Planning Commission voted 6-0-0 (Beckstrom, Connery, Kempe, Rice, Woodard, C. Young, "aye"; no "nays"; no "abstentions"; Draughon, Flick, Higgins, Hinkle, Inhofe, "absent") to approve the Final Plat of Cedar Ridge Park and release same as having met all conditions of approval.

Change of Access Review:

Dolman Addition (2593) South side of E. 41st Street, west of Mingo ..
Road (CS)

The purpose of this request is to move one access approximately 78' west from the present platted location. Total access points to property still remain the same. (One full access and one 25'.) The Traffic Engineer and Staff have approved the request.

On MOTION of C. YOUNG, the Planning Commission voted 6-0-0 (Beckstrom, Connery, Kempe, Rice, Woodard, C. Young, "aye"; no "nays"; no "abstentions"; Draughon, Flick, Higgins, Hinkle, Inhofe, "absent") to approve the requested change of access for Dolman Addition.

Request to Waive Plat:

Z-5886 (Tulsa Urban Renewal Authority)(2502) 250 E. Apache (CS,OL)

This is a request to waive plat on land rezoned by TURA in Block 1, ACRE GARDENS ADDITION and YATES SUBDIVISION of ACRE GARDENS. The Staff has never required TURA to request waivers or file plats since it is a public agency, and Section 260 of the Zoning Code requires plats or waivers of "... a private party" not a public agency. The plats filed and processed by TURA and TMAPC on previous urban renewal projects have been done by mutual agreement between the Planning Commission and Urban Renewal in order to clarify and define new streets, easements, etc. in the larger projects. TURA has never been required by anyone to file plats or waivers.

The Building Inspection office refuses to release this property without a formal waiver. Staff feels that this additional paper work of both the Staff and Planning Commission is unnecessary and time-consuming. This is the first time Building Inspection has required this. The Staff recommends that the plat requirement be waived to satisfy the Building Inspection Department. (Nothing would be gained by a plat because this is already platted, is within a formally adopted Urban Renewal Plan and the necessary right-of-way for street widening on Apache is already dedicated.)

Z-5886 (Tulsa Urban Renewal Authority) (continued):

There was limited discussion concerning the possibility of adopting a new policy on waiving the platting process for public agencies. The Chairman requested that the Legal Department study the matter and come back before the Rules and Regulations Committee with their determination.

On MOTION of C. YOUNG, the Planning Commission voted 7-0-0 (Beckstrom, Connery, Higgins, Kempe, Rice, Woodard, C. Young, "aye"; no "nays"; no "abstentions"; Draughon, Flick, Hinkle, Inhofe, "absent") to approve the request to waive plat for Z-5886.

LOT SPLITS:

For Ratification of Prior Approval:

L-16003	(2093)	Robert Law
L-16067	(2203)	Getty Refining & Mkt.

On MOTION of C. YOUNG, the Planning Commission voted 7-0-0 (Beckstrom, Connery, Higgins, Kempe, Rice, Woodard, C. Young, "aye"; no "nays"; no "abstentions"; Draughon, Flick, Hinkle, Inhofe, "absent") that the approved lot splits listed above be ratified.

Continued Zoning Public Hearing:

Z-5742-A INCOG East of the southeast corner of 31st & Delaware Place
North of the northwest corner of 38th & Delaware Place
Northwest corner of 36th & Lewis Place
Southeast corner of 34th & Gary (RS-2 to RS-1)

Chairman Kempe advised that this zoning application needs to be continued to the February 1, 1984 meeting.

On MOTION of C. YOUNG, the Planning Commission voted 7-0-0 (Beckstrom, Connery, Higgins, Kempe, Rice, Woodard, C. Young, "aye"; no "nays"; no "abstentions"; Draughon, Flick, Hinkle, Inhofe, "absent") to continue consideration of Z-5742-A until Wednesday, February 1, 1984, at 1:30 p.m. in Langenheim Auditorium, City Hall, Tulsa Civic Center.

PUD 342 Johnsen (Letney) Southwest corner of 71st & Mingo Road

(CS & OL)

The Staff advised that this application needs to be continued to the January 11, 1984 hearing.

On MOTION of C. YOUNG, the Planning Commission voted 7-0-0 (Beckstrom, Connery, Higgins, Kempe, Rice, Woodard, C. Young, "aye"; no "nays"; no "abstentions"; Draughon, Flick, Hinkle, Inhofe, "absent") to continue consideration of PUD 342 until Wednesday, January 11, 1984, at 1:30 p.m., in Langenheim Auditorium, City Hall, Tulsa Civic Center.

Other Business:

PUD 216-3 (Lot 14, Block 2, Hunters Pointe)

Staff Recommendation - Minor Amendment

The subject tract is located at 4305 East 98th Street and is a part of an approved single-family development. Similar requests for porte-cocheres have been approved with either side or front yard variances within this subdivision. The applicant in this case is proposing to encroach 5 feet into the 35-foot front setback with a roof supported by 4-foot wide columns on either end of the structure. The remaining front of the porte-cochere will be open. Since an eave can be extended into a yard two feet by right the actual request would be the additional 3 feet. The Staff sees this as minor and recommends APPROVAL of a 30-foot front setback, subject to the plan submitted and no portion of the area being enclosed now or in the future.

Applicant's Comments:

Mr. Lorin Smith, 3778 E. 82nd Street, represented Mr. Bhojani who is the home owner. The house is situated on the corner of the street and meets the 35' setback on all sides with the exception of the front setback in order to allow the porte-cochere. Additional space is needed to allow sufficient room for a car to be parked in the drive. The porte-cochere is presently located on the building line and the applicant wants to extend the porte-cochere an additional 5' into the building setback to allow for a 17' wide porte-cochere as opposed to the 12'.

Commissioner C. Young asked if the house is built and Mr. Smith answered in the affirmative and stated that no one is presently living in the residence. Mr. Smith stated if the 5' setback is not accommodated for, the use of the larger porte-cochere will not be built.

Protestants Comments:

Mr. David Bagley, 2409 E. Skelly Drive, attorney for the Hunter's Point Property Owners' Association, Inc., submitted a letter to the Commission containing the reasons why the Association is in objection to the amendment (Exh. A-1). The Association felt that the request constitutes an illegal and improper attempt to circumvent established amended provisions by the use of a minor amendment provision in the Zoning Code pertaining to PUDs. The Code does allow for minor amendments but only in circumstances which comply with the subdivision restrictions. The Association also does not feel the request is in substantial compliance with the plan of the subdivision. Mr. Bagley also advised that the restrictions for the subdivision provide exactly how they are to be amended in that they must be approved by the TMAPC and by more than 75% of the property owners within the subdivision.

Commissioner C. Young suggested that the TMAPC is not a party to the Restrictive Covenants of any subdivision. He suggested that the protestants address their feelings if the request is a minor amendment and if this Commission has the right to act on this proposal.

Russell Linker, Assistant City Attorney, suggested that the Restrictive Covenants should be of some concern to the Commission but not the sole deciding factor.

PUD 216-3 (continued):

Mr. Bagley stated that the property owners feel that if the Commission deems this request as a minor amendment with no further action it contravenes the established restrictions and the law. He stated that the Association has other concerns such as the architectural review of the design as submitted by the applicant.

Mr. Roger Seamans, 4235 E. 96th Place, stated he is a property owner in the area and a member on the Architectural Review Committee for Hunter's Pointe Subdivision. He stated he supported the Committee's decision at the outset of the project to maintain strict covenants in their building codes in this subdivision. Mr. Seaman stated that everyone in the subdivision has complied with the minor exceptions, all of which have been approved by the Architectural Committee. In this instance the proposed house was disapproved by the committee before any excavation or any concrete was ever poured. The committee and property owners in the area feel the structure is not architecturally appealing to this particular lot in question.

The Staff advised that there is a provision for minor variances and exceptions through the PUD process. Mr. Johnson, who represented the developer in the beginning, filed a covenant with this Commission to review and process minor changes in setback, etc. Although this request is minor in nature the Zoning Code does not preclude the Planning Commission from giving notice to abutting property owners. The Commission might wish to continue this item to allow for notices to be sent to abutting property owners for additional input. The Staff is not required to send out notices concerning a minor amendment. The minor amendment standard is 20% or less of what a required yard would be and in this instance that would allow up to 7' encroachment.

Commissioners C. Young and Flick stated they felt the request was very minor in nature. Mr. Young said he would have no objection to continuing the application to allow notice be given to the surrounding owners. Mr. Flick did not feel that notice is necessary in this case.

Mr. Gardner suggested that if notices were sent out and the matter was passed for one week it would give the applicant and the neighbors time to come to some agreement. If the parties concerned can not come to an agreement the Commission would then have to make the decision. Mr. Gardner stated that the main concern of the Staff was that the porte cochere be open and not enclosed.

Mr. Linker suggested that the Commission first decide if additional notice is needed and if it is not needed the Commission would be permitted to act on the matter today.

TMAPC Action: 8 members present.

On MOTION of C. YOUNG, the Planning Commission voted 8-0-0 (Beckstrom, Connery, Flick, Higgins, Kempe, Rice, Woodard, C. Young, "aye"; no "nays"; no "abstentions"; Draughon, Hinkle, Inhofe, "absent") to continue consideration of PUD 216-3 until Wednesday, January 11, 1984, at 1:30 p.m., in Langenheim Auditorium, City Hall, Tulsa Civic Center to allow notice to be sent out to property owners within 300 feet of the property in question.

PUD 216-3 (continued):

Further Discussion:

Chairman Kempe further explained that part of the purpose in the continuance is to allow the homeowners association and the builder to come to terms with the problem and to hear input from the other property owners in the immediate area.

There being no further business, the Chair adjourned the meeting at 2:20 p.m.

Date Approved January 18, 1984
Cherry Kempe

Chairman

ATTEST:

Cecilia Smith
Acting Secretary