

TULSA METROPOLITAN AREA PLANNING COMMISSION
MINUTES of Meeting No. 1522
Wednesday, September 19, 1984, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Connery Draughon Higgins Hinkle, Secretary Kempe, 1st Vice- Chairman Paddock Rice Wilson Woodard C. Young, Chairman	T. Young	Compton Gardner Lasker Wiles Wilmoth	Linker, Legal Department

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, September 19, 1984, at 9:52 a.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

On MOTION of CONNERY, the Planning Commission voted 7-0-0 (Connery, Draughon, Higgins, Hinkle, Paddock, Wilson, C. Young, "aye"; no "nays"; no "abstentions"; Kempe, Rice, Woodard, T. Young, "absent") to approve the Minutes of September 5, 1984 (No. 1520).

REPORTS:

Report of Receipts and Deposits.

The Commission was advised that this report is in order.

On MOTION of HINKLE, the Planning Commission voted 7-0-0 (Connery, Draughon, Higgins, Hinkle, Paddock, Wilson, C. Young, "aye"; no "nays"; no "abstentions"; Kempe, Rice, Woodard, T. Young, "absent") to approve the Report of Receipts and Deposits for the month ended August 31, 1984.

SUBDIVISIONS:

Preliminary Plat:

Union Building (784) S/side E. 71st St., E. of S. 103rd E. Ave. (CS)

The Staff advised the Commission that, although the plat was listed for preliminary approval, it was also posted for final approval since

Union Building (continued)

all the release letters and approvals had been received. Preliminary approval, final approval, and release were recommended.

On MOTION of HIGGINS, the Planning Commission voted 8-0-0 (Connery, Draughon, Higgins, Hinkle, Paddock, Rice, Wilson, C. Young, "aye"; no "nays"; no "abstentions"; Kempe, Woodard, T. Young, "absent") to approve the preliminary and final plat of Union Building, and release same as having met all conditions of approval.

Southeast Square (183) SE/c E. 61st & S. Memorial

(CS)

Mr. Wilmoth informed this is being developed into two lots, and the Staff has no problems with it.

The Staff presented the plat with the applicant represented by Lynn Burrows.

This tract was processed and received a preliminary approval as Eaglebrook. Some release letters had been received and it was in the process of final approval. No further action took place after the approval on 9/2/81 and a 1 year extension, the plat expiring 9/2/83. A tract was taken out on the east and platted as Lagniappe Inn; otherwise, it is the same parcel.

A plot plan was submitted individually to the TAC for review.

Staff advised the TAC that since the initial review of the sketch plat, the preliminary plat had been submitted and is in the mail for review on 9/13/84. Most of the conditions listed by Staff have been met and Staff would have no objection to a preliminary approval at this time. (It would still have to be scheduled for Planning Commission on 9/19/84 because of the notice requirement, but this would eliminate a duplicate review at the next TAC.

The Technical Advisory Committed and Staff recommend approval of the Preliminary Plat of Southeast Square, subject to the conditions.

On MOTION of HIGGINS, the Planning Commission voted 8-0-0 (Connery, Draughon, Higgins, Hinkle, Paddock, Rice, Wilson, C. Young, "aye"; no "nays"; no "abstentions"; Kempe, Woodard, T. Young, "absent") to approve the preliminary plat of Southeast Square, subject to the following conditions:

1. On face of plat, show or correct as follows: Show block number as "1"; Identify unplatted land as "Lagniappe Inn" and "Silver Springs II"; Identify 60' ONG easement on 61st as per ONG; Show Book & Page; Check for existing 11' UE along East boundary.
2. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements should be tied to or related to property and/or lot lines.

Southeast Square (continued)

3. Water plans shall be approved by the Water and Sewer Department prior to release of final plat. (Include language for W/S facilities in Covenants.)
4. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer 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 final plat.
6. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer. (If storm water detention required, show as easement or reserve on plat and include language applicable in covenants.)
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 City Commission.
8. Limits of access shall be shown on the plat as approved by City and/or Traffic Engineer. Include applicable language in covenants.
9. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
10. The Key or location map shall be complete. (Update with new subdivision).
11. The restrictive covenants and deed of dedication shall be submitted for review with preliminary plat. (Include subsurface provisions, dedications for storm water facilities, as applicable.)
12. A "letter of assurance" regarding installation of improvements shall be submitted prior to release of final plat. (Including documents required under Section 3.6-5 of Sub. Reg's.)
13. All Subdivision Regulations shall be met prior to release of final plat.

Valley Bend Park (PUD-357) (783) SE of 71st & S. Quincy (CS, RM-1)

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

Valley Bend Park (continued)

This property had a sketch plat approval on 1/13/83. However, two previous PUDs (249 & 305) were combined into one (PUD 357) so the plan has been enlarged. The plat submitted conforms generally with the PUD except for the items noted.

The applicant advised that the platted lot line is being changed to fit the PUD plot plan as recommended in condition #1.

The Technical Advisory Committee and Staff recommend approval of the Preliminary Plat of Valley Bend Park, subject to the conditions:

On MOTION of HINKLE, the Planning Commission voted 8-0-0 (Connery, Draughon, Higgins, Hinkle, Paddock, Rice, Wilson, C. Young, "aye"; no "nays"; no "abstentions"; Kempe, Woodard, T. Young, "absent") to approve the preliminary plat for Valley Bend Park, subject to the following conditions:

1. The plot plan submitted and the lot lines in the plat do not coincide. The text and building lines, etc. seem to fit except for this difference. Plat & PUD must agree.
2. Covenants:
 - (a) Use standard paragraph for overall dedication of streets and easements.
 - (b) Add to beginning section regarding PUD: "Amended Outline Development Plan text is a condition of PUD approval".
 - (c) Add maximum flood area and landscape requirements. (See PUD text for numbers)
 - (d) Include Cable TV specifically in the covenants under "communications".
3. Show Book & Page of dedication for the additional R/W on 71st if not dedicated by this plat.
4. All conditions of PUD #357 shall be met prior to release of final plat, including any applicable provisions in the covenants or on the face of the plat. Include PUD approval date and references to Section 1100-1170 of the Zoning Code, in the Covenants.
5. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements should be tied to or related to property and/or lot lines.
6. Water plans shall be approved by the Water and Sewer Department prior to release of final plat. (Include language for W/S facilities in covenants)

Valley Bend Park (continued)

7. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer 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 final plat.
9. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer.
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 City Commission.
11. Limits of access shall be shown on the plat as approved by City and/or Traffic Engineer. Include applicable language in covenants. (See T.E. regarding west driveway design. Align main driveway with drive on northside of 71st St.
12. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
13. A "letter of assurance" regarding installation of improvements shall be submitted prior to release of final plat. (Including documents required under Section 3.6-5 of Sub. Reg's.)
14. All (other) Subdivision Regulations shall be met prior to release of final plat.

Rockwood Hills Pond (PUD362) (883) 72nd & S. Columbia (RS-1)

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

Mr. Wilmoth informed this is a PUD that the Planning Commission approved. It has been to the City, and they made a few modifications to it. There may have to be a slight adjustment in one of the lot lines in order to obtain access to a water line. That adjustment should not affect the number of lots or the PUD.

This plat has a Sketch Plat approval, subject to conditions.

The Technical Advisory Committee and Staff recommend approval of the Preliminary Plat of Rockwood Hills Pond, subject to the conditions.

On MOTION of HINKLE, the Planning Commission voted 8-0-0 (Connery, Draughon, Higgins, Hinkle, Paddock, Rice, Wilson, C. Young, "aye"; no

Rockwood Hills Pond (continued)

"nays"; no "abstentions"; Kempe, Woodard, T. Young, "absent") to approve the Preliminary Plat for Rockwood Hills Pond, subject to the following conditions:

1. All conditions of PUD #362 shall be met prior to release of final plat, including any applicable provisions in the covenants or on the face of the plat. Include PUD approval date and references to Section 1100-1170 of the Zoning Code in the Covenants.
2. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements should be tied to or related to property and/or lot lines.
3. Water plans shall be approved by the Water and Sewer Department prior to release of final plat. (Include language for W/S facilities in covenants). (Redesign easement or access "handle" for lot 5 Blk. 2, so it abuts the cul-de-sac for water service).
4. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer 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 final plat.
6. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer. (Show D. E. as a "Reserve" or separate lot & language in covenants for its maintenance.)
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 City Commission.
8. Street names shall be approved by City/County Engineer. Show on plat as required. (Show as "S. Columbia Place - Private")
9. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
10. A Corporation Commission letter (or Certificate of Non-development) shall be submitted concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged.)

Rockwood Hills Pond (continued)

11. Covenants:

Completely revise covenants, and if this procedure is followed, the plat can probably be reduced to 1 page for the map and one page for the written data. Divide the covenants into sections as follows:

(General information, legal, name, etc.)

SECTION I

List all utility and street dedications, using standard format and language as approved by utility companys. Include drainageway easement language in this section.

SECTION II

List all PUD conditions, in same order as PUD minutes of 5/23/84; or as amended by City Commission, including the references to approval dates by TMAPC and City Commission.

SECTION III

Reference formation of Homeowners Association, but include all details as a separate instrument. (If there are minor changes not affecting PUD then these changes can be made without amending the plat)

SECTION IV

List any private deed restrictions the owner may wish to impose on the plat in this section.

12. Show bearings and/or a tie dimension so that the drainageway can be accurately located or plotted.
13. A "letter of assurance" regarding installation of improvements shall be submitted prior to release of final plat. (Including documents required under Section 3.6-5 of Sub. Reg's.)
14. All (other) Subdivision Regulations shall be met prior to release of final plat.

2021 Lewis Tower (PUD374) (893) NE/c E. 21st & S. Lewis

(CH, OL)

The Staff presented the plat with the applicant represented by John Moody and Bobby Brummett.

In reviewing the minutes of the Planning Commission approval of the PUD on 8/15/84 nothing was mentioned regarding the Major Street and Highway Plan which is an adopted part of the Comprehensive Plan. Approval of this plat will require approval and/or waiver of the MSP

2021 Lewis Tower (continued)

by both the Planning and City Commissions. The existing structure was built when the MSP requirement on 21st was only 50' from C/L and the CH (or 3E) permitted construction within 50' of the centerline. The MSP requirement was subsequently increased to 60' from centerline, so the proposed parking structure as well as the addition to the existing building will require waiver or the MSP setback from the centerline of E. 21st St. This should be addressed in the PUD hearing before the City Commission. **It is the policy of the TAC members not to recommend waiver of the Major Street Plan.** If a waiver is granted by TMAPC and the City Commission, then the plat can proceed on the basis of their recommendations. (Note: EXISTING building not in PUD).

Based on the assumption that the PC and City Commission approves the PUD as submitted, the conditions listed shall apply to the plat.

T.E. informed TAC that negotiations were in progress for additional R/W at the intersection to provide for future right turn lanes. A redesign of the main entry and access to Atlanta is subject to T.E. approval.

Mr. Moody informed they are talking with the City Engineer's Office to determine how much right-of-way is actually needed for a right turn lane and a combination of right-of-way and utility easements to assist the City Engineer's Office. They would like to have preliminary approval subject to them working out an acceptable agreement with the City Engineer's Office once they know exactly how much will be required for the right turn. They would like the Planning Commission to grant preliminary approval waiving the Major Street Plan requirement, but subject to their reaching a satisfactory agreement with the City Engineer's Office. That would be presented to the Planning Commission when they come back for the release of the final plat.

The Technical Advisory Committee and Staff recommend approval of the Preliminary Plat of 2021 Lewis Tower, subject to the conditions, noting the comment regarding waiver of Major Street Plan.

On MOTION of HINKLE, the Planning Commission voted 8-0-1 (Connery, Draughon, Higgins, Hinkle, Paddock, Rice, Wilson, C. Young, "aye"; no "nays"; Kempe, "abstaining"; Woodard, T. Young, "absent") to approve the preliminary plat for 2021 Lewis Tower and to waive the Subdivision Regulations requiring conformance with the Major Street Plan, subject to the applicant working out an agreement with the City, and subject to the following conditions:

1. Show all building lines required by the PUD. (12' on north next to existing building and its addition; 10' on the north for the parking structure; 45' on the east next to Atlanta, or 70' from C/L) (Show the B/L along north as a "utility easement" also).

2021 Lewis Tower (continued)

2. Covenants:

Correct PUD approval date by TMAPC to 8/15/84. Insert date of City Commission approval when available. Correct PUD #, 8th line from bottom of first page. In PUD Section add the following statement: "The outline development plan is a condition of approval of the PUD unless modified herein."

Include Cable TV in detailed electric service provisions. Page 4, 9th line from bottom: correct name of plat.

Page 6 contains language for drainage easement. Show on plat where applicable; (PUD minutes reflected that storm water detention will be on the roof of the parking garage.)

3. All conditions of PUD #374 shall be met prior to release of final plat, including any applicable provisions in the covenants or on the face of the plat. Include PUD approval date and references to Section 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. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line repairs due to breaks and failures, shall be borne by the owner of the lot(s).
6. A request for creation of a Sewer Improvement District shall be submitted to the Water and Sewer Department prior to release of final plat. (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 City Commission.
8. A topo map shall be submitted for review by T.A.C. (Sub. Reg's.) (Submit with drainage plans).
9. Limits of access shall be shown on the plat as approved by City and/or Traffic Engineer. Include applicable language in covenants.
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.

2021 Lewis Tower (continued)

11. A "letter of assurance" regarding installation of improvements shall be submitted prior to release of final plat. (Including documents required under Section 3.6-5 of Sub. Reg's.)
12. All (other) Subdivision Regulations shall be met prior to release of final plat.

Korean Mission (1694) W of SW corner E. 24th & S. 137th E. Ave. (RS-2)

The Staff presented the plat with the applicant represented by Joe Coleman, M. M. McDougal and Clayton Morris.

Mr. Wilmoth informed this is going to be called the "First Baptist Church Tulsa Korean Mission"--there will be a name change.

There was considerable discussion regarding details of the paving and drainage requirements and water-line extension. The TAC in general, and the Staff, advised that even if a plat waiver was requested, the recommendations and detailed requirements would not change. (**Waiver was NOT recommended.**) The street must be constructed to City specifications and drainage plans processed and approved by Engineering. Water-line and hydrant must be provided as per water and Sewer Department. (A street dedication is being provided for the north 1/2 of 24th St. in accordance with condition #1.)

The Technical Advisory Committee and Staff recommend approval of the preliminary plat of Korean Mission, subject to the conditions.

On MOTION of CONNERY, the Planning Commission voted 9-0-0 (Connery, Draughon, Higgins, Hinkle, Kempe, Paddock, Rice, Wilson, C. Young, "aye"; no "nays"; no "abstentions"; Woodard, T. Young, "absent") to approve the preliminary plat for Korean Mission, subject to the following conditions:

1. It is not the policy of the City of Tulsa to accept half-street dedications. E. 24th St. should be dedicated the full 50' width and improved as per instructions of the City Engineer.
2. The RS-2 zoning will allow a 30' building line. Note the 100' building line was volunteered by applicant. (Suggest that only the 30' required B/L be shown.)
3. 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.
4. Water plans shall be approved by the Water and Sewer Department prior to release of final plat. (Include language for W/S facilities in covenants)

Korean Mission (continued)

5. A request for creation of a Sewer Improvement District shall be submitted to the Water and Sewer Department prior to release of final plat.
6. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer. Some off-site easements may be required. On-site detention required. Show on plat as a "Reserve".
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 City Commission.
8. It is recommended that the developer coordinate with Traffic Engineering during the early stages of street construction concerning the ordering, purchase, and installation of street marker signs. (Advisory, not a condition for release of plat.)
9. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
10. The key or location map shall be complete. (Show new subdivisions; up-date map)
11. A Corporation Commission letter (or Certificate of Non-development) shall be submitted concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged.)
12. A "letter of assurance" regarding installation of improvements shall be submitted prior to release of final plat. (Including documents required under Section 3.6-5 of Sub. Reg's.)
13. All (other) Subdivision Regulations shall be met prior to release of final plat.

Waiver of Plat:

Z-5980 Southlawn (3193) 5929 S. Peoria

(CS)

This is a request to waive plat on Lots 8 & 9 of this addition. A previous request was made on 8/18/82. The proposal at that time was for an office building and OM zoning. The current case is a re-zoning from OM to CS. The requirements on the previous application included the following:

Z-5980 Southlawn (continued)

- (a) Sewer main extension (Including easements therefore) (Also an 11' easement on N. E, & S.)
- (b) Access control agreement
- (c) Grading and drainage plan approval, subject to City Engineer. (On-site detention.)
- (d) Dedication of an additional R/W on Peoria to meet street plan. (50' from center-line).

Staff sees no change in the requirements, although the proposal at this time is for boat sales. One new small structure will be built behind the existing building which is to remain. (One caution from Staff: The parking in front must not over-lap into the street dedication. Some changes in the actual layout will need to be made. Recommend this be coordinated with Traffic Engineering through the access approval.) The previous request under Z-5593 was never completed and there is no indication that any of the requirements were met.

The applicant was represented by Kevan Jeffords.

Mr. Jeffords informed they felt they could meet all the requirements of the waiver of plat except for the dedication of the additional 15 feet because 35 feet had previously been dedicated.

Mr. Wilmoth informed the Staff was not aware that the applicant was going to ask for a waiver of the right-of-way requirement.

Mr. Gardner informed that prior to this property coming to the Planning Commission for office zoning, it was residential and it had a non-conforming use. The requirement is that when property is rezoned, it must be replatted and must meet the requirements. When the property was residential, asking for the additional right-of-way would have created a hardship. The applicants asked for and received higher intensity zoning, and he does not think it is unreasonable that they meet the requirements.

The Technical Advisory Committee and Staff recommend approval of the waiver of plat on Z-5980, subject to the conditons outlined by the Staff.

On MOTION of HIGGINS, the Planning Commission voted 9-0-0 (Connery, Draughon, Higgins, Hinkle, Kempe, Paddock, Rice, Wilson, C. Young, "aye"; no "nays"; no "abstentions"; Woodard, T. Young, "absent") to approve the request to waive the platting requirements for Z-5980, subject to the following conditions:

- (a) Sewer main extension (Including easements therefore) (Also an 11' easement on N. E, & S.)
- (b) Access control agreement

Z-5980 Southlawn (continued)

- (c) Grading and drainage plan approval, subject to City Engineer. (On-site detention.)
- (d) Dedication of an additional R/W on Peoria to meet street plan. (50' from Center-line).

LOT SPLITS:

Lot Splits for Waiver:

L-16260 Gerald Pace (1693) SE/c E. 30th & S. Pittsburg Ave. (RS-3)

This is a request to split a 150' x 140' tract into three 50 x 140' lots. The split will require variance of the lot width from 60' to 50' from the Board of Adjustment. Staff has no objection to the request, since the lots will contain 7000 sq. ft. each. As an alternate, the Staff suggests that instead of three lots facing Pittsburg, with only 50' width, the applicant consider two lots 70' lots facing north on 30th and one 50' lot facing Pittsburg. The reason for this is that a 50' lot on the corner will require a 25' setback from both streets, leaving very little to build upon without a variance of the setback. A 70' lot will create more buildable area and eliminate the necessity of a Board application for setback waiver. Approval of either configuration will be subject to any utility; requirements for extension of facilities, and Board of Adjustment approval of any lot less than 60' in width.

The applicant was represented by Gerald Pace. The alternate layout was to be used, and an east-west easement provided across the south end of the north 2 lots.

The Technical Advisory Committee and Staff recommend approval of L-16260, subject to the conditions.

On MOTION of KEMPE, the Planning Commission voted 9-0-0 (Connery, Draughon, Higgins, Hinkle, Kempe, Paddock, Rice, Wilson, C. Young, "aye"; no "nays"; no "abstentions"; Woodard, T. Young, "absent") to approve the request to waive the lot split requirements for L-16260, subject to the following conditions:

- (a) Board of Adjustment approval of 50' lot width for 1 lot.
- (b) Sewer main extension
- (c) Utility easement as needed for line extension subject to approval of utilities.

L-16262 John Favell (583) 6600 Block South Delaware Avenue (RS-1)

This is a request to split a 2.53 acre irregular shaped tract into three lots. All three lots will have well over the minimum size, but the two easterly lots have no frontage on a dedicated street. Applicant wishes to provide access by a "Mutual access easement". (Tracts B & C) The proposal is not a "flag lot" so there may be

L-16262 (continued)

problems with service for water. Applicant is advised to consult with Water Department for details. Whether the split is a "flag lot" or processed as submitted, with a mutual access easement, it will still require Board of Adjustment approval. Staff has no objection to the request, since there are other irregular shaped lots in the area. Notices have been given to the abutting owners. (Board of Adjustment case #13321 is scheduled for review 9/20/84.)

Mr. Wilmoth informed that a previous lot split was approved for four tracts. This request is for less density.

Applicant was represented by John Favell and Sisemore Engineering.

The TAC recommended a re-design to provide a "flag" to the street for the two east tracts and a "flag" on the north side to access the sewer to tract "A". (Or a sewer-main extension). Easement for PSO and ONG required on north and east (11').

The Technical Advisory Committee and Staff recommend approval of L-16262, subject to the conditions.

On MOTION of HIGGINS, the Planning Commission voted 9-0-0 (Connery, Draughon, Higgins, Hinkle, Kempe, Paddock, Rice, Wilson, C. Young, "aye"; no "nays"; no "abstentions"; Woodard, T. Young, "absent") to approve the request to waive the lot split requirements for L-16262, subject to the following conditions:

- (a) Board of Adjustment approval,
- (b) Re-design to provide flag lot access to Delaware, and
- (c) Sewer main extension or "flag" to existing sewer for Tract "A".

Lot Splits for Discussion:

L-16266 Robert Converse (1792) W. of SW/c W. 27th & S. 49th W. Ave. (RS)

In the opinion of the Staff, the lot split listed above meets the subdivision and zoning regulations, but since the lots may be irregular in shape, notice has been given to the abutting owner(s) so that property owners in the area may be aware of the application. Approval is recommended.

Mr. Wilmoth informed that a lot split was approved on this tract. When the owner had the property surveyed, he found that his house was sitting 31 feet into the other piece of property. This lot split will take 31 feet of Lot 3, adding it to Lot 6.

On MOTION of KEMPE, the Planning Commission voted 9-0-0 (Connery, Draughon, Higgins, Hinkle, Kempe, Paddock, Rice, Wilson, C. Young, "aye"; no "nays"; no "abstentions"; Woodard, T. Young, "absent") to approve L-16266.

L-16269 Crow-Tulsa-Lippe (283) (PUD 202) SE/c 61 & S. 76th E. Ave. (CS,OM,RS-3)

In the opinion of the Staff, the lot split listed above meets the subdivision and zoning regulations, but since the lots may be irregular in shape, notice has been given to the abutting owner(s) so that property owners in the area may be aware of the application. Approval is recommended.

Mr. Wilmoth informed this lot split is to adjust a lot line in a phasing of PUD 202. Staff has no problem with the lot split subject to the minor amendment to PUD 202.

On MOTION of HIGGINS, the Planning Commission voted 9-0-0 (Connery, Draughon, Higgins, Hinkle, Kempe, Paddock, Rice, Wilson, C. Young, "aye"; no "nays"; no "abstentions"; Woodard, T. Young, "absent") to approve L-16269 subject to approval of the Minor Amendment to PUD 202.

L-16270 Bruce Thalmeir (3194) SW/c E. 58th & S. 104th E. Ave. (IL)

In the opinion of the Staff, the lot split listed above meets the subdivision and zoning regulations, but since the lots may be irregular in shape, notice has been given to the abutting owner(s) so that property owners in the area may be aware of the application. Approval is recommended.

Mr. Wilmoth informed the flag lot in this lot split has a full 50 feet of frontage on a dedicated street, as required in the IL District.

On MOTION of HIGGINS, the Planning Commission voted 9-0-0 (Connery, Draughon, Higgins, Hinkle, Kempe, Paddock, Rice, Wilson, C. Young, "aye"; no "nays"; no "abstentions"; Woodard, T. Young, "absent") to approve L-16270.

L-16165 Newport Realty (583) South & West of 67th & S. Florence (RS-1)

Comments:

In the opinion of the Staff, the lot split listed above meets the subdivision and zoning regulations, but since the lots may be irregular in shape, notice has been given to the abutting owner(s) so that property owners in the area may be aware of the application. Approval is recommended.

Mr. Wilmoth told of several lot splits in this area that have been approved by the Planning Commission or denied by the Planning Commission and approved by the District Court. This lot split involves parts of two pieces of property under two old lot splits both of which were approved through the District Court. The lot split, as submitted, will create an additional building lot on Tract B. Tract A already has a house on it. The lot is six-tenths of an acre which more than meets the zoning requirements in the area. There are many other lots in

this quarter section that have odd shapes and a minimum of 30 feet of frontage or less.

Applicant's Comments:

Mr. John Rupe, 6603 South Evanston Circle, submitted eight photographs (Exhibit "A-1") and a preliminary plot plan showing how the lot will be used. He informed that he has met all the requirements for an RS-1 lot split, and he thinks this would be a beautiful building site. He plans to put a structure in the area that will be commensurate with the area. He submitted a petition signed by 10 property owners in the area who support this application (Exhibit "A-2").

<u>Protestants:</u>	Ridge Bond	Addresses:	3114 East 67th Street
	Frank Hettinger		320 South Boston
	Bill Huckin		6706 South Florence

Protestants' Comments:

Mr. Bond informed he lives adjacent to the subject tract, and is a spokesman for the Golden Pond Homeowners Association which consists of 10 families. He feels that the lake on the subject tract is the most important part of the discussion. He submitted three photographs of the lake (Exhibit "A-3"). He feels that this lot split is nothing more than a version of a lot split that was approved by the Planning Commission and overturned in District Court—L-15674. He has discussed this with Mayor Young.

Mr. Hettinger informed he represents Bill Bovard who owns the lot across the lake from the subject tract. He informed that the Lot Split Ordinance says that lots cannot be split unless the resulting lots conform to the zoning regulations. The zoning regulations for an RS-1 district require 100 feet minimum width of both lots resulting from the split. He does not believe these lots will meet that requirement.

Mr. Gardner told the Planning Commission members about the previous lot split that was approved by the Planning Commission and reversed by the District Court. He also told about a lot in the area that the Court did approve. The question in this case is where the rear yard and the side yard are. He told how the Staff determined that this lot met the zoning requirements.

There was discussion about the shape of the proposed lot split and how it compares to the lot split that was denied in District Court.

Mr. Huckin informed he will be the one that will be most affected by this lot split. He stated that the applicant wants to remove all the trees from the subject tract and destroy the beauty of it. He told about the judgement passed down by Judge Robert Scott about the previously requested lot split on this property. Mr. Huckin stated that the judge said that the lot split would cause irreparable damage to this area because of the

L-16165 (continued)

flood problems in the area, because of the sewage problems in the area, because it will destroy the beauty of the area, and because all of the access points for the lots that have been split are from a cul-de-sac. He urged the Planning Commission to deny this lot split. Mr. Huckin informed that the lot split that was approved by District Court in this area is still in litigation.

Ms. Wilson asked Mr. Huckin how recently Mayor Young and Judge Scott toured this property, and she was informed that it was within the past few months. Mr. Bond informed that the Mayor testified in District Court in the hearing for the denied lot split before Judge Scott.

Applicant's Rebuttal:

Mr. Rupe presented a site plan showing the irregular-shaped lots in the area. There are many of these because of the topography, the nature of the houses, etc. He informed that the shape of the denied lot split is different than the shape of this lot split. Mr. Rupe stated that the only trees he has removed from the property were dead trees. The building Mr. Rupe is planning to put on the property will in no way obstruct or alter the flow of water on the property. He informed that this lot split was requested under the basis of sewer, and the lot to the east of the subject tract is being connected to sewer at this point. He does not want to create anything that will be a detriment to the area.

Comments:

Mr. Paddock informed he cannot support the proposed lot split because he does not think it addresses the concerns of the abutting property owners and property owners in the area. He thinks there must be a more reasonable solution that can be worked out.

Ms. Kempe informed she would support the application, and she feels that the Staff has studied this very carefully and have found that it meets the regulations even though it is a flag lot and is irregular in shape.

Ms. Wilson informed she is concerned about the effect this would have on the property owners nearby. She does not think there is any lot similar to the subject lot in this area.

Chairman C. Young felt that the protestants' interpretation of what are the side yards and what is the rear yard is reasonable. He informed that he would not support this application.

Instruments Submitted:

8 photographs from applicant	(Exhibit "A-1")
Petition supporting application	(Exhibit "A-2")
3 photographs from protestant	(Exhibit "A-3")

L-16165 (continued)

TMAPC Action: 10 members present.

On MOTION of KEMPE, the Planning Commission voted 6-3-1 (Connery, Draughon, Higgins, Hinkle, Kempe, Rice, "aye"; Paddock, Wilson, C. Young, "nay"; Woodard, "abstaining"; T. Young, "absent") to approve L-16165.

Previously Approved Lot Split for Discussion: (Requested by abutting owners)

L-16147 Merrill Lynch (583) SE of 67th & S. Florence (RS-1)

Chairman C. Young informed a petition signed by several of the property owners in the area was submitted (Exhibit "B-1"). The petition requested that this lot split be reconsidered.

Chairman C. Young asked Legal Counsel if the Planning Commission can even entertain this case, and Mr. Linke informed he does not think the Planning Commission has jurisdiction to go back and rehear a case after the deed has been released and the Staff no longer has control over it. He does not know of any authority that gives the Planning Commission the power to go back and reconsider a lot split that has already been approved.

Ms. Wilson asked when this lot split was previously heard, and Mr. Wilmoth informed the deeds were released on March 30, 1984 and it was ratified by the Planning Commission on April 4, 1984. The surrounding property owners were not notified of this lot split because the policy of giving notice was not instituted until May 9, 1984.

On MOTION of KEMPE, the Planning Commission voted 10-0-0 (Connery, Draughon, Higgins, Hinkle, Kempe, Paddock, Rice, Wilson, Woodard, C. Young, "aye"; no "nays"; no "abstentions"; T. Young, "absent") to not rehear L-16147 based on the advise of Legal Counsel.

Lot Split for Ratification:

L-16229 (874) Tulsa Baptist Assoc.

Staff informed that this is an ordinary lot split and meets all the regulations.

On MOTION of HINKLE, the Planning Commission voted 10-0-0 (Connery, Draughon, Higgins, Hinkle, Kempe, Paddock, Rice, Wilson, Woodard, C. Young, "aye"; no "nays"; no "abstentions"; T. Young, "absent") to ratify the above listed lot split.

CONTINUED ZONING PUBLIC HEARING:

PUD 272-A Olsen (Wallace, Lucenta) West and South of the SW corner of 81st Street and Sheridan Road (RM-O & CS)

The applicant requested by letter (Exhibit "C-1") that this item be continued to the October 17, 1984, meeting. The applicant was present, but there were no interested parties present.

PUD 272-A (continued)

On MOTION of HINKLE, the Planning Commission voted 7-0-0 (Connery, Draughon, Higgins, Hinkle, Paddock, Wilson, C. Young, "aye"; no "nays"; no "abstentions"; Kempe, Rice, Woodard, T. Young, "absent") to continue consideration of PUD #272-A until Wednesday, October 17, 1984, at 1:30 p.m., in the Langenheim Auditorium, City Hall, Tulsa Civic Center.

OTHER BUSINESS:

PUD 128-A-9 Shaw 7747 S. Trenton

Staff Recommendation—Minor Amendment

The subject lot is located at 7747 South Trenton Avenue and is a part of an approved single-family area. The applicant was previously allowed to reduce his setback from Trenton Avenue, a side yard, from 25' to 15'; however, he was not able to utilize this relief because of a 25' utility easement which the applicant cannot encroach into. Because of this, he is requesting to be allowed to encroach two corners of the house into the 25' setback from the cul-de-sac on the north side of the lot.

The Staff sees this as minor in nature and a reasonable approach for developing the lot which is irregular in shape and difficult to develop. Therefore, we recommend APPROVAL from 25 feet to 15 feet in the setback for Lot 46, Block 3, Kensington II Amended, Blocks 3 through 8, subject to the plan submitted.

NOTE: Abutting property owners were notified by mail of the pending request.

Comments:

Ms. Wilson asked if this encroaches into any open space, and she was informed that it does not.

TMAPC Action: 9 members present.

On MOTION of HIGGINS, the Planning Commission voted 9-0-0 (Connery, Draughon, Higgins, Hinkle, Kempe, Paddock, Rice, Wilson, C. Young, "aye"; no "nays"; no "abstentions"; Woodard, T. Young, "absent") to approve the requested Minor Amendment to allow the applicant to reduce his setback from Trenton Avenue from 25 feet to 15 feet for Lot 46, Block 3, Kensington II Amended, Blocks 3 through 8, subject to the plan submitted.

PUD 202-1 Crow-Tulsa-Lippe SE/c 61st St. & S. 76th E. Ave.

Staff Recommendation—Minor Amendment

Planned Unit Development No. 202 is located at the Southwest corner of 61st Street and South Memorial Drive. The subejct tract is the westernmost twenty acres of the above described tract. This tract was approved to allow 428,000 sq. ft. of office development and the applicant is requesting a minor amendment to permit a lot-split on a portion of Lot 1, which would sever a retention pond site from tract 3, and attach it to tract 2.

PUD 202-1 (continued)

The Staff reviewed the PUD requirements and the Plat of Survey submitted and find the request to be minor in nature and recommend APPROVAL of the requested lot-split, subject to the Plat of Survey submitted and a mutual access and parking agreement.

TMAPC Action: 9 members present.

On MOTION of KEMPE, the Planning Commission voted 9-0-0 (Connery, Draughon, Higgins, Hinkle, Kempe, Paddock, Rice, Wilson, C. Young, "aye"; no "nays"; no "abstentions"; Woodard, T. Young, "absent") to approve the Minor Amendment to PUD #202 to permit a lot-split on a portion of Lot 1, which would sever a retention pond site from tract 3, and attach it to tract 2, per Staff Recommendation.

There being no further business, the Chair declared the meeting adjourned at 2:48 p.m.

Date Approved

October 3, 1984.



Chairman

ATTEST:



Secretary

9.19.84:1522 (20)