

TULSA METROPOLITAN AREA PLANNING COMMISSION
 MINUTES of Meeting No. 1494
 Wednesday, February 15, 1984, 1:30 p.m.
 Langenheim Auditorium, City Hall
 Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Beckstrom, 2nd Vice-Chairman	Flick	Compton	Jackere, Legal Department
Connery	Hinkle	Gardner	Linker, Legal Department
Draughon	Rice	Martin	
Higgins	C. Young	Wilmoth	
Kempe, 1st Vice-Chairman	Inhofe		
Woodard			

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, City Hall, on Tuesday, February 14, 1984, at 11:39 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, First Vice-Chairman Kempe called the meeting to order at 1:35 p.m.

MINUTES:

On MOTION of WOODARD, the Planning Commission voted 6-0-0 (Beckstrom, Connery, Draughon, Higgins, Kempe, Woodard, "aye"; no "nays"; no "abstentions"; Flick, Hinkle, Rice, C. Young, Inhofe, "absent") to approve the Minutes of February 1, 1984 (No. 1492).

SUBDIVISIONS:

The Meadows Mobile Home Park (892) West 11th Street and South 65th West Avenue
(RMH)

The Staff presented the plat with the applicant represented by Jack Sheridan.

This plat has been in various stages and processes for over 15 months. The Staff provided a summary of the activity as of this date: (February 9, 1984). A list of conditions applicable to the current plat was provided by the Staff. Many of these conditions are carry-overs from previous reviews and some are new, since the concept of the plat changed from rental MHP to a MH Subdivision. Mr. Sheridan provided an updated plat that had been revised to meet some of the conditions. However, since the updated copy was submitted at the T.A.C. meeting and only one copy was provided, the Staff and T.A.C. reserve the right to add any conditions necessary to meet the requirements previously outlined.

The Technical Advisory Committee and Staff recommended approval of the Preliminary Plat of The Meadows Mobile Home Park, subject to the conditions.

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Beckstrom, Connery, Draughon, Higgins, Kempe, Woodard, "aye"; no "nays"; no "abstentions"; Flick, Hinkle, Rice, C. Young, Inhofe, "absent") that the Preliminary Plat of Meadows Mobile Home Park be approved, subject to the following conditions:

1. What is area 10' in width along east side of plat? If this is a setback, show as a dashed line and continue lot lines to exterior of plat.
2. Spell out or use standard abbreviations for easements. Identify the 24.75' along section line as "Statutory Eastment - 24.75'".
3. Clearly identify all easements, mutual access easements, and building lines.
4. Face of plat and written portion should agree when referring to Reserves and/or drainageway easements. (Face shows a "Reserve A", but the written portion refers to "Restrictive Drainageway".)
5. Include a portion in the written part of the plat to define what "Reserve B" is and who will maintain it; what it is for, etc.
6. Show bearings on centerline of Levee easement.
7. Covenants, Deed of Dedication for streets, etc.:
 - 1st line: add a "D" to "Street".
 - 7th line: add "to and" and after the word "egress".
8. Covenants:
 - Include standard language for water and sewer services.
9. The Staff has no objection to private interior streets in the subject tract. However, the Zoning Code does not provide for same in the mobile home subdivision. Either a PUD or Board of Adjustment application will need to be filed to permit "zero frontage for interior lots on a private street".

The Meadows Mobile Home Park (continued)

10. 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.
11. Water plans shall be approved by the Water and Sewer Department prior to release of the final plat.
12. 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).
13. 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.
14. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer. (Include improvements for 11th Street, 11th Place and 65th West Avenue.)
15. 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. (No roadways will be allowed in the drainageways, subject to approval of the City Engineer. If private, provide for maintenance of drainage.)
16. The storm water detention area should be shown on the plat as a separate lot, or "Reserve Area" and the proper language included in the covenants for maintenance thereof. (Detention is required or storm sewer for 100-year capacity direct to Arkansas River.)
17. 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.)
18. 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.
19. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
20. Use standard abbreviations of easements. Show bearings and distances for Cherokee Pipeline easement. (All these easements need to be tied specifically to lot corners or reference points.) (Provide protection for existing pipelines to satisfaction of owners.)
21. 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.)

The Meadows Mobile Home Park (continued)

22. The Ordinance for Zoning Application (Z-5709) shall be approved and published before final plat is released.
23. 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.)
24. All (other) Subdivision Regulations shall be met prior to release of the final plat.

Walnut Ridge Center (1694) SE corner of 21st Street and South 129th East Ave.
(CS)

The Staff presented the plat with the applicant NOT represented.

Oklahoma Natural Gas Company advised that their right-of-way (25.25 feet) should be shown on 129th East Avenue.

The abutting streets (21st Place and South 130th East Avenue) will need to be improved for access to the lots facing those streets, see Condition #9.

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

Mr. Wilmoth advised this property will probably be developed as multi-family or duplex. Before the final approval is before the Commission it will be indicated if the applicant has filed for a BOA application to permit a 10-foot building line or if a 25-foot building line will be maintained.

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Beckstrom, Connery, Draughon, Higgins, Kempe, Woodard, "aye"; no "nays"; no "abstentions"; Flick, Hinkle, Rice, C. Young, Inhofe, "absent") that the Preliminary Plat of Walnut Ridge Center be approved, subject to the following conditions:

1. If the lots are all used for commercial purposes, the building lines on 21st Place and South 131st East Avenue should be 25'. If multi-family use is approved by the Board of Adjustment in the CS District, then RM-2 standards would apply which permits a 10' building line on nonarterial street. Plat should reflect the proposed uses.
2. Under title correct the letter "A" to "&" because a small part of this is unplatted. Also show the corner of 21st Street as being within that "additional dedication" unless the corner was dedicated by separate instrument.
3. The existing easements or underlying plat on MIZEL CENTER should be properly vacated to the satisfaction of the utilities. Also, suggest that the 22' east/west easement on the new plat be extended across Lot 17, between Lots 16 and 2. Dimension or reference the 45' easement at the SE corner of Lot 4.
4. Show a date on the final plat in a prominent place on face of the plat. (Release letters will reference this date.)

Walnut Ridge Center (continued)

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 the final plat.
7. 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).
8. A request for creation of a Sewer Improvement District shall be submitted to the Water and Sewer Department prior to release of the final plat.
9. A request for privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer. (if required in connection with storm water detention?)
10. 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.
11. A topo map shall be submitted for review by T.A.C. (Subdivision Regulations) (Submit with drainage plans)
12. Access points shall be approved by the City and/or Traffic Engineer. Include provisions for "Mutual Access Easements" in covenants.
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City-County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. 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.)
15. All (other) Subdivision Regulations shall be met prior to release of the final plat.

Camp Shalom Amended (PUD #307) (683) 71st Street at Wheeling Avenue (OM)

The Staff presented the plat with the applicant represented by Stewart Nyander.

This plat has been submitted for preliminary approval, but the format and the drawing are not sufficient for a preliminary plat. However, the Staff is reviewing the submittal as a SKETCH PLAT so that the developer will have some written guidelines for preparation of preliminary plat.

The Technical Advisory Committee and Staff recommended approval of the Sketch Plat of Camp Shalom Amended, subject to the conditions.

Camp Shalom Amended (PUD #307)(continued)

Mr. Wilmoth advised that the PUD is being recommended for sketch plat approval only, and it will be before the Commission at a later date for preliminary plat approval.

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Beckstrom, Connery, Draughon, Higgins, Kempe, Woodard, "aye"; no "nays"; no "abstentions"; Flick, Hinkle, Rice, C. Young, Inhofe, "absent") to approve the Sketch Plat for Camp Shalom Amended, subject to the following conditions:

1. Preliminary plat (and final) should be drawn at 1"/100' standard scale on the maximum paper size of 24' x 36'. Show a date on the face of the plats. (Release letters will refer to date(s) on plats submitted for release.)
2. Lots and block should correspond with the PUD Text for consistency. Storm water detention areas and drainageway should be clearly defined. Make sure that written portion of plat corresponds with the drawing.
3. Show access limitations on face of the plat, subject to approval of Traffic Engineer. Show intersection with South Wheeling in dashed lines for references.
4. Identify all adjacent land as "unplatted" or by name. Show a location map. Show a graphic scale.
5. All conditions of PUD #307 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. (Correct dates of approvals in copy of covenants submitted January 24, 1984.)
6. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. (P.S.O. needs east-west easement along north.) Existing easement should be tied to, or related to property and/or lot lines.
7. Water plans shall be approved by the Water and Sewer Department prior to release of the final plat.
8. 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).
9. Vehicular access and circulation shall meet approval of the Fire Department for fire protection.
10. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer.
11. 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).

Camp Shalom Amended (PUD #307) (continued)

12. It is recommended that the developer coordinate with Traffic Engineering Department during the early stages of street construction concerning the ordering, purchase, and installation of street marker signs. (Advisory, not a condition for release of the plat.) (if access street is to be given a name).
13. Covenants contain discrepancies or omissions from the PUD. Make sure all PUD conditions are listed in detail. Also define who maintains the mutual access easement. Item 8, page 3: add approval of City Engineer.
14. 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.
15. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
16. The key or location map shall be complete and shown on the face of the plat.
17. The restrictive covenants and deed of dedication shall be resubmitted for review with preliminary plat. (Include subsurface provisions, dedications for storm water facilities and PUD information, as applicable.)
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.

Danbrook Addition (2683) 101st Street and South 72nd East Avenue (RS-1)

First Vice Chairman Kempe advised that consideration of this preliminary plat needs to be continued to the March 7, 1984, hearing.

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Beckstrom, Connery, Draughon, Higgins, Kempe, Woodard, "aye"; no "nays"; no "abstentions"; Flick, Hinkle, Rice, C. Young, Inhofe, "absent") to continue consideration of preliminary plat approval for Danbrook Addition until Wednesday, March 7, 1984, at 1:30 p.m. in Langenheim Auditorium, City Hall, Tulsa Civic Center.

Christian Chapel (PUD #236-B) (1183) 76th Street and South 78th East Avenue
(OL and RS-3)

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

The Staff made the following report:

Christian Chapel (PUD #236-B) (continued)

This tract of land has been reviewed numerous times in the last four years. A sketch plat was approved June 26, 1980 under the name of "Sonora Hills" but was never taken any further. On April 29, 1982 a revision was made to the original PUD and a change in the street pattern submitted. The T.A.C. reviewed the change in street alignment and new concept on that date. Comments from that meeting are reproduced as follows:

"Sonora Hills (PUD #236-A) (1183) 76th Street and South Memorial Dr.
(RS-3 and OL)

This application is a resubmission on a tract of land which already had a sketch plat approval on June 26, 1980. It is essentially the same concept with some private streets and some dedicated streets. The exception is the street alignment on 76th Street. All previous reviews had shown an alignment through the property to line up with 75th Street on the east side of Memorial Drive, also a 60' collector street. Since this submittal is only a PUD review, the usual requirements will be made on the plat at a later date.

Roy Johnsen was present for the applicant. After discussion, the recommendations were:

- (a) Access: No median cut for access drive on north. Possible median cut for 76th Street. No objection to 76th Street alignment at this time.
- (b) On-Site storm water detention required.
- (c) The Park Department input will be required regarding the stub street to the Park.
- (d) This is in Haikey Creek watershed and will require approval of RMUA.
- (e) Some slight realignment of the 12" waterline on Memorial will be required at 76th Street.

There were no objections to the general concept."

Since this is the first official submittal on the revised plan under PUD #236-B, the above conditions are being included in the requirements for approval of the preliminary plat or with modifications as needed by this latest application.

The Traffic Engineering Department advised that since the last review on April 29, 1982, Memorial had been improved and the median cuts made. The "possible median cut" for 76th is no longer applicable and Traffic Engineer advises that NO LEFT TURNS and NO MEDIAN CUT will be provided for 76th Street! If developer wants to provide left turns, the original plat, approved in previous sketch and submitted will have to be used which provides a curve to the north to align with 71st Street.

Christian Chapel (PUD #236-B) (continued)

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

There was some discussion concerning this preliminary plat approval, and the Staff stated their only concern is that if this does not meet the area of open space as designated in the PUD because that street had to curve to the north they would not want the preliminary approval to keep the Commission from making the applicant comply with the PUD conditions. It must meet the open space requirements, and it is not the Staff's intent to deviate from the approved PUD conditions. Mr. Wilmoth felt that condition #6 covered the Staff's concerns.

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Beckstrom, Connery, Draughon, Higgins, Kempe, Woodard, "aye"; no "nays"; no "abstentions"; Flick, Hinkle, Rice, C. Young, Inhofe, "absent") that the Preliminary Plat of Christian Chapel be approved, subject to the following conditions:

1. East 76th Street should be included in the plans (PEPI) for this phase to provide access directly to Memorial without construction traffic going through the existing single-family subdivisions to the south and west.
2. Access to the park property to the north was not addressed in the PUD minutes. If access to the park is sought by that agency, then the necessary easements and/or agreements will be shown on the plat or as required by the Park Department.
3. The Staff has no objection to the scale as shown (1" = 60'), but the applicant is reminded that the three standard scales are 1" = 100', 1" = 50', or 1" = 200'.
4. On face of plat show the following:
 - (a) Building lines in accordance with the PUD.
 - (b) Identify both dedicated streets (East 76th Street South and South 78th East Avenue).
 - (c) Identify the park to the north also as "unplatted".
 - (d) Show the following easements unless modified by utilities at T.A.C. meeting.

Lot 1, Block 1: 11' on west, 17½' on north, 17½' on east or 11' + 11' by separate instrument.
Lot 1, Block 2: 11' on the west and 11' on the south.
Lot 1, Block 3: 11' on south.

(Utilities may require easements along the extreme north (17½') and south to extend all the way out to Memorial across the unplatted land.)
 - (e) Show 25' building lines on Lot 1, Block 2.
 - (f) Update location map. (Famco Heights)

Christian Chapel (PUD #236-B) (continued)

5. Covenants:

Some of the conditions outlined pertain to the unplatted tract to the east, which is Development Areas I and V under the PUD. It should be clear in the covenants what area is being referred to. The Staff suggests that the lot and block number be referenced after the development area number, or in the case of the land in Development Areas I & V the "unplatted land to the east..." (Square footages, setbacks, and other PUD information appear to be O.K. at this time. Dates are O.K.)

Since this is on Haikey Creek System, include proper language in covenants regarding connection to the treatment plant.

6. All conditions of PUD #236 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.
7. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements should be tied to, or related to property and/or lot lines.
8. Water plans shall be approved by the Water and Sewer Department prior to release of the final plat, including any required "off-site" plans.
9. 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. (Also see #5 above.)
10. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer.
11. Paving and 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. (Show detention area and additional drainage easements as required.)
12. 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.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City-County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited. (Health Department)
14. 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.)

Christian Chapel (PUD #236-B) (continued)

15. A "letter of assurance" regarding installation of improvements shall be submitted prior to release of the final plat. (Including documents required under Section 3.6 (5) of the Subdivision Regulations.)
16. All (other) Subdivision Regulations shall be met prior to release of the final plat.

Wembley Station (PUD #342) (1283) SW corner of 71st Street and Mingo Road
(CS and OL)

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

Water and Sewer Department advised that if Lot 3 is included in the plat, no release will be granted. The Staff advised that if Lot 3 is not included, he may need to amend the PUD to provide for a partial plat. The choice is up to the applicant. Drainage easements may be needed that will change building locations in Lot 2. A new site plan might be required.

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

Mr. Wilmoth stated there was some problem with the water service to this lot which can be worked out with the Water Department on their release letters and approvals. The applicant is aware of their concern.

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Beckstrom, Connery, Draughon, Higgins, Kempe, Woodard, "aye"; no "nays"; no "abstentions"; Flick, Hinkle, Rice, C. Young, Inhofe, "absent") that the Preliminary Plat of Wembley Station be approved, subject to the following conditions:

1. Identify East Pointe Center on the SE corner of 71st Street and Mingo Road. Building line on the west side of lot was amended to 60' by the City and Planning Commissions.
2. Covenants: 4th paragraph, Page 1, first line, add after "Whereas... Lots 2 and 3, Block 1". Page 4, 3.1.3 and 3.1.5 can be combined. Office building setback from west line is 60'. Include language for Haikey Creek Sewer System in Section 1.2, Page 3.
3. All conditions of PUD #342 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.
5. Water plans shall be approved by the Water and Sewer Department prior to release of the final plat.

Wemibly Station (PUD #342) (continued)

6. Pavement repair within restricted water line easements as a result of water line repairs due to breaks and failures shall be borne by the owner of the lot(s).
7. A request for creation of a Sewer Improvement District shall be submitted to the Water and Sewer Department prior to release of the final plat. (Also see #2 above.)
8. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer. (required for storm water detention) (Show drainage easements.)
9. Paving and/or drainage plans shall be approved by the City Engineer, including storm drainage and detention design (and Earth Change Permit where applicable), subject to criteria approved by the City Commission.
10. Access points shall be approved by the City and/or Traffic Engineer. (O.K.)
11. 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.
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.

Spring Valley 2nd Addition (2393) 98th Street and South 70th East Avenue
(RS-3 pending)

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

For the record, it is a policy of the City to require a 2nd point of access. Developer should contact Engineering Department and provide another point of access easement if at all possible, it may be temporary.

The Technical Advisory Committee and Staff recommended approval of the Preliminary Plat of Spring Valley 2nd, subject to the conditions.

On MOTION of WOODARD, the Planning Commission voted 6-0-0 (Beckstrom, Connery, Draughon, Higgins, Kempe, Woodard, "aye"; no "nays"; no "abstentions"; Flick, Hinkle, Rice, C. Young, Inhofe, "absent") that the Preliminary Plat of Spring Valley 2nd be approved, subject to the following conditions:

1. Show utility easements down middle of Block 2 and between Lots 1-5, Block 2.
2. Covenants: Include Haikey Creek information and language in Water and Sewer Section of covenants. Make it clear in Section D that the City is not a party to any private deed restrictions or that any of the utility grants expire. (This is not a PUD.)

Spring Valley 2nd Addition (continued)

3. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. *See #1 above. Existing easements should be tied to, or related to property and/or lot lines.
4. Water plans shall be approved by the Water and Sewer Department prior to release of the final plat.
5. A request for creation of a Sewer Improvement District shall be submitted to the Water and Sewer Dept., prior to release of the final plat. (Also see #2 above.) (Same minimum pad elevations may need to be shown.)
6. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer.
7. Paving and/or drainage plans shall be approved by the City Engineer, including storm drainage and detention design (and Earth Change Permit where applicable), subject to criteria approved by the City Commission.
8. Street names shall be approved by the City Engineer.
9. 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.)
10. 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.
11. The Zoning Ordinance for Application (Z-5922) shall be published before the final plat is released.
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.

FINAL APPROVAL AND RELEASE:

Sheridan Galleria (PUD #339) (2383) NE corner of 101st Street and South
Sheridan Road (CS and RM-1)

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

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

REQUEST TO WAIVE PLAT:

BOA #12909 Park Dale Addition (693) SW corner of 8th Street and Troost Avenue (RM-2)

This is a request to waive plat on Lots 1-4, Block 7 of the above named plat. The Board of Adjustment has approved an application of the Pythian Benevolence Association for a lodge building under the provisions of Section 1680, Use Unit #5, which carries a platting requirement under Section 260 of the Zoning Code. Since the land is already platted, public improvements and utilities are in place, and nothing would be gained by a new plat, the Staff recommends APPROVAL of the waiver. (The Board of Adjustment has placed controls and architectural design requirements on the property also.)

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Beckstrom, Connery, Draughon, Higgins, Kempe, Woodard, "aye"; no "nays"; no "abstentions"; Flick, Hinkle, Rice, C. Young, Inhofe, "absent") to approve the request to waive plat for BOA #12909.

LOT SPLITS:

For Ratification of Prior Approval:

L-15786	(894)	Clem Witt	L-16108	(1493)	Frontier Inv., Inc.
16060	(3691)	Jody Sherrell	16109	(2292)	Tom Ray
16094	(3294)	Midway Dev. Co.	16110	(793)	Boulder Bank
16104	(3602)	T.U.R.A.	16111	(383)	Gary Denslow
16105	(3602)	T.U.R.A.	16113	(683)	City of Tulsa
16106	(2603)	C & H Inv.	16115	(193)	Jack Hart
16107	(3602)	T.U.R.A.			

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Beckstrom, Connery, Draughon, Higgins, Kempe, Woodard, "aye"; no "nays"; no "abstentions"; Flick, Hinkle, Rice, C. Young, Inhofe, "absent") that the approved lot splits listed above be ratified.

Lot Splits for Waiver:

L-15985 Bank of Oklahoma (2282) East side of South 33rd West Avenue, South of 91st Street (AG)

This is a request to split off the north 1.65 acres of an 8.55 acre tract. This split will require a variance from the Board of Adjustment. Based on the fact that there are similar sized lots in the area, the Staff recommends approval of the request, subject to the approval of the Board of Adjustment. (Health Department approval has already been received.)

The applicant was represented.

The Technical Advisory Committee and Staff recommended approval of L-15985, subject to the condition.

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Beckstrom, Connery, Draughon, Higgins, Kempe, Woodard, "aye"; no "nays"; no "abstentions"; Flick, Hinkle, Rice, C. Young, Inhofe, "absent") to approve the request to waive the lot split requirements for L-15985, subject to the following condition:

L-15985 (continued)

(a) Board of Adjustment approval of lot size and width.

L-16102 (2702) Roy Girod NW corner of West Newton Avenue and Santa Fe (RS-3)

This is a request to split a 150' x 150' tract into a 50' x 150' tract on the north, and a 100' x 150' tract on the south. This split would require Board of Adjustment approval because of the required 60' lot width requirement. Based on the fact that there are other 50' lots in the area, there are existing residences on both lots, and that an increase of the density would not be applicable, the Staff recommends approval, subject to the approval of the Board of Adjustment.

Water and Sewer Department, for the record, advised that this area is subject to "sewer backup" in heavy rains or usage.

The applicant was represented.

The Technical Advisory Committee and Staff recommended approval of L-16102, subject to the condition.

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Beckstrom, Connery, Draughon, Higgins, Kempe, Woodard, "aye"; no "nays"; no "abstentions"; Flick, Hinkle, Rice, C. Young, Inhofe, "absent") to approve the request to waive the lot split requirements for L-16102, subject to the following condition:

(a) Board of Adjustment approval.

PUBLIC HEARING:

Spacing Between Outdoor Advertising Signs

Mr. Gardner advised that this public hearing deals specifically with spacing between outdoor advertising signs. Many meetings have been conducted concerning the spacing question and the proposed dimensions between the two different categories of signs. The Staff, representatives of the Building Inspection Department and Legal Department have met several times and have rewritten the language of the sign proposal for the Zoning Code. He submitted copies of the proposal for the Commission to review (Exhibit "A-1"). The language can be modified if needed with the aid of the Legal Department to more clearly state the intent of the proposal.

Mr. Gardner showed two diagrams of examples showing the spacing requirement along a freeway and along an arterial street. To more clearly understand the sign proposal the Staff supplied the Commission with two definitions. The first definition was the definition of freeway which was defined as: "a street designated on the Major Street Plan". The second definition is Freeway Sign Corridor which was defined as: "an area 400 feet in width on each side of and adjacent to the right-of-way of a designated freeway.

He stated that the intent of this proposal is that all signs, regardless of size, will be 750 feet apart on a radius distance unless otherwise provided. There are three exceptions to that rule which are as follows: (1) an outdoor advertising sign separated from any other outdoor advertising sign by a freeway, (2) a sign located within the freeway sign corridor must be separated a minimum distance of 1,200 feet from any other outdoor advertising sign on the same side of the freeway regardless of size of sign, and (3) signs outside the Freeway Sign Corridor that are 150 square feet or less and 20 feet in height or less shall maintain a 400-foot distance from any other outdoor advertising sign. The intent of the recommendation is to reduce the number of potential signs along the expressway and to maintain a proper separation of those signs.

There was discussion as to the signs which are presently in existence becoming nonconforming. The Legal Department representatives felt that it would be very difficult to determine which signs were nonconforming in all instances. Signs that do not conform are nonconforming unless it can be demonstrated as to the date of one sign and determine that it is legal and that the other one is nonconforming which presents a very difficult record keeping process. Both signs could be nonconforming and both could be permitted to make repairs. If there was an instance concerning two signs and you change the Ordinance which makes one sign nonconforming and one conforming it might be an unfair situation where one might be permitted to expand, make repairs or be replaced when the other is not permitted to do so. When you amend the Zoning Code and make a use or a structure nonconforming because of that change the structure or use can not be enlarged, expanded or repaired unless the new requirements are met. It was suggested that the Commission adopt a specific set of rules dealing with signs. The suggestion was to make rules pertaining to the destruction of signs and not rely on the basic nonconforming use provision in the Zoning Code. It might be impossible to determine which sign was in existence first.

Mrs. Higgins suggested that all the signs that are not spaced correctly are nonconforming and if one wants to expand they must prove that they were

Spacing Between Outdoor Advertising Signs: (Continued)

there first. She felt that the sign owner should have the right to make repairs or replace a sign so the signs will not remain in a state of disrepair.

First Vice Chairman Kempe advised that the Commission is now ready to hear comments from any interested party.

On MOTION of BECKSTROM, the Planning Commission voted 6-0-0 (Beckstrom, Connery, Draughon, Higgins, Kempe, Woodard, "aye"; no "nays"; no "abstentions"; Flick, Hinkle, Rice, C. Young, Inhofe, "absent") to limit each speaker to a 10 minute initial presentation and that the content of that presentation be restricted to the intent of spacing of outdoor advertising signs.

Mr. Louis Levy, attorney representing Omni Outdoor Advertising Company, stated that there was a moratorium placed on the outdoor advertising signs in the City of Tulsa when this company first moved to Tulsa approximately 4 months ago. He felt that the most important factor that regulates the number of signs and the location of those signs is zoning and not spacing. Oklahoma City recently passed an ordinance which provided for a 750' spacing requirement on surface streets on either side of the street or on the same side of the street with a 1,000' spacing requirement along expressways.

Mr. Levy stated that the sign proposal for Tulsa is more restrictive than in Dallas, Denver, Kansas City, Phoenix, Wichita, Oklahoma City or Houston according to a survey made by INCOG in November 1983. He submitted a copy of that survey (Exhibit "A-2"). Mr. Levy believed that the proposal would not work because Tulsa does not have the manpower to enforce it, because there are only an additional 20 to 25 spaces that can yet be utilized by billboard signs and because it would create a monopoly in favor of the largest outdoor advertising sign company in Tulsa--Donrey. Radius spacing has not been adopted in any city within the four state area included in the survey.

Omni Outdoor Advertising Company wants to compete in the sign industry with Donrey who has approximately 300 signs and Stokely Outdoor Advertising who has approximately 55 signs. Mr. Levy showed a map to the Commission indicating the proposed locations of signs for Omni and if the proposal is adopted as presented the 40 to 50 signs which have been applied for will be reduced to approximately 12 signs because of the restrictions. Mr. Levy stated that the only company that this proposal will adversely affect is Omni. He then submitted 3 letters from three other companies supporting the Omni proposal (Exhibit "A-3").

Mr. Roger Lister, general manager of Donrey Outdoor Advertising Company, addressed an issue of spacing which Mr. Levy referred to. Mr. Levy indicated that there would only be 12 locations in which to place billboards, but Mr. Lister submitted a list of 34 sign locations that have been applied by Omni which meets the 750-foot radius spacing and has been recorded with the City (Exhibit "A-4"). Mr. Lister stated that the ordinance which was recently passed in Oklahoma City concerning signs will be reviewed next month and after having checked with some of the City fathers they are not happy with what is occurring as relates to the number of signs that are being placed on the City streets.

Spacing Between Outdoor Advertising Signs: (Continued)

Mr. Lister advised that Donrey is the largest outdoor advertising company in Tulsa because they bought an existing company who had been in operation for 25 years previous and have been in operation for 13 years as Donrey. The attempt of Omni is to lessen the affect of the Staff's proposal to build a greater number of signs, but Mr. Lister stated he was in support of the Staff proposal to avoid sign proliferation which could cause a backlash with the public.

Mr. Bob McGarvey represented Omni Outdoor Advertising Company and stated he was in charge of handling the permit process and there have been 34 permits that have been tentatively approved by the Building Inspection Department. After working with Mr. Paul Sands, Sign Inspector, in this endeavor, out of 10 possible sign locations 5 were thrown out based on the proposal presented today. He felt that the number of possible signs permitted in Tulsa by Omni would be closer to the 12 figure than 34 as stated.

Mr. James Tidwell represented Donrey Outdoor Advertising Company and stated he was in concurrence with the Staff Recommendation of spacing of outdoor advertising signs and felt that the proposal would not allow proliferation of signs. He felt that a long term project is the best proposal for the sign industries which will allow for an orderly growth as opposed to a short term goal for various sign companies which could result in disaster for the industry by losing what faith has been placed in the industry by the community.

Mr. Thomas Quinn, 7419 South Jackson Avenue, stated he has been a sign contractor in Tulsa for six years and out of all the cities he has contacted, not one of the sign code changes have been provoked by public outcry but rather by certain companies who try to manipulate the city and the city fathers. There has been a moratorium on the sign industry for 90 days with a second moratorium which is approximately 30 days old, and of all the submitted proposals to the City there has not been an effort to compromise. To this day there have been no sign permits issued even under the temporary guidelines adopted approximately 30 days ago.

Mr. Quinn stated that the proposal recommended by the Staff is far too restrictive as it is 1000 to 1200% more restrictive than what was previously permitted by the Code. He felt it was very important to do away with the radius spacing proposal because it causes confusion to the industry and to the Building Inspection Office.

He felt that spacing is not the only issue involved in this determination and felt that grandfathering of signs should be addressed by this Commission. He felt there should not be an increase in the deterioration of existing signs but that the owners should be allowed to replace or repair a sign or that the landowner lease the sign to another company to beautify the City. If the signs are grandfathered, Mr. Quinn felt that the landowner should be protected and allow him to repair or replace an existing sign.

Mr. Gardner pointed out that the reason for the radius is because the Staff does not want to see outdoor advertising signs on all four corners of a four corner intersection, nor do they want the large or small signs spaced in rows that close together. He submitted three photographs showing sign clutter (Exhibit "A-5") in Oklahoma City. Mr. Louis Levy stated his objection to the Staff's additional comments.

Spacing Between Outdoor Advertising Signs: (Continued)

Mr. Bill Stokely represented Stokely Outdoor Advertising Company and addressed the grandfathering of signs and stated he was in support of grandfathering of the locations. If a billboard is already in place the landowner should be protected, and if the sign were to come down it should then follow the new rules. Someone else should have the right to come in and place a sign at that particular location if so desired.

Mr. Stokely stated he started his business by erecting one sign at 51st and Yale and gradually constructed more signs and has averaged 5 to 6 signs or billboards being erected over the last 5 years in Tulsa. Last year the Stokely Company erected approximately 12 signs in the City of Tulsa. Developing and establishing an outdoor advertising sign company takes time. He stated he was not necessarily in agreement with the specific spacing limitations as presented by the Staff but was very favorable of regulations because if restrictions are not placed on the industry the sign industry will cut their own throats.

There was some discussion on the grandfathering of signs. Mr. Linker, Assistant City Attorney, stated that the law of nonconforming uses doesn't always protect the person who is renting a piece of land that has a sign structure on there, but it is protecting the person who has the investment in the sign structure.

Mr. Ken Adams represented the Southeast Homeowners Association and stated he was in support of the Staff's Recommendation of the sign proposal including the radius limitation. He expressed a tremendous concern with the possibility of sign proliferation which the association opposes. Mr. Adams stated he would be very supportive of employing more sign inspectors with the City who specifically work to enforce the existing conditions of signs and to limit the number of potential signs. He added that he has written a letter to City officials pertaining to that request. He stated he was in favor of the proposal presented by the Staff to avoid visual pollution of signs in the City of Tulsa. He addressed the issue of grandfathering of signs and felt that the signs that are presently in place should be allowed to remain.

Mr. Camden Coffman represented Tyler Outdoor Advertising Company and asked specifically who will be protected if this sign proposal is adopted. He stated he would hate to see the City of Tulsa become a party to a power play of local industries by allowing them to use this Commission to limit competition. The proposal which was presented today has not been changed in the last 3 months in relation to the dimensions proposed. There were many proposals submitted at the Commission's request, and the proposal which Omni Outdoor Advertising Company submitted was supported by a majority of the outdoor advertising companies in Tulsa. He requested that the Omni proposal be considered today. There are a lot of limiting factors involved in the proposal presented today because not every piece of property is zoned properly. He requested that the Commission not be manipulated by any group or individual to limit competition.

Mr. David Rogers who is employed with Kings Electric in Catoosa, Oklahoma, and is an electrical contractor in the City of Tulsa stated that what makes or breaks ones business is percentage of profit and what makes percentage of profit is competition. He stated it is competition that has everything to do with percentage of profit so he questioned who this proposal would protect if it is adopted.

Spacing Between Outdoor Advertising Signs: (Continued)

Mr. Connery stated the Planning Commission is not trying to restrict or limit competition. Everyone is in favor of competition, however, this Commission has the task of helping to establish rules and regulations under which competition can occur. If these guidelines are not established there will be anarchy rather than competition.

First Vice Chairman Kempe advised that Mr. Quinn, Mr. Stokley and Mr. Levy have requested that they be permitted to present additional comments for the Commission to consider.

Mrs. Higgins stated she would be willing to allow the three men to have an additional 5 minutes for comments if the remarks would be different than what has already been presented. Mr. Backstrom felt that the Commission should go into review session and if additional information is needed, the people who requested additional time could then be heard. He also stated that the Commission has reviewed the sign proposal on many occasions, and he was not pleased with the tenor of many of the remarks made today that implied the Planning Commission and Staff are trying to protect a particular business interest. He assured the public that that is not the case.

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Beckstrom, Connery, Draughon, Higgins, Kempe, Woodard, "aye"; no "nays"; no "abstentions"; Flick, Hinkle, Rice, C. Young, Inhofe, "absent") to close the public hearing.

There was discussion as to adopting an ordinance dealing with the grandfathering of signs and the Staff advised that the Commission could not act on that aspect of the public hearing today because it has not been properly advertised but it could be brought back to the Commission at a later date.

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Beckstrom, Connery, Draughon, Higgins, Kempe, Woodard, "aye"; no "nays"; no "abstentions"; Flick, Hinkle, Rice, C. Young, Inhofe, "absent") to approve the Staff Recommendation of the sign spacing with the final language to be worked out by representatives of the Staff and Legal Department.

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Beckstrom, Connery, Draughon, Higgins, Kempe, Woodard, "aye"; no "nays"; no "abstentions"; Flick, Hinkle, Rice, C. Young, Inhofe, "absent") to direct the Staff to look into the nonconforming use of signs with the intent to provide some relief to the land owners and sign companies.

The Staff advised that they would report back to the Commission on March 7, 1984, concerning the grandfathering issue.

CONTINUED ZONING PUBLIC HEARING:

Application Nos. Z-5920 & PUD 351 Present Zoning: RS-1
Applicant: Johnsen/Kouri (Leake-Gish) Proposed Zoning: OL
Location: North of the NE corner of 45th Street and Harvard Avenue

Date of Application: December 15, 1983
Date of Hearing: February 15, 1984
Size of Tract: .14 acre (Z-5920), 1 acre PUD

Presentation to TMAPC by: Roy Johnsen
Address: 324 Main Mall Phone: 585-5641

Relationship to the Comprehensive Plan: Z-5920

The District 6 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low-Intensity -- No Specific Land Use.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts", the requested OL District may be found in accordance with the Plan Map.

Staff Recommendation: Z-5920

Site Analysis -- The subject tract is approximately .14 acres in size and located just north of the northeast corner of 45th Street and South Harvard Avenue. It is wooded, gently sloping, vacant and zoned RS-1. It is to be assembled with the longer tract to the north and west and processed as PUD #351.

Surrounding Area Analysis -- The tract is abutted on the north by a medical building zoned OL, on the east and south by the back yards of several single-family dwellings zoned RS-1 and on the west by vacant land and several office uses zoned OL.

Zoning and BOA Historical Summary -- Past zoning actions have established OL along the frontage of Harvard to a depth that would include the subject tract.

Conclusion -- Based upon the Comprehensive Plan designation, land uses surrounding the subject tract and existing zoning patterns, the Staff recommends APPROVAL of the requested OL zoning.

Staff Recommendation: PUD #351

The subject tract is 1-acre (gross) in size and located on the east side of Harvard Avenue approximately 200 feet north of 45th Street South. It is vacant, zoned OL, and the applicant is requesting PUD supplemental zoning to build a 2-story office building.

The Staff has reviewed the proposal and have identified one concern. The Code allows a height of greater than 1-story in OL only by Board of Adjustment action or through the PUD process. This is to insure compatibility between light office use and single-family residential. The Staff can support the requested height for the structure and the 85-foot setback from the east property line, but the height and 12-foot setback combination from the south property line is not compatible without additional precautions. The Staff would recommend no

Z-5920 and PUD #351 (continued)

windows be allowed on the south side of the proposed structure above the 1st story level.

Given the above modification, the Staff finds the proposal to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of the area; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, the Staff recommends APPROVAL of PUD #351, subject to the following conditions:

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

- (2) Development Standards:

Land Area (Gross):	1-acre
Permitted Uses:	As permitted by right within an OL District
Maximum Floor Area:	17,500 sq. ft.
Maximum Building Height:	42 feet/2 stories
Minimum Building Setbacks:	
From Harvard Avenue Centerline:	165 feet
From North Boundary:	12 feet
From East Boundary:	85 feet
From South Boundary:	12 feet
Off-Street Parking:	1 space per 300 sq. ft. floor area
Minimum Landscape Open Space:	10% of net area
Other Bulk and Area Requirements:	As required within an OL District

- (3) That signs shall comply with the requirement of the PUD Ordinance and that the project be limited to 1 monument sign not exceeding 12 feet in height, 32 square feet in display surface area, and illumination, if any, shall be by constant light.
- (4) That a Detail Site Plan be submitted to and approved by the TMAPC, including elevation plans showing no windows on the south side of the structure above the first story, prior to the issuance of a Building Permit.
- (5) That a Detail Landscape Plan be approved by the TMAPC and installed prior to occupancy, including a six-foot screening fence along the east and south boundary lines.
- (6) That no Building Permit shall be issued until the requirements of Section 260 of the Zoning Code have been satisfied and submitted to and approved by the TMAPC and filed of

Z-5920 and PUD #351 (continued)

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.

- (7) That particular attention be given to solving the runoff problem in the area and that the hydrology plans be approved by the City Engineer.

Applicant's Comments:

Mr. Roy Johnsen represented Mr. James Leake and Mr. Charles Gish who are the developers of the subject property. Most of the property is zoned OL with the exception of a small rectangular portion in the southeast corner. The southeast portion of the property was under other ownership in previous years but has now been acquired as part of this tract, and if approved for OL today the entire subject property will be zoned OL.

Mr. Johnsen felt the relationship of this property to abutting single-family properties and drainage was of most concern in the application.

He reminded the Commission that the Harvard frontage from 41st to 51st Streets has undergone a transition to office use as the property was originally platted as single-family. There are single-family lots that back up to the subject property. These lots have exceptional depth. There is a greater separation from the dwellings to the subject property lines than often when single-family lots are abutting office use.

Mr. Johnsen submitted eight (8) photographs showing the subject property in relation to the surrounding properties (Exhibit "B-1") and a grading plan (Exhibit "B-2"). He then addressed the question of drainage and informed the Commission of a retaining wall along the north property line that as it approaches the east property line is about 6-feet in height. The drainage in the area comes from north of the subject property and runs across this tract to a southeastern direction toward the homes to the south and east. The applicant proposes to construct a curbing along the south boundary which will serve as a detention device and its highest point will reach 16" at the eastern portion of the property. The curbing has been designed to have a discharge point at the historical point of discharge on the property at a rate not greater than that which would occur had the property not been developed. In addition, because of previous complaints about water coming off this curb to adjoining properties there will be a baffling within the property. Mr. Johnsen submitted a Hydrological Investigation prepared for the proposed Leake Office Building by Jerry Ledford, the engineer for the project (Exhibit "B-3"). This report has been reviewed by the City Engineer who has approved this drainage concept for the subject property. The treatment of the drainage meets the City's criteria of not increasing the historical runoff and is an improvement over how the drainage was accomplished on the adjoining property which was of such a concern to the neighbors.

The applicant proposes to construct a 2-story office building which will capture a country courthouse or mansion type theme. The building will have a pitched roof and will be constructed of brick or possibly granite. An illustrative drawing was shown of the proposed office building

Z-5920 and PUD #351 (continued)

as it would face Harvard and a view from the southeast looking to the northwest was also shown. The building will be very attractive and residential in nature. The air conditioning and heating system will be shielded from view.

Mr. Johnsen stated he was in concurrence with the Staff Recommendation but wished to discuss the windows on the south building wall. If there are no windows permitted on the south side of the structure above the first story as recommended by the Staff it was suggested by Mr. Johnsen that the building will not be as marketable to potential tenants and will not be as compatible with the surrounding residences. He suggested an alternative to insure the privacy of the abutting single-family property owners would be by raising the seal of the second story windows to a height sufficient so that the person inside the office structure is not looking onto adjoining properties. He suggested that the seal be 6 feet above the floor level to meet the privacy question and would still give the tenant the natural light. This method was used for the Twenty-Six Oaks Office project at 49th and Lewis which is immediately abutted by single-family residences.

Protestants: David Barnes Addresses: 3311 East 45th Street
 Kathy Borchardt 3331 East 45th Street

Protestants' Comments:

Mr. Barnes stated he owns the second lot east of Harvard which would be directly affected by the proposed office structure in relation to privacy. Mr. Barnes' swimming pool is located approximately 50' from the rear property line with approximately 12' to the proposed structure. He stated he was in support of the Staff Recommendation concerning the treatment of privacy on the south side of the building that there be no windows on the second story. The privacy question was his only concern.

Mr. Beckstrom suggested that windows be permitted on the second floor on the south side to provide better marketable possibilities for tenants but suggested that a baffling could be accomplished through a certain type of louvered window. The Staff suggested to the Commission that they could choose between having no windows on the south side on the second floor, or allow light into the room without giving the view of Mr. Barnes' back yard by using the suggested louvers which would prevent anyone looking directly into the next lot but could only view the outside at an angle.

Mr. Barnes stated he is a builder and felt that if no windows were installed on the south side on the second floor it would be hard to lease and he suggested that the louvers looking in a westerly direction toward Harvard would provide the best solution.

Mrs. Borchardt stated she was concerned with the water runoff and elevation of the subject property. She stated she was in support of the Staff Recommendation that there be no windows on the second level on the south end of the building. She requested that an 8' fence be required rather than a 6' fence along the south and east property lines. She stated that her main concern was the water runoff and was not persuaded that the plan for water retention on the subject property would be adequate. She felt that the proposal is a plan for water deflection

Z-5920 and PUD #351 (continued)

rather than detention. She felt there was poor quality planning when the Medical Arts Building was constructed which is located north of the subject property causing runoff onto her property which is very burdensome.

There was limited discussion concerning the water runoff of the subject property onto Mrs. Borchardt's property. Chairman Kempe assured her that the City Engineer has imposed a requirement that the water runoff can not increase the rate of flow over and above the existing rate of flow. The Staff felt that the drainage conditions have existed for quite some time and the proposed project will not correct the problem but will not be allowed to increase the water flow problem. Mr. Johnsen addressed that concern and stated there will still be the same amount of water which comes onto Mrs. Borchardt's property but it will be detained.

Mr. Connery addressed the question of privacy and he felt that the Commission does not have the authority to impose any requirements on the construction of the building that would negatively impact future tenants of the building. The Staff reminded the Commission that the Zoning Code limits the use to a one-story office building, and the two-story structure can only be granted if it is the Commission's desire. The Commission also has the right to protect the residential properties. The Staff only imposed that condition of no windows on the south side and placed no requirement on the east boundary because of the greater setback.

Applicant's Rebuttal:

Mr. Johnsen again addressed the question of drainage. There has been considerable floods within 2 years of each other in this area which has caused a tremendous concern over drainage in this community. The Community has studied the drainage and has established criteria which is a continuing process. The basic criteria for drainage is that you not aggravate the downstream flow. He felt that the development meets the City Engineering Department requirements because the developers have engaged the service of an expert in hydrology and instructed him to study in detail the drainage plan. The City Engineering office has reviewed and approved that plan. The drainage won't be able to solve problems created by other developers, but the problem will not be made worse and perhaps will be better than before. The medical building to the north discharges water to the east and south. The water to the east flows to Mrs. Borchardt's property whether the subject property is developed or not.

Mr. Johnsen proceeded to inform the Commission that the technique of the 6' seal on the windows has been done by other developments and has been very successful. Theoretically one could place two-story houses on this tract which might be more of an invasion of privacy than a business. The building will be a professional office and suburban in location. He was not opposed to the 6' seal but felt that the louvers might detract from the architectural style of the building. Mr. Johnsen requested that the Commission consider the 6' seal to be sufficient protection given the physical facts that the distance the homes are away from the proposed use.

Z-5920 and PUD #351 (continued)

Protestant's Rebuttal:

Mrs. Borchardt addressed the windows on the east side on the second level. She first understood that the limitation was to be on the east side and south side of the building but was later informed that the limitation was only to be on the south side. If the second story windows on the east end of the building are not sealed or concealed it will give the tenants a view on her back yard activities. She suggested that the windows be louvered on the east which would allow a northern view or suggested that the 6' seal be required.

Mrs. Higgins inquired of the Staff the distance from Mrs. Borchardt's residence to the proposed office structure. Mr. Gardner stated that Mrs. Borchardt's house is approximately 190' from the proposed structure whereas Mrs. Barnes pool is approximately 55' from the proposed structure, therefore, Mrs. Borchardt's property is approximately 3 times farther away than the swimming pool.

Mr. Beckstrom felt that the Commission needs to be sensitive to the residents concerning the privacy issue but the matter should only be addressed on a reasonable request.

<u>Instruments Submitted:</u>	8 Photographs	(Exhibit "B-1")
	Grading Plan	(Exhibit "B-2")
	Hydrology Report	(Exhibit "B-3")

TMAPC Action: 6 members present.

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Beckstrom, Connery, Draughon, Higgins, Kempe, Woodard, "aye"; no "nays"; no "abstentions"; Flick, Hinkle, Rice, C. Young, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be rezoned OL:

Z-5920 Legal: The South-half of East 100 feet of Tract Ten, Block One, Villa Grove Heights No. 1, according to the recorded plat thereof in the City of Tulsa, Tulsa County, Oklahoma.

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Beckstrom, Connery, Draughon, Higgins, Kempe, Woodard, "aye"; no "nays"; no "abstentions"; Flick, Hinkle, Rice, C. Young, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be approved for Planned Unit Development #351, subject to the conditions set out in the Staff Recommendation with the exception of Condition #4 to be reworded as follows:

- 4) That a Detail Site Plan be submitted to and approved by the TMAPC, including elevation plans showing window modification for privacy on the south side of the structure above the first story, prior to the issuance of a Building Permit.

Mrs. Higgins suggested that the applicant and Mrs. Borchardt might possibly work something out between themselves concerning privacy on the east side of the building.

PUD #351 Legal: Tract Ten, Block One, Villa Grove Heights No. 1, according to the recorded plat thereof in the City of Tulsa, Okla.

OTHER BUSINESS:

PUD #343 (Development Area "B", Phase I)

Staff Recommendation - Detail Site Plan Review

The subject tract is located at the southwest corner of 81st Street and South Memorial Drive. It is approximately 19 acres (gross) in size and has an underlying zoning combination of RM-1, CS and RS-3. It has received approval of PUD supplemental zoning for a Retail-Office Complex.

The applicant is now requesting Detail Site Plan Review of the first phase of Development Area "B". The Staff has reviewed the submitted Site Plan and compared it to the approved PUD conditions and find the following:

<u>Item</u>	<u>Approved</u>	<u>Submitted</u>	<u>Remaining</u>
Area (Gross):	±8.06 acres	±5.33 acres	±2.73 acres
Permitted Uses:	CS District, except Use Unit 21	Retail	Office
Maximum Floor Area:			
1. Retail and Commercial:	60,000 sq.ft.	55,715 sq.ft.	None
2. Office/Studios and Accessory Uses:	150,000 sq.ft.	None	150,000 sq.ft.
Maximum Building Height:	None	None	None
Minimum Building Setbacks:			
From Centerline 81st St.:	125 feet	148 feet	NA
From Centerline Memorial:	135 feet	145 feet	NA
From Area "A":	20 feet	65 feet	NA
From Area "C":	10 feet	10 feet	10 feet
Minimum Off-Street Parking: Per Use Unit		252/Exceeds	Per Use Unit
Minimum Landscaped Open Space:	15%	Exceeds	15%

Based upon the above review, the Staff recommends APPROVAL of the Detail Site Plan for Phase I of Development Area "B", subject to the plans submitted.

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Beckstrom, Connery, Draughon, Higgins, Kempe, Woodard, "aye"; no "nays"; no "abstentions"; Flick, Hinkle, Rice, C. Young, Inhofe, "absent") to approve the Detail Site Plan for Phase I of Development Area "B" in PUD #343, subject to the plans submitted.

PUD #242 (Phase I)

Staff Recommendation - Detail Site Plan Review - Minor Amendment

Planned Unit Development #242 is located at the southeast corner of 51st Street and South 94th East Avenue. It has an underlying zoning of OL and IL and has been approved through PUD supplemental zoning for Office/Related Warehouse Complex. The applicant is requesting Detail Site Plan Review for Phase I.

The Staff has reviewed the applicant's submitted plans and find that he is proposing a Phase I which is larger than originally planned. However, the proposal is proportionally consistent with the standards approved for the total development and the Staff can support a minor amendment to change the phasing as follows:

	<u>Approved</u>	<u>Amended</u>
Maximum Floor Area:	42,880 sq. ft.	42,880 sq. ft.
Phase I:	21,120 sq. ft.	26,187 sq. ft.
Warehouse:	8,160 sq. ft.	10,707 sq. ft.
Office:	12,960 sq. ft.	15,480 sq. ft.
Phase II:	21,760 sq. ft.	16,693 sq. ft.
Warehouse:	10,880 sq. ft.	8,330 sq. ft.
Office:	10,880 sq. ft.	8,360 sq. ft.

Based upon the above review and the minor amendment, the Staff identified the following:

<u>Item</u>	<u>Approved</u>	<u>Submitted</u>	<u>Remaining</u>
Area (Net):	112,193 sq. ft.*	75,252 sq. ft.	36,941 sq. ft.
Permitted Uses:	Office use on west & north side of buildings:	Same	Same
	Warehouse use on east side of buildings:	Same	Same
Maximum Floor Area:	42,880 sq. ft.	26,187 sq. ft.	16,693 sq. ft.
Warehouse:	19,040 sq. ft.	10,707 sq. ft.	8,333 sq. ft.
Office:	23,840 sq. ft.	15,480 sq. ft.	8,360 sq. ft.
Maximum Building Height:	1-story	Same	Same
Minimum Off-Street Parking:	90	69	21
Minimum Building Setback:			
From 51st St.:	50 feet	70 feet	NA
From 94th E. Avenue:	25 feet	67 feet	25 feet

PUD #242 (Phase I) continued

From East Boundary:	20 feet	20 feet	20 feet
From South Boundary:	30 feet	NA	30 feet
Minimum Landscaped Open Area:	11,219 sq. ft.*	7,631 sq. ft.	3,588 sq. ft.

*These areas have changed because of final site engineering.

Based upon the above review, the Staff recommends APPROVAL of the Phase I Site Plan, subject to the plans submitted and APPROVAL of a minor amendment to change the phase sizes.

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Beckstrom, Connery, Draughon, Higgins, Kempe, Woodard, "aye"; no "nays"; no "abstentions"; Flick, Hinkle, Rice, C. Young, Inhofe, "absent") to approve the Site Plan for Phase I, subject to the plans submitted, and approval of the minor amendment to change the phase sizes for PUD #242.

PUD #190-18 (Lot 13, Block 7, Minshall Park I)

Staff Recommendation: Minor Amendment

The subject tract is located at 6217 East 76th Street, within an approved single-family development area. Other minor amendments to yard requirements in this area have been approved. Rear yards have been allowed to be reduced to 15 feet when there were specific problems identified that made it difficult to locate the house on a lot.

In this case, the applicant is requesting an 18.5 foot rear yard; however, the house is located at an angle to the property line and the average rear yard is 20.5 feet. It also backs up to a large open space/drainage area. Since placing the house on this lot would require encroachment into either the front or rear yard, we feel the encroachment onto the rear yard adjacent to open space is the most appropriate.

Therefore, the Staff recommends APPROVAL of an 18.5 foot rear yard on Lot 13, Block 7, Minshall Park I, subject to the plan submitted.

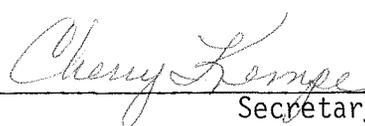
On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Beckstrom, Connery, Draughon, Higgins, Kempe, Woodard, "aye"; no "nays"; no "abstentions"; Flick, Hinkle, Rice, C. Young, Inhofe, "absent") to approve the minor amendment to PUD #190-18 for an 18.5 foot rear yard on Lot 13, Block 7, Minshall Park I, subject to the plan submitted.

There being no further business, the Chair adjourned the meeting at 5:00 p.m.

Date Approved March 7, 1984


Chairman

ATTEST:


Secretary

