

TULSA METROPOLITAN AREA PLANNING COMMISSION  
MINUTES of Meeting No. 1502  
Wednesday, April 18, 1984, 1:30 p.m.  
Langenheim Auditorium, City Hall  
Tulsa Civic Center.

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Beckstrom, 2nd Vice- Chairman Connery Draughon Flick Hinkle, Secretary Kempe, 1st Vice- Chairman Woodard Young, Chairman	Higgins Rice 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, April 17, 1984, at 11:32 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Young called the meeting to order at 1:30 p.m.

MINUTES:

On MOTION of WOODARD, the Planning Commission voted 6-0-0 (Beckstrom, Connery, Flick, Hinkle, Woodard, Young, "aye"; no "nays"; no "abstentions"; Draughon, Higgins, Kempe, Rice, Inhofe, "absent") to approve the Minutes of April 4, 1984 (No. 1500).

CHAIRMAN'S REPORT:

Chairman Young advised that the Staff has prepared a handout which will be read as the opening statement for the Planning Commission meetings in the future explaining the process of the hearing and rules which must be followed for an orderly meeting. He requested that the Commission members read and study the statement and if there are any changes which should be made they should be brought to his attention.

DIRECTOR'S REPORT:

Report from the Legal Department concerning litigation on L-15674.

Mr. Jackere, Assistant City Attorney, advised that this was the third case tried in the District Court, but it was the first lot split case of the three heard by the Planning Commission previously. This lot split is located in Brannif Hills and is nicknamed "On Golden Pond". He then explained the three lot splits. The Planning Commission denied the second and third splits which the District Court reversed. The Planning Commission approved the first split, and the District Court reversed that decision. The judge felt that the applicant had failed to meet his burden of proof in showing that there was an average lot width of 100', and he felt that the resulting lot would not conform to other lots in the area but would cause harm to other owners of property in the area. Mr. Jackere submitted a letter to the

Director's Report (continued)

Commission stating that since this was the applicant's appeal it was his right, but Legal Counsel did not recommend appeal by this Commission (Exhibit "A-1"). He suggested that the decisions by the Commission are not all consistent and perhaps a review of the prior approval procedure as it relates to lot splits would be in order.

Mr. Gardner advised that, as suggested by the Legal Department, the Staff has given some thought to this matter. At one time the Staff had suggested that if there be any flag lots or unusual lots to so advise the Commission. He also suggested that notice be given to the adjoining property owners when there is a flag lot or an irregular shaped piece of property to come before the Commission as a public hearing item. He suggested that this procedure be followed because it would be hard to judge whether the shape of a lot adversely affects adjoining property owners.

Mr. Jackere suggested that perhaps where there is a lot with multiple side yards that the Commission advertise and give notice on those lots.

Mr. Gardner suggested that this matter be referred to the Rules and Regulations Committee to determine how the Commission should handle irregular shaped pieces of property in determining whether notice should be given.

SUBDIVISIONS:

Preliminary Plat:

Coyote Canyon M. H. P. (PUD #310) (1490) East side of Campbell Creek Road, S. of Highway #51 (RMH, RS)

The Staff presented the plat with the applicant represented by Gary Howell, Engineer, and Coy Ward, owner.

The Technical Advisory Committee and Staff recommended approval of the PRELIMINARY PLAT of Coyote Canyon Mobile Home Park, subject to the conditions.

Mr. Gardner advised that there was an open lagoon in the southwest corner of the PUD which will now become open space. All the units will be on septic tanks as approved by the Health Department. This was one of the concerns expressed when the PUD was first before the Planning Commission.

On MOTION of HINKLE, the Planning Commission voted 6-1-0 (Beckstrom, Draughon, Flick, Hinkle, Woodard, Young, "aye"; Connery, "nay"; no "abstentions"; Higgins, Kempe, Rice, Inhofe, "absent") that the Preliminary Plat for Coyote Canyon M. H. P. be approved, subject to the following conditions:

1. Covenants: Section I; Include "gas lines". Section II: 1st paragraph; County Commission approved PUD on March 28, 1983, with implementing Resolution #103742. Para. 2 and other notations throughout the covenants: References to the Zoning Code should be to the Tulsa County Zoning Code. All conditions of the PUD, as amended, and as a result of site plan review should be detailed in the covenants. (Most are, but some minor differences should be double-checked after site-plan review.)
2. On the face of the plat, show approximate location of existing oil well with the "Boundary B" shown on the plat. A notation should be noted on the face of the plat as follows:

"No mobile home or dwelling unit shall be placed north of this line until oil well has been plugged in accordance with the rules of the Oklahoma State Corporation Commission and plugging records provided therefore."
3. On location map show the exterior boundary streets on the mile section even though they may not be open (for references).
4. All conditions of PUD #310 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.
5. 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.

Coyote Canyon M. H. P. (continued)

6. Water plans shall be approved by the applicable water authority 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. 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.
9. A topo map shall be submitted for review by T.A.C. (Sub. Reg's.) (Submit with drainage plans)
10. Street names shall be approved by the County Engineer. (Show West 22nd Street and West 23rd Street, followed by "Private".)
11. Access points shall be approved by the County Engineer.
12. It is recommended that the developer coordinate with the County 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. 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.
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. The method of sewage disposal and plans therefore, shall be approved by the City-County Health Department.
16. The owner or owners shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size, and general location. (This information to be included in restrictive covenants.) (Check with Highway Department. This is included in the covenants.)
17. The method of water supply and plans therefore, shall be approved by the City-County Health Department.
18. A Corporation Commission letter (or Certificate of Nondevelopment) shall be submitted concerning any oil and/or gas wells before plat is released. (A building line shall be shown on the plat on any wells not officially plugged.) (See Condition #2. Condition #18 applies if there were other wells, etc.)
19. This plat has been referred to Sand Springs and Mannford 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.

Coyote Canyon M. H. P. (Continued)

20. 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.)
21. All (other) Subdivision Regulations shall be met prior to release of the final plat.

Cooley Lake Mobile Addition II (594) North side of East Admiral Place at South  
117th East Avenue (CS, RMH)

Mr. Wilmoth advised that his preliminary plat needs to be continued to May 16, 1984.

On MOTION of WOODARD, the Planning Commission voted 7-0-0 (Beckstrom, Connery, Draughon, Flick, Hinkle, Woodard, Young, "aye"; no "nays"; no "abstentions"; Higgins, Kempe, Rice, Inhofe, "absent") to continue consideration of the Preliminary Plat for Cooley Lake Mobile Addition II until Wednesday, May 16, 1984, at 1:30 p.m., in Langenheim Auditorium, City Hall, Tulsa Civic Center.

Orchard View Addition (PUD #352) (683) North of the NE corner of 64th Street  
and South Peoria Avenue

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

NOTE: This was reviewed by T.A.C. on March 14, 1984, for a plat waiver. The T.A.C. recommended a plat and it was withdrawn from the Planning Commission agenda on March 21, 1984.

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

On MOTION of HINKLE, the Planning Commission voted 7-0-1 (Beckstrom, Connery, Draughon, Flick, Hinkle, Woodard, Young, "aye"; no "nays"; Kempe, "abstaining"; Higgins, Rice, Inhofe, "absent") that the Preliminary Plat for Orchard View be approved, subject to the following conditions:

1. All conditions of PUD #352 shall be met prior to release of the final plat, including any applicable provisions in the covenants or on the face of the plat. Include PUD approval date and references to Sections 1100-1170 of the Zoning Code, in the covenants.
2. Utility easements shall meet the approval of the utilities. Coordinate with the Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements should be tied to or related to property and/or lot lines. Use P.S.O. standard covenants.
3. Water plans shall be approved by the Water and Sewer Department prior to release of the final plat.
4. Pavement repair within restricted water line easements as a result of water and sewer line repairs due to breaks and failures shall be borne by the owner of the lot(s).

Orchard View Addition (continued)

5. A request for creation of a Sewer Improvement District shall be submitted to the Water and Sewer Department prior to release of the final plat.
6. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer. (if required for drainage and on-site detention)
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. Bearings, or true north-south, etc., shall be shown on perimeter of land being platted or other bearings as directed by the City Engineer.
9. Access points shall be approved by the City and/or Traffic Engineer.
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. Make sure Covenants and PUD Text agree. (Review indicates some slight differences. Also include provision that "Applicant's Text and Outline Plan is a part of approval unless modified". Correct TMAPC approval date to Show February 7, 1984.
12. Update and correct location map. (Innovare Park, Riverwood Office Park)
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.

Memorial Square Centre (PUD #360) (1483) NW corner of 91st Street and South  
Memorial Drive (CS, RM-1)

Mr. Wilmoth advised that consideration of this preliminary plat needs to be withdrawn. The Chair, without objection, withdrew consideration of the preliminary plat of Memorial Square Centre.

Hickory Hollow Patio Homes (494) SE corner of East 7th Street and South 131st  
East Avenue (RM-1)

The Staff presented the plat with the applicant represented by Phil Smith and Joe McCormick.

This was reviewed by the T.A.C. on January 26, 1984, but since there were numerous problems with utility and/or water and sewer services to the existing buildings, the plat was tabled. Some suggestions and/or recommendations were made and a copy of Minutes was provided.

Hickory Hollow Patio Homes (continued)

This plat is to divide an existing duplex project into individual lots for each duplex. (Not a division on the party wall.) Overall, the densities and setbacks meet the Zoning Code, but individually one of the lots falls a little short of area. By dividing the project into individual lots some setbacks would not meet the Code also. Board of Adjustment approval will be required for the subdivision, to permit the lot frontages on a private street and variances of some of the setbacks. The final plat should not be released until the Board of Adjustment approval is granted.

In discussion, utilities and particularly Water and Sewer Department indicated there would be problems in dividing the development because one meter served several buildings. Some of the area at the NE corner is in a floodplain. If the project were divided by the "Unit Ownership Act" as condominiums a replat wouldn't be required.

The applicant is working with Water and Sewer and Utilities for the proper language in the covenants. Gas should also be included. The underlying plat of "Latty Acres" should be properly vacated.

The Technical Advisory Committee and Staff recommended approval of the Preliminary Plat of Hickory Hollow Patio Homes, subject to the conditions.

On MOTION of KEMPE, the Planning Commission voted 8-0-0 (Beckstrom, Connery, Draughon, Flick, Hinkle, Kempe, Woodard, Young, "aye"; no "nays"; no "abstentions"; Higgins, Rice, Inhofe, "absent") that the Preliminary Plat for Hickory Hollow Patio Homes be approved, subject to the following conditions:

1. Utility easements shall meet the approval of the utilities. Coordinate with the Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements should be tied to or related to property and/or lot lines.
2. Water plans shall be approved by the Water and Sewer Department prior to release of the final plat. (Extensions would be required to serve all units or a "unit ownership agreement".)
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).
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 applicable)
5. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer. (if required for drainage)
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. Detention on-site or fee in lieu of -- plat to show floodplain/proper language in covenants. Fee must be paid prior to release of the plat.
7. Since this comprises only one block, adjust lot/block numbers accordingly. (Lot numbers that correspond with unit numbers is suggested.)

Hickory Hollow Patio Homes (continued)

8. The key or location map shall be complete. (Show subdivisions.)
9. Board of Adjustment approval is required for lots on private streets and for some setbacks.
10. Include Cable TV in Section I-A. Language for water/sewer in I, B & C shall meet approval of the Water and Sewer Department. Other utilities may need to be included. P.S.O. language needed also.
11. A "letter of assurance" regarding installation of improvements shall be submitted prior to release of the final plat. (Including documents required under Section 3.6 (5) of the Subdivision Regulations.)
12. All (other) Subdivision Regulations shall be met prior to release of the final plat.

Darlington South Addition (PUD #350) (2283) 93rd Street and South Darlington Ave.  
(RS-3)

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

The Technical Advisory Committee and Staff recommended approval of the Preliminary Plat, noting the recommendation does not include waiver of the Major Street Plan requirements on Darlington South, subject to the conditions.

Mr. Wilmoth advised that the Planning Commission recently approved a PUD on this property which meets most of the PUD requirements. The Staff is recommending that the Commission do what they did on the two previous plats to the west, Mill Creek Bridge, including a note on the plat itself delineating the fact that there will be an expressway in that area and show a proximate route on the location map.

There will be two points of access, one at Darlington Avenue and one on 93rd Street. The Traffic Engineer and T.A.C. recommended another access to provide 2 streets coming out to Darlington Avenue. Another requirement is that Darlington be improved to meet City specifications all the way out to 91st Street with a full 50' right-of-way.

Mr. Charles Norman represented the applicant and advised that the entrance into the project at the 93rd Street was required after review by the T.A.C. and as a recommendation by the Planning Commission to be a boulevard entrance so it is 80' wide and tapers to about 60' in width. When the plat came back through the T.A.C. required a second street to come out to Darlington. The applicant has agreed to conform to that request but wants to reduce the boulevard street to a standard 50' right-of-way width to a point. Mr. Norman stated the applicant has no objection to the T.A.C. recommendation. It will be necessary that the applicant provide 30' of right-of-way on the east side of Darlington in order to meet the requirement to make the street right-of-way a full 50'.

Mr. Gardner wanted to make clear that the applicant must file a separate submittal as was adopted as a part of the TMAPC policy. Mr. Linker, Assistant City Attorney, stated that Condition #1 of the preliminary plat approval as it is worded does not seem to include the separate document which needs to be added to the conditions.

Darlington South Addition (PUD #350) (continued)

Interested Parties:

Mr. David Elliott, 5202 East 93rd Street, stated he represented 30 to 50 surrounding property owners and wished to speak to the platting requirement as it relates to the proper arrangement of streets, traffic and access of emergency vehicles. Mr. Elliott stated he was aware that the applicant is providing a second access onto Darlington Avenue but it does not take care of the problem of access of emergency vehicles, particularly at 91st and Yale during rush hours. Mr. Elliott stated he feels there needs to be an additional 2nd access and feels that it should be required before this plat is accepted.

Mr. Elliott then requested that this matter be continued for a period of 2 to 3 weeks to allow him to hire a consultant to look into the traffic and emergency vehicle problems in the subject area and to come back to this Commission to report on the findings.

Applicant's Rebuttal:

Mr. Norman stated that Mr. Elliott made these same arguments to the Commission when this item was previously heard and were made extensively before the City Commission yesterday in requesting a delay for the traffic conditions on 91st and Yale. That request to delay the zoning decision was turned down as a part of the approval of a unanimous vote by the City Commission addressing this Commission's recommendation. He reminded Mr. Elliott that many times in this City the first subdivision in an area has only one access to it. Mr. Norman advised that Commissioner Hewgley made a traffic count at the intersection of 91st and Yale yesterday on the east-west bound movement and it was found that approximately 4,700 cars per day were registered which is a low traffic count per day on any of the streets in the City of Tulsa. He did not feel that 4,700 cars per day is a sufficient number to freeze development as suggested by Mr. Elliott. What the protestants are saying is to freeze the development and do not let any development occur until something is done about 91st Street. He stated he objected to any delay of the platting process for that kind of study to take place. The protestants have had plenty of time to prepare a study as was suggested because this item has been continued and delayed for many weeks.

There was limited discussion concerning access and it was advised that the only way that the people from Darlington South can get out is either to 91st or 93rd, and 93rd does not extend to Yale, therefore, the applicant is landlocked. Mr. Norman advised that in the future 93rd Street will be required to extend to Yale. Mr. Wilmoth felt that it would only be a matter of time that 93rd Street would extend to Yale Avenue.

Mrs. Kempe felt that based on the Staff's Recommendation and the addition of the second access it is not a unique situation for a new development.

On MOTION of KEMPE, the Planning Commission voted 7-1-0 (Beckstrom, Draughon, Flick, Hinkle, Kempe, Woodard, Young, "aye"; Connery, "nay"; no "abstentions"; Higgins, Rice, Inhofe, "absent") that the Preliminary Plat of Darlington South Addition be approved, subject to the following conditions:

1. Consistent with previous recommendations on plats within the right-of-way for proposed expressways, the T.A.C. has not recommended waiver of the Subdivision Regulations requiring conformance with the Major Street Plan. Waivers have been granted by the Planning Commission, subject to developer noting on the face of the plat that an expressway crosses the area. and showing the approximate location on the location

Darlington South Addition (continued)

- map. This will be a requirement on this plat also. (includes filing of separate documents in accordance with the TMAPC policy)
2. A second point of access is a policy of the T.A.C. but is not a regulation. The second point of access is to be provided at the north end of South Hudson on this plat and is consistent with platting procedures in that the second point is not provided immediately, but the development of land to the north on up to 91st will require extension of Hudson. A more immediate recommendation from the Traffic Engineering Department, is that 92nd Street be extended between Darlington Ave., and Darlington Place in Block 1. Other recommendations of the Traffic Engineering Department are to line up 93rd Street with the existing right-of-way to the west. (No boulevard is recommended by the Traffic Engineer. This conflicts with the Minutes of PUD which required a boulevard entry. This may require minor amendment to PUD.) (If boulevard is constructed, it must be a reserve maintained by homeowners.)
  3. South Darlington Ave. from 91st Street shall be a total of 50' of right-of-way, either by obtaining additional right-of-way on the west side by separate instrument or dedicating an additional 5' on this plat. (Traffic Engineer recommendation)
  4. PUD required RS-3 building and area requirements in the "panhandle" to the north and on the south 300' of the plat. Therefore, show 25' building lines on all abutting streets except 91st, which requires 35' setback.
  5. Since this tract will be on Haikey Creek facility, include necessary language for sewer services.
  6. All conditions of PUD #350 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 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. Use of P.S.O. easement subject to special conditions.
  8. Water plans shall be approved by the Water and Sewer Department prior to release of the final plat. (Include language for water and sewer facilities in the covenants.)
  9. 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).
  10. 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.
  11. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer.
  12. Paving and/or drainage plans shall be approved by the City Engineer, including storm drainage and detention design (and Earth Change Permit

Darlington South Addition (continued)

- where applicable), subject to criteria approved by the City Commission.
13. A topo map shall be submitted for review by the T.A.C. (Sub. Reg's.) (Submit with drainage plans)
  14. Street names shall be approved by the City Engineer. Show on plat as required.
  15. All adjacent streets and/or widths thereof should be shown on the final plat. (Show 93rd and west-half of Darlington.)
  16. 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.)
  17. Show "LNA" on lot abutting E. 91st St.
  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. The key or location map shall be complete. (Show expressway.)
  20. A Corporation Commission letter (or Certificate of Nondevelopment) shall be submitted concerning any oil and/or gas wells before plat is released. (A building line shall be shown on the plat on any wells not officially plugged.)
  21. The Ordinance for PUD #360 and Z-5910 shall be published before the final plat is released.
  22. 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.)
  23. All (other) Subdivision Regulations shall be met prior to release of the final plat.

King's Ridge Estates (PUD #281-4) (183) NW corner of East 64th Street and South  
91st East Avenue (RS-3)

The Technical Advisory Committee and Staff recommended approval of the Preliminary Plat of King's Ridge Estates, subject to the conditions.

On MOTION of HINKLE, the Planning Commission voted 8-0-0 (Beckstrom, Connery, Draughon, Flick, Hinkle, Kempe, Woodard, Young, "aye"; no "nays"; no "abstentions"; Higgins, Rice, Inhofe, "absent") that the preliminary plat of King's Ridge Estates be approved, subject to the following conditions:

1. All conditions of PUD #281-4 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.

King's Ridge Estates (continued)

2. Utility easements shall meet the approval of the utilities. Coordinate with the Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements should be tied to or related to property and/or lot lines.
3. Water plans shall be approved by the Water and Sewer Department prior to release of the final plat. (Include language for water and sewer facilities in covenants.)
4. Pavement repair within restricted water line easements as a result of water line repairs due to breaks and failures shall be borne by the owner of the lot(s).
5. A request for creation of a Sewer Improvement District shall be submitted to the Water and Sewer Department prior to release of the final plat.
6. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer. (if required?)
7. Paving and/or drainage plans shall be approved by the City Engineer, including storm drainage and detention design (and Earth Change Permit where applicable), subject to criteria approved by the City Commission.
8. A topo map shall be submitted for review by T.A.C. (Sub. Reg's.) (Submit with drainage plans)
9. Street names shall be approved by the City Engineer. Show on plat as required.
10. All street widths should be shown on the final plat. (Show width of private streets.)
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. Make sure that covenants reflect conditions approved in amendment to PUD (Planning Commission Minutes of February 8, 1984). There are some slight differences in setbacks, etc., that need to be verified. Show that the west 50' of Lots 1-10, Block 1, is the building line for 2-story houses.
14. Covenants should also clearly reflect that the reserves are also "utility easements". (Section 1.4 may need to be modified to provide this.)
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.)

King's Ridge Estates (continued)

16. All (other) Subdivision Regulations shall be met prior to release of the final plat.
17. Front building lines to include sewer easement. Water and sewer needs more extensive plans.
18. P.S.O. wants underground meeting because more easements may be needed.

FINAL APPROVAL AND RELEASE:

Nordam East II (3104) NW corner of East Newton Street and North 111th East Avenue (IL)

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

On MOTION of KEMPE, the Planning Commission voted 8-0-0 (Beckstrom, Connery, Draughon, Flick, Hinkle, Kempe, Woodard, Young, "aye"; no "nays"; no "abstentions"; Higgins, Rice, Inhofe, "absent") to approve the final plat of Nordam East II and release same as having met all conditions of approval.

REQUEST TO WAIVE PLAT:

BOA #12862 (Unplatted) (1202) YWCA, SE corner of East 52nd Street North and North Owasso Avenue (RM-1, CS)

This is a request to waive plat under Use Unit #5, permitted by the referenced BOA case on a one-acre tract. A small building and parking lot is planned and the use includes a special exception also for a day care center. Since this is less than 2½ acres and improvements are in place, the Staff sees no objection to the request, subject to approval of drainage by the City Engineer and any utility extensions and/or easements that may be needed.

The applicant was NOT represented.

Utilities advised no extensions were required, but O.N.G. requested a 10' utility easement parallel to 52nd Street North for future use.

The Technical Advisory Committee and Staff recommended approval of the waiver of plat on BOA #12862, subject to the conditions.

On MOTION of HINKLE, the Planning Commission voted 8-0-0 (Beckstrom, Connery, Draughon, Flick, Hinkle, Kempe, Woodard, Young, "aye"; no "nays"; no "abstentions"; Higgins, Rice, Inhofe, "absent") to approve the request to waive the platting requirements for Board of Adjustment Case No. 12862, subject to the following conditions:

- (a) Grading plan and drainage plan approval of City Engineer -- (Detention or fee in lieu.)
- (b) North 10' for utility easement.

Z-4495 Spring Grove Subdivision (694) 10755 East Admiral Place (CS)

This is a request to waive plat on the south 250' of the E/2 of Lot 1 of the above subdivision. It was zoned CS January 4, 1974, "subject to a plat or replat" under Section 260 of the Zoning Code. The applicant (Bill Reynolds) requested waiver of the plat on January 15, 1979, but submitted no supporting information with his request. On February 12, 1979, the Staff advised the applicant that additional information, including a plot plan be submitted for processing. The applicant never followed up so requirement was never waived. New applicant has submitted plot plan and topo for review. An access control agreement will be required by the Traffic Engineer. Drainage plan approval by the City Engineer, and utility easements as needed. Sewer main extension required, subject to Water and Sewer Department's approval.

The applicant was represented by Phil Smith.

The Technical Advisory Committee and Staff recommended approval of the waiver of plat on Z-4495, subject to the conditions.

On MOTION of KEMPE, the Planning Commission voted 7-0-0 (Connery, Draughon, Flick, Hinkle, Kempe, Woodard, Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Higgins, Rice, Inhofe, "absent") to approve the request to waive the platting requirements on Z-4495, subject to the following conditions:

- (a) Access control agreement,
- (b) grading plan and drainage plan approval by the City Engineer (detention or fee in lieu),
- (c) sewer main extension, and
- (d) utility easements as needed.

Z-5936 & Z-5831 Union Gardens (684) SE corner of 61st Street and South Mingo Rd. (CS)

This is a request to waive plat on the N/2 of Lots 2, 3, 4, of the above subdivision. Since this is already platted the applicant is willing to dedicate the necessary right-of-way to bring both 61st and Mingo up to the standard 50' from the centerline. An access agreement will be required by the Traffic Engineer. (The applicant is advised that both accesses on 61st and Mingo will be "right-turn-only" when medians are constructed with street improvements in the future.) Additional utility easements and/or extensions as necessary. The Staff notes that waivers of plat have been denied across the street but that land was never platted at all. The plat to the south on Mingo (Newhart-Hudson) was processed as a replat because it was zoned "Corridor" and more details and a replat is necessary to contain the conditions. This corner is only CS zoning and the Zoning Code will control density, parking, setbacks, etc., in the building permit process. Drainage plans will be required through City Engineering Department.

The applicant was NOT represented.

The Technical Advisory Committee and Staff recommended approval of the waiver of plat on Z-5936 and Z-5831, subject to the conditions.

On MOTION of HINKLE, the Planning Commission voted 7-0-0 (Connery, Draughon, Flick, Hinkle, Kempe, Woodard, Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Higgins, Rice, Inhofe, "absent") to approve the waiver of platting requirements of Z-5936 and Z-5831, subject to the following conditions:

Z-5936 and Z-5831 (continued)

- (a) Access control agreement,
- (b) grading plan and drainage plan approval by the City Engineer,
- (c) dedication of additional right-of-way to meet the Major Street Plan,
- (d) easements as needed. (Need easement up to building on east and south. Could be mutual access and utility easement) - (minimum 17½'), and
- (e) water line extension required on 61st Street.

BOA #13087 (Unplatted) (1202) Wiley Post School; 5424 North Madison (RS-3)

This is a request to waive plat for a head start center in Wiley Post Elementary School at the above address. Existing buildings will be used and no changes are to be made in the school. Since all facilities are existing it is recommended that the plat requirement be waived. (Plat was also waived for a day care center on Case #12695, July 20, 1983.)

On MOTION of FLICK, the Planning Commission voted 7-0-0 (Connery, Draughon, Flick, Hinkle, Kempe, Woodard, Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Higgins, Rice, Inhofe, "absent") to approve the request to the platting requirements for BOA Case #13087.

BOA #13089 Oaklawn Addition (192) 1000 Block East 8th Street (RS-3)

This request is for waiver on a small parcel of land that will be used for an accessory building in connection with Oaklawn Cemetery. The Board approved the request and it is recommended the plat requirement be waived to satisfy the Building Inspection Department.

On MOTION of HINKLE, the Planning Commission voted 7-0-0 (Connery, Draughon, Flick, Hinkle, Kempe, Woodard, Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Higgins, Rice, Inhofe, "absent") to approve the request to waive the platting requirements on BOA #13089.

LOT-SPLITS:

Lot-Splits for Ratification:

L-16141 ( 283) Swab-Fox	L-16152 (2903) Quik Trip Corp.
16142 ( 293) Swab-Fox	16154 ( 192) City of Tulsa/Joe Carson
16149 (3602) T.U.R.A.	16162 ( 683) Yorktown Venture
16150 (2883) Davis/Wade	16163 ( 283) Charles McKnight

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

Lot-Splits for Waiver:

L-16139 D. D. Mathews (1693) NW corner of 25th Place and South Yale Ave. (RS-3)

This is a request to split a 204.7' x 135' tract into three 60' x 135' lots. This subject tract has frontage on South Yale Avenue and the Major Street Plan indicated 60 feet of dedication from the centerline.

L-16139 (continued)

The abutting tracts to the north and south have only 50 feet of dedication. Based on this fact, the Staff recommends a waiver of the Subdivision Regulations and approval of the requested lot-split with only 50 feet of dedication on South Yale Avenue. (Applicant is willing to dedicate 20 feet which will bring dedication on Yale Avenue to 50 feet from the centerline.) (Utilities requested a standard 11' easement parallel to the north property line.

The applicant was represented.

The Technical Advisory Committee and Staff recommended approval of L-16139, subject to the conditions as recommended by the Staff.

On MOTION of KEMPE, the Planning Commission voted 7-0-0 (Connery, Draughon, Flick, Hinkle, Kempe, Woodard, Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Higgins, Rice, Inhofe, "absent") to approve the request to waive the lot-split requirements for L-16139, subject to the following conditions:

- (a) Utility easements of 11' parallel to the north boundary line, and
- (b) subject to the applicant volunteering 20' of right-of-way.

L-16153 V. V. Bauer (583) North of the NE corner of East 69th Street and South Birmingham Avenue (RS-1)

This is a request to split a 1.4 acre "panhandle shaped" lot into three tracts with a mutual access driveway. All three tracts exceed the minimum lot area requirements of the RS-1 District. However, this lot configuration will require a variance from the Board of Adjustment because of the 30' minimum frontage needed on a dedicated street. The lot size is adequate and the only variance is the 30' frontage. There are several similar panhandle shaped lots in the area, so the Staff recommends approval of the requested lot-split, subject to the Board of Adjustment approval of the variance. (Additional utility extensions and/or easements and drainage plans may be required.)

The applicant was NOT represented.

The Technical Advisory Committee and Staff recommended approval of L-16153, subject to the conditions.

Mr. Wilmoth advised that this lot split for waiver is a classic example of what was discussed earlier concerning litigation for "On Golden Pond" lot-split. He then explained the lot configuration. There is an existing house situated on tract 3. Tracts 1 and 2 would have new houses constructed on that location. The house on tract 2 could face south and the one on tract 1 could face east thus creating a cul-de-sac which would be a little smaller than the actual dedicated street and lots to the north. This would provide that all three houses will face each other on the private cul-de-sac.

Chairman Young asked if notice had been given to the surrounding property owners. Mr. Wilmoth answered in the negative and advised that notice is given when the lot-split comes before the Board of Adjustment and not before this Commission as the rule stands today.

L-16153 (continued)

Mr. Linker, Assistant City Attorney, stated that these houses back to rear yards all the way around and he did not feel that would create the same problems as the lot-splits titled "On Golden Pond". The last lot-split of Golden Pond that was reversed was a prior approval that was set for hearing and the question was if it should have been given prior approval. The judge could not find that it really met the Sub-division Regulations. He did not feel that would be a problem in this case. If the Commission feels that notice should be given it is discretionary to you because it comes up for the first time before the BOA with notice given and that is after you have already acted on it.

Mr. Gardner advised that it would be very difficult to write some guidelines which meet these standards and when the Rules and Regulations Committee meets and comes back before you with a recommendation this lot-split would probably require that notice be given to abutting property owners.

On MOTION of FLICK, the Planning Commission voted 7-0-0 (Connery, Draughon, Flick, Hinkle, Kempe, Woodard, Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Higgins, Rice, Inhofe, "absent") to approve the request to waive the lot-split requirements for L-16153, subject to the following conditions:

- (a) Board of Adjustment approval,
- (b) water and sewer line extensions, and
- (c) perimeter utility easement (17½').



OTHER BUSINESS:

PUD #310

Staff Recommendation - Detail Site Plan Review - Minor Amendment

Planned Unit Development No. 310 is located just south of the south-east corner of State Highway #51 and Campbell Creek Road. It is zoned RS and has been approved for a mobile home development with a maximum of 27 units.

The Staff has reviewed the approved PUD conditions and compared them with the submitted Site Plan and have identified three areas of minor concerns. First, the applicant is requesting to amend the requirement that the fence along the west property line (Campbell Creek Road) be setback 10 feet from the property line. He wishes to place it on the property line. The Staff's reason for this requirement was to insure that there be some landscape materials between the fence and the road. However, the tract and road right-of-way are covered by significant existing tree growth and we can support this request as minor. Secondly, the Site Plan submitted does not include the north .88 acre of the PUD. This is a part of an area restricted from development because of an existing oil well and the Staff would note that it is still a part of the PUD and will be considered open space until future action has changed the PUD. The Staff's third concern is that the applicant is requesting to be allowed to leave two existing units generally where they are now located and within the required 35-foot setback. Given the required screening fence and that the request effects only two units the Staff can support this request as minor.

In addition we find the following:

<u>Item</u>	<u>Approved</u>	<u>Submitted</u>
Land Area:	9.166 acres	9.166 acres
Permitted Uses: Mobile Home Dwellings & Accessory Uses.		Same
Maximum No. of Units:	27 units	27 units
Maximum Livability Area per Mobile Home Space:	10% of the mobile home space but not required to be greater than 500 sq. ft. or less than 300 sq. ft.	Exceeds
Minimum Off-Street Parking:	2 spaces per unit	2 spaces per unit
Maximum Building Height:	1-story	1-story
Minimum Building Setbacks:		
From Centerline of Campbell Creek Road:	85 feet	85 feet, except 60 feet for two units as shown on the Site Plan.
From Private Drive:	20 feet	20 feet
Rear Yard:	10 feet	10 feet

PUD #310 (continued)

Separation Between Units:	25 feet	25 feet
One Side Yard:	5 feet	5 feet
Other Side Yard:	20 feet	20 feet

Finally, the requirements for street width and open space were reviewed and the plan shows that these requirements will be met.

Therefore, the Staff recommends APPROVAL of the Minor Amendment of the setback from the centerline of Campbell Creek Road from 85 feet to 60 feet, subject to the configuration shown on the Detail Site Plan. We also recommend APPROVAL of the screening fence along Campbell Creek Road being placed along the property line not setback 10 feet. Finally, we recommend APPROVAL of the Detail Site Plan, subject to the above review and amendments and noting that the north .88 acre of the PUD is not shown on this Site Plan and shall be considered a part of the open space for the development until such time as a major amendment is filed and approved to remove it from the controls of the PUD.

On MOTION of HINKLE, the Planning Commission voted 6-1-0 (Beckstrom, Draughon, Flick, Hinkle, Woodard, Young, "aye"; Connery, "nay"; no "abstentions"; Higgins, Kempe, Rice, Inhofe, "absent") to approve the Minor Amendment of the setback from the centerline of Campbell Creek Road from 85 feet to 60 feet, subject to the configuration shown on the Detail Site Plan, and approval of the screening fence along Campbell Creek Road being placed along the property line instead of setback 10 feet, and approval of the Detail Site Plan, subject to the above review and amendments and noting that the north .88 acre of the PUD is not shown on this Site Plan but shall be considered a part of the open space for the development until such time as a major amendment is filed and approved to remove it from the controls of the PUD.

PUD #263-A

Staff Recommendation - Minor Amendment

Planned Unit Development No. 263-A is located approximately 1/2 mile west of the northwest corner of East 71st Street and South Sheridan Road. The tract is 7 acres in size, has an underlying zoning of OL and has been approved for multifamily use.

The applicant is now requesting to amend the approved site plan by switching the location of building number 5 to the parking lot to the east and moving the parking lot to the west, next to the detention pond.

After review of the proposed request, the Staff finds the request to be minor in nature and recommend APPROVAL of the request per revised site plan and per the condition that the approved number of parking spaces, dwelling units and square footages not be changed by this amendment.

Mr. Mike Taylor advised that the purpose of this revised site plan is based upon the suggestion made by the City Engineer because of the topography of the tract.

PUD #263-A (continued)

On MOTION of KEMPE, the Planning Commission voted 7-0-0 (Connery, Draughon, Flick, Hinkle, Kempe, Woodard, Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Higgins, Rice, Inhofe, "absent") to approve the minor amendment to PUD #263-A of the revised site plan, per the condition that the approved number of parking spaces, dwelling units and square footages not be changed by this amendment.

PUD #352 Engineering Consultants (Watson & Taylor) East 64th Street and South Peoria Avenue

Detail Site Plan Review:

Mr. Compton advised that this item needs to be withdrawn from the agenda at this time.

The Chair, without objection, withdrew consideration of PUD #352 from the agenda.

PUD #281-4 Norman -- Minor Amendment - NW of 64th Street and South 91st East Ave.

Mr. Charles Norman Stated that this plat and minor amendment are a part of a resubdivision of Glen Eagles. He submitted a letter explaining the preliminary plat request and the amended Development Standards (Exhibit "B-1").

When the PUD was approved by the City Commission which involved land all the way over to Mingo, the City Commission put a restriction that construction could not take place west of the major drainage channel of Blocks 4, 5 and 6 until South 91st East Avenue is opened to 61st to the north. That restriction remains a part of the PUD, and the minor amendment which is now pending before this Commission is to delete that requirement with respect to Block 5. The reason for that request is because the developer was proposing to change block 5 from 150 multifamily dwelling units down to 70 single-family detached dwelling units on smaller size lots. This Commission previously approved the minor amendment on Block 5 with respect to the change in use and the decrease in density. The Burning Tree Master Association representing many Burning Tree Additions had objected to the change in this requirement that there be no construction on Block 5 until 91st Street is opened to the north.

There is a 40-acre parcel to the north owned by a partnership with Bill Crews as the general managing partner. Over the past few weeks there have been 3-party negotiations with Mr. Crews and the Burning Tree Association which has resulted in Mr. Crews agreeing to construct 91st Street out to 61st Street on a time table calculated by the Master Association and the owner of the partnership. The time table is 45 days to submit plans and specifications to the City Engineer or to contract within 30 days after approval and to diligently construct it. There is an associated water line construction and drainage that has to be taken care of at the same time.

Mr. Norman's client, Never Fail Developers, has agreed to pay half of the cost to build that collector street from 91st northward to 61st Street. Based upon this agreement of Never Fail to pay half of the cost, the Burning Tree Master Association has agreed to the deletion of that requirement that there be no construction on Blocks 4 and 5 until the street is actually opened. That gives the developer the right to go ahead and start construction of the single-family homes, and at the time they are completed the streets should

PUD #281-4 (continued)

be completed under the contract between Mr. Crews and the Burning Tree Master Association. As part of the additional consideration the developer has submitted a minor amendment to change Block 4 which abuts up to Burning Tree South and is across from the original Burning Tree to single-family homes also and to reduce the density from 114 dwelling units to 50. Also included in the minor amendment is a requirement that the minimum floor area of houses in both blocks 4 and 5 be 1,350 sq. ft. as an assurance to the people of the type of homes that will be constructed there. Therefore, the amendment will permit construction on Blocks 4 and 5 to start prior to the construction of the street based upon the commitment by Mr. Crews and Never Fail Developers to pay for it in the immediate future. The restriction with respect to Block 6 would remain.

Mr. Gardner advised that there would need to be a homeowners association established to maintain the private streets and Mr. Norman stated that would be an additional requirement before this was all in one block.

Mr. Flick asked what kind of time limit there was between the starting of the homes and the beginning construction of the streets to 61st Street and Mr. Norman felt that it would be from 5 to 6 months before the completion of the first 10 houses in the area. He stated that the time table is to submit the plans for the working drawings to the City within 45 days.

Chairman Young asked Legal Counsel if there would be anything that the Commission could do to assure that the street would be built within a certain period of time. Mr. Linker stated that the Commission could impose such a condition but the Commission has it tied in by the occupancy or sale of the dwellings. Mr. Norman stated that right now they can not start construction until the street is opened. If this amendment is approved 70 houses would not be built at one time. Ten houses is what is contemplated as a first phase, so those houses might be finished before the street is finished. He felt that the Association should understand that and realize that 10 houses occupied is not going to be creating a burden on the internal street system which they were concerned about if the street is actually under construction.

Mr. Flick was concerned if Mr. Crews decided to hold off on his development that the negotiations between Mr. Crews and Mr. Fail, even though one offered to pay half the cost, could be a "mexican stand off" should Mr. Crews decide not to develop his property. Mr. Norman stated that Mr. Crews is committed with the Burning Tree Master Association to build the street regardless whether he develops his property and the time table is in that commitment. Mr. Norman advised that Burning Tree Association has remedies in their contractual agreement with Mr. Crews if he should default.

The Commission felt that the protection is there. Mr. Norman stated that if all of the agreements do not get signed he would come back and ask to rescind this action.

On MOTION of HINKLE, the Planning Commission voted 8-0-0 (Beckstrom, Connery, Draughon, Flick, Hinkle, Kempe, Woodard, Young, "aye"; no "nays"; no "abstentions"; Higgins, Rice, Inhofe, "absent") to approve the minor amendment to PUD #281-4; subject to the signing of all agreements, the letter submitted, by Mr. Norman as a text, and a Homeowners Association being established to maintain the private street proposed.

There being no further business, the Chair adjourned the meeting at 2:40 p.m.

Date Approved May 2, 1984

Robert A. Deeb  
Chairman

ATTEST:

Marilyn Liddle  
Secretary

