

TULSA METROPOLITAN AREA PLANNING COMMISSION  
MINUTES of Meeting No. 1529  
Wednesday, November 7, 1984, 1:30 p.m.  
City Commission Room, Plaza Level, Tulsa Civic Center  
(Moved from Langenheim)

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Connery Draughon Higgins Paddock VanFossen Wilson Woodard Young	Kempe Rice	Compton Gardner Frank Lasker Matthews Wiles	Linker, Legal Department

The notice and agenda of said meeting were posted in the Office of the City Auditor on Monday, November 5, 1984, at 11:12 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, First Vice-Chairman Marilyn Wilson called the meeting to order at 1:39 p.m.

MINUTES:

On MOTION of DRAUGHON, the Planning Commission voted 7-0-1 (Connery, Draughon, Higgins, VanFossen, Wilson, Woodard, Young, "aye"; no "nays"; Paddock, "abstaining"; Kempe, Rice, "absent") to approve the Minutes of October 24, 1984 (No. 1527).

Consideration of amending the TMAPC Minutes of August 29, 1984, to delete a portion of the legal description which was recommended for PUD 375, but was not a part of the revised application.

Mr. Gardner informed that part of the legal description for PUD 375 heard August 29, 1984, needs to be deleted. The Staff has found that the applicant originally submitted two legal descriptions intended to describe the area under consideration for PUD 375. The case was properly advertised and case materials were correctly prepared for consideration by the TMAPC. The prepared case materials reflected only one area of request as did the PUD text; however, the applicant had erroneously asked that an additional area be included which was later excluded. The Staff recommends the following language be stricken from the August 29, 1984, TMAPC Minutes as they apply to PUD 375:

AND,

All of Woodview Heights, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, containing 2,018,526.84 square feet or 46.339 acres, more or less.

Minutes (Continued)

On MOTION of HIGGINS, the Planning Commission voted 8-0-0 (Connery, Draughon, Higgins, Paddock, VanFossen, Wilson, Woodard, Young, "aye"; no "nays"; no "abstentions"; Kempe, Rice, "absent") to amend the TMAPC Minutes of August 29, 1984, as they apply to PUD 375 by striking the following language from the legal description of said case:

AND,

All of Woodview Heights, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, containing 2,018,526.84 square feet or 46.339 acres, more or less.

PUBLIC HEARING:

Public Hearing to amend the District 8 Plan Map and Text by adding thereto the Turkey Mountain Special Study.

Ms. Dane Matthews, of the INCOG Staff, informed the Staff was requested on September 26, 1984, to do a special study of the Turkey Mountain Special District which was created back in June in response to a request from the Planning Team of District 8. That special study has been completed and they are ready to present it. They have looked at the issues and the factors that affect development in the area and have come up with a proposal. Ms. Matthews informed that the TMAPC Comprehensive Plan Steering Committee has been briefed on this matter, and it is her understanding that that committee may have a request to continue this item. She stated that in the interim the Planning Commission may wish to either hear some of the people from the general public who have come to speak or make a list of the interested parties so if there is a continuance, they can be notified of the new hearing date.

The following interested parties were present and indicated that they wish to be notified of future hearings concerning this item:

Interested Parties:	Jon A. Ferris	Addresses:	1437 South Main
	Craig Ferris		1437 South Main
	Jim H. Biffle		Suite 210
			One Main Plaza
			610 South Main

Mr. VanFossen informed that the Comprehensive Plan Committee met concerning this item, and based upon a request from the District 8 GTC representative, they recommend that this Public Hearing be continued until December 12, 1984, to allow more analysis by the people involved.

On MOTION of VANFOSSEN, the Planning Commission voted 8-0-0 (Connery, Draughon, Higgins, Paddock, VanFossen, Wilson, Woodard, Young, "aye"; no "nays"; no "abstentions"; Kempe, Rice, "absent") to continue consideration of the Public Hearing to amend the District 8 Plan Map and Text by adding thereto the Turkey Mountain Special Study until Wednesday, December 12, 1984, at 1:30 p.m. in the City Commission Room, Plaza Level, Tulsa Civic Center.

## SUBDIVISIONS:

### Sketch Plat:

#### Trinity Addition (PUD 370)(2683) SW/c 106th & S. Memorial Dr.(RM-1, RS-2)

The Staff presented the plat with the applicant represented by Bill Lewis. This was reviewed as a "PUD" on 7/19/84 by the TAC. The information furnished at that time was incomplete and the applicant was not represented. A copy of that review was provided for the TAC as a reference. The PUD and zoning were reviewed by the Planning Commission on August 8, 1984 and were approved with certain conditions and comments. A copy of that set of minutes was also provided. Review of the TAC minutes and Planning Commission minutes on this tract indicate that there is considerable concern about 106th Street. Note that the recommendations of the TAC on the PUD review did NOT include any waivers of street width and/or paving width. The plat submitted for review is the first phase which will contain the church building. The multi-family housing will be in the rear in the 2nd phase.

There was considerable discussion regarding access, street improvements and extension of water and/or sewer lines. If the plat was to be filed in stages, the Staff advised that the PUD requirements and conditions would need to be filed of record on the remaining unplatted land. Any waivers of the Subdivision Regulations would have to be approved by the TMAPC, as the TAC would not recommend waiver. Should the Planning Commission approve waiver of the street width, the actual construction of the street will still be subject to standards required by the City Engineer unless that department grants a waiver.

Phasing of the plat was discussed. Since access is shown off the future 106th St., Traffic Engineering recommended that the plat show "LNA" along all the Memorial frontage. If 106th is not dedicated with the first phase, easement or means of access to Memorial should be shown on the plat.

City Engineering, Traffic and the TAC in general recommended that the street be dedicated with this plat at least as far back as the rear lot line of the church tract. If the street is not constructed at this time, CE recommended that a bond and/or letter of credit with a time limitation be required for development. (Subject to approval of the Engineering Dept.)

Due to the number of concerns and the waiver requested by the applicant on the street width and phasing, the TAC felt that only SKETCH PLAT APPROVAL could be recommended at this time. This would allow another review by the full TAC before proceeding with the plat.

Trinity Addition (continued)

The Technical Advisory Committee and Staff recommend approval of the Sketch Plat of Trinity Addition, subject to conditions.

Mayor Young asked Mr. Wilmoth why this matter is so complicated, and Mr. Wilmoth informed the complications probably have to do with the financing.

Mr. Charles Chief Boyd, Architect, 4998 East 26th Street, informed that the complications revolve around the fact that the financing to develop all the utilities for this site is based upon the financial capabilities of the proposed housing project and not the church itself. They want to build the church before the housing project is built because the financing package for the housing project has not been finalized and completed. They would like to put the burden of the utility development for this entire site on the housing corporation. The church can afford all its utilities. The church has secured an irrevocable letter of credit for the construction of the street. They will meet all the requirements. The church will be on a septic system, and they have a temporary water connection. The housing project will be developing all the major utilities to this site.

Mayor Young asked the applicant why he wants a waiver of the 60 foot requirement, and Mr. Boyd informed the street they are tying into (Bridle Trails) presently is a 20-foot paved section with no curb and gutter. There are not as many homes in this area, and the concentration of people is less in this area than in most areas. What they will provide on the street will be in excess of the streets they will be tying into.

On MOTION of YOUNG, the Planning Commission voted 8-0-0 (Connery, Draughon, Higgins, Paddock, VanFossen, Wilson, Woodard, Young, "aye"; no "nays"; no "abstentions"; Kempe, Rice, "absent") to approve the sketch plat of Trinity Addition waiving the Subdivision Regulations requiring conformance with the Street Plan, subject to the following conditions:

1. Dedicate 106th Street with 50 feet of right-of-way at least as far back as the rear lot line, subject to assurances recommended by C.E.
2. The access point on the plat does not agree with the access shown on the site plan submitted for review. The site plan indicates all access to be off 106th St. After discussion, T.E. recommends "LNA" on all Memorial frontage.
3. Covenants:
  - (a) Cable TV and telephone may wish to be specifically included in SECTION I A & B.

Trinity Addition (continued)

- (b) Include applicable language for Water & Sewer Dept. (Including Haikey Creek provisions if applicable).
- (c) If on septic system, include language regarding disposal system as per Health Dept.
- (d) In SECTION II under "A", add: "The amended outline development plan is a condition of approval unless modified herein."
- (e) SECTION II B: Minimum setback on the north is 150' from C/L of 106th.
- (f) SECTION II C: After word "Commission" add: "and approval"
- (g) SECTION II: Add a line as follows:

Signs:

Signs must meet the requirements of Section 1130.2 (b) of the Zoning Code.

- (h) Some minor corrections and/or typing errors need to be corrected. See P.S.O.
4. All conditions of PUD #370 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 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 the final plat. (Include language for W/S facilities in covenants) (A 12" & 8" line extension is required. If not done on the first phase, approval of Water Board required. Copy of action required for file.)
  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. This property is located within the area served by the Haikey Creek Sewage Treatment Plant and will require a statement concerning sewer availability within the covenants.

Trinity Addition (continued)

9. A request for creation of a Sewer Improvement District shall be submitted to the Water and Sewer Department prior to release of the final plat. (Not applicable if on septic.)
10. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer. (For 106th and/or drainage) (See discussion regarding assurances for construction).
11. Paving and/or drainage plans shall be approved by the City Engineer, including storm drainage and detention design (and Earth Change Permit where applicable), subject to criteria approved by the City Commission.
12. Street names shall be approved by the City Engineer. Show on plat as required.
13. All curve data shall be shown on the final plat where applicable. (Including corner radii.)
14. Show Book & Page reference for dedication on S. Memorial.
15. Limits of access shall be shown on the plat as approved by the City and/or Traffic Engineer. Include applicable language in covenants. (see #2 above). (Also applicant was advised of median plans on Memorial.)
16. 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.)
17. 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.
18. The method of sewage disposal, and plans therefore, shall be approved by the City/County Health Department. (Not applicable if on sewer.)
19. 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.) (Not applicable if on sewer).

Trinity Addition (continued)

20. The method of water supply, and plans therefore, shall be approved by the City/County Health Department. See conditions #6 and #7.
21. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
22. 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 the plat on any wells not officially plugged.)
23. This plat has been referred to Bixby 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.
24. 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 Sub. Reg's.)
25. All (other) Subdivision Regulations shall be met prior to release of the final plat.

Final Approval and Release:

Rebel Run (1503) N/side Port Road, W. of N. Sheridan (CS)

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

On MOTION of HIGGINS, the Planning Commission voted 8-0-0 (Connery, Draughon, Higgins, Paddock, VanFossen, Wilson, Woodard, Young, "aye"; no "nays"; no "abstentions"; Kempe, Rice, "absent") to approve the Final Plat of Rebel Run and release same as having met all conditions of approval.

Cavalier Park I, Block 2 (2203) SW of E. 30th St. N. & N. Sheridan (CS)

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

On MOTION of HIGGINS, the Planning Commission voted 8-0-0 (Connery, Draughon, Higgins, Paddock, VanFossen, Wilson, Woodard, Young, "aye"; no "nays"; no "abstentions"; Kempe, Rice, "absent") to approve the Final Plat of Cavalier Park I and release same as having met all conditions of approval.

Waiver of Plat:

Z-5815 Memorial Acres (1393) NW/c E. 22nd St. & S. 92nd E. Ave. (OM)

This is a request to waive plat on Lots 2 & 10, Blk. 2 of the above named plat. Right-of-way is already dedicated on both abutting streets. Neither street is an arterial, but the driveways should still be approved subject to review by Traffic Engineering. Grading and drainage plans shall be approved by the City Engineer. Utility extensions and/or additional easements may be required by utilities. A septic system is shown on the plot plan, so approval of the City/County Health Dept. will be required. Subject to these limitations, Staff has no objections to a waiver.

The applicant was not represented.

City Engineering advised that since this is in a mapped floodplain, a "Floodplain Development Permit" is required.

Traffic Engineering recommended that the driveway to 92nd E. Ave. be realigned to meet the street at 90° and be moved further north.

The Technical Advisory Committee and Staff recommend approval of the waiver of plat on Z-5815, subject to conditions.

On MOTION of YOUNG, the Planning Commission voted 8-0-0 (Connery, Draughon, Higgins, Paddock, VanFossen, Wilson, Woodard, Young, "aye"; no "nays"; no "abstentions"; Kempe, Rice, "absent") to approve the Waiver of Plat on Z-5815, subject to the following conditions:

- (a) Grading and drainage plans, including Floodplain Development Permit, subject to approval of City Engineering;
- (b) relocation and re-design of driveway to 92nd E. Ave. as recommended by the Traffic Engineer;
- (c) approval of septic system by City/County Health Dept.;
- (d) dedication of a 10' utility easement parallel to S. 92nd E. Ave. and an 11' utility easement on the west and north.

Z-5987 Interchange Center (2393) E. 31st Place & S. 79th E. Ave. (CS-OMH pending)

This is a request to waive plat on a 1.8 acre portion of Lot 3 of the above named plat. Street Improvements have already been constructed in connection with I-44 Improvements. The proposed use is a motel/hotel. Since the property was already platted and the tract is less than 2 1/2 acres, Staff has no objection to the request.

Z-5987 Interchange Center (continued)

This request also includes a lot-split (#16294) which includes all of the land within Z-5987 and a 60' x 280' + 10' "panhandle" of unplatted land to the south which will all be joined to form one tract under the same ownership. The strip being added to the south will be for parking (as per plot plan) and the 10' strip running east is for pedestrian access to the Pancake House Restaurant. Approval of the plat waiver would also include approval of the lot-split.

The applicant was represented by Roy Johnsen.

Engineering advised that on-site detention or fee in lieu is required. Storm sewer is required. Possible PFPI needed.

There are existing utilities in the easements near the south end of the property. Use caution in grading over these for the parking lot construction. Check with fire dept. to make sure adequate fire protection is available.

Mr. Wilmoth informed that Condition "C" can probably be eliminated because he believes the utility lines may be in the street right-of-way.

The Technical Advisory Committee and Staff recommend approval of the Waiver of Plat on Z-5987 and L-16294, subject to conditions.

There was discussion concerning whether or not zoning has been approved by the City Commission on this tract, and it was determined that it had already been approved by the City Commission.

On MOTION of HIGGINS, the Planning Commission voted 8-0-0 (Connery, Draughon, Higgins, Paddock, VanFossen, Wilson, Woodard, Young, "aye"; no "nays"; no "abstentions"; Kempe, Rice, "absent") to approve the Waiver of Plat on Z-5987, subject to the following conditions:

- (a) Grading & drainage approval by the City Engineer;
- (b) approval of the fire dept. for adequate fire protection;
- (c) 11' utility easement parallel to street frontage if required.

11.7.84:1529(9)

LOT SPLITS:

Lot Splits for Waiver:

L-16288 Robert Nelson (3694) NW/c of 54th St. & Mingo Rd.

(IL)

This is a request to split a 150' x 120.39' tract into two lots. The Northernmost lot will have only 125' of frontage while the zoning regulations require 150' of frontage on a major street (Mingo Rd.). Also access change is required because the northernmost tract has no access to Mingo Rd. as per plat. The TAC recommended that this approval be subject to:

1. Board of Adjustment approval of the lot frontage.
2. Approval of access change as per recorded plat and T.E.
3. Grading and/or drainage plans approval by City Engineer (on site detention or fee).

Mr. Wilmoth informed that Traffic Engineering is holding the access change depending upon the Planning Commission and Board of Adjustment actions. They have no objection to an access point since there are a number of them up and down Mingo on both sides. There have been some access changes granted in this particular subdivision. The Engineering Department's approval is subject to the Planning Commission approval and Board of Adjustment approval.

Mayor Young asked about the access on the south 125 feet, and Mr. Wilmoth informed that 54th Street is an industrial street so the access is unlimited onto 54th Street. Mr. Gardner informed that the applicant is not asking for access to the southern tract, nor is access being recommended. The traffic engineer is recommending approval of the northern access point if there is not access to Mingo from the southern tract.

Mr. Wilmoth informed they could say that the access change should only include one access point to Mingo on the north half of the property and none on the south half on Mingo.

The applicant was not represented.

The Technical Advisory Committee and Staff recommend approval of L-16288, subject to the conditions outlined by Staff.

On MOTION of YOUNG, the Planning Commission voted 8-0-0 (Connery, Draughon, Higgins, Paddock, VanFossen, Wilson, Woodard, Young, "aye"; no "nays"; no "abstentions"; Kempe, Rice, "absent") to approve L-16288, subject to the following conditions:

1. Board of Adjustment approval of the lot frontage.

L-16288 Robert Nelson (continued)

2. Approval of access change to the north half as per recommendation of T.E.
3. Grading and/or drainage plans approval by City Engineer (on site detention or fee).

L-16289 Harold Whitels (1792) West of the NW/c W. 27th St. (AG)  
& S. 49th W. Ave.

This is a request to split two platted 2 1/2 acre lots into two 1 1/4 acre lots each. This request will require approval of the Board of Adjustment because the lot width and the lot size of the proposed lots is under the minimum for the AG district. However, the Staff would recommend approval of this request because there are several lots in the area that are much smaller than the proposed lots. This recommendation would be subject to the Board of Adjustment, the Water Dept. and the Health Dept.

The applicant was represented by Lynn Calton.

Staff further advised that the area was platted in 1923 as ELLIOTS Subdivision and lots 8 & 15 had no access as platted. A dedication of 30' was made by separate instrument after the plat was filed. Dedication only extends half-way into the lots so the north half of 8 and 15 only have 15' of actual frontage at the end of the dedication. The south half of 8 and 15 have 165' of frontage. County Engineer and TAC recommended 60' standard county dedication to provide access and room for utilities. The applicant was agreeable with the request and would volunteer the necessary easements.

The Technical Advisory Committee and Staff recommend approval of L-16289, subject to the following conditions:

- (a) Board of Adjustment approval of lot width and area;
- (b) Health Dept. approval;
- (c) water main extension;
- (d) easements and/or R/W as volunteered by applicant and recommended by County Engineer.

Mayor Young asked if the subject property and the tract to the south is all under one ownership, and Mr. Wilmoth informed he does not think they are. They are separate platted lots, and apparently the engineer or the owner can get right-of-way from them. Mayor Young asked if the right-of-way would be dedicated as a public road, and Mr. Wilmoth informed it will be a regular dedication, not just a private easement. Mr. Wilmoth informed that the County Engineer was at the TAC meeting and this also was their recommendation.

L-16289 Harold WhiteIs (continued)

Mayor Young asked if the Health Department approval requirement could be changed to say "with regard to septic." Mr. Wilmoth informed that it could be changed to say "Health Department approval of septic system." Mayor Young informed that this area is saturated from a septic tank standpoint, there is no way to get water in there, and the County is not building any roads there anymore. Mr. Wilmoth informed that if the percolation is not approved, that completely voids any action, and the lot split is denied automatically because it cannot meet the Health Department requirements.

Mr. VanFossen asked if there is a time limitation to receive the required approvals, and Mr. Wilmoth described the process that a lot split goes through after Planning Commission approval has been granted.

Ms. Wilson stated that if there is no objection from the Commission, item "B" will be changed to read "Health Department approval of septic system." There was no objection to that amendment.

Mayor Young asked if lots can be split like this if they are zoned AG, and Mr. Wilmoth informed that Board of Adjustment approval will be required.

On MOTION of VANFOSSEN, the Planning Commission voted 7-1-0 (Connery, Draughon, Higgins, Paddock, VanFossen, Wilson, Woodard, "aye"; Young, "nay"; no "abstentions"; Kempe, Rice, "absent") to approve L-16289, subject to the following conditions:

- (a) Board of Adjustment approval of lot width and area;
- (b) Health Dept. approval of septic systems;
- (c) water main extension;
- (d) easements and/or R/W as volunteered by applicant and recommended by County Engineer.

L-16292 Blanche Sowersby (2792) SE/c of West 48th St & Waco Ave. (RS-3)

Request to split a 100' x 137.8' lot into two 50' x 137.8' lots. This split will require a variance from the Board of Adjustment because the lot sizes are below the minimum required for the RS-3 district. There are some 50' lots in the area that were approved through the lot-split process in recent months. Based on this information, the Staff recommends approval of this request subject to the Board of Adjustment, Water and Sewer Dept., and any utility easements that may be necessary to service the subject tracts. (An 11' easement along the east side is recommended.)

The applicant was not represented.

L-16292 Blanche Sowersby (continued)

The Technical Advisory Committee and Staff recommend approval of L-16292 subject to the conditions outlined by the Staff.

Mr. Wilmoth informed that there have been a number of lot splits in this area.

Mr. Paddock asked what the difference is in recommending something to be done and making it mandatory, and Mr. Wilmoth informed they do not want to say they will approve a lot split if the applicant will give them an easement. They cannot approve the lot split subject to the applicant manditorily giving an easement or right-of-way, etc. Mr. Linker informed that if the conditions are met, then the lot split is subject to approval, but they are not going to say that someone has to do something.

Mr. Wilmoth informed that, in this case, the necessary right-of-way was dedicated on a previous lot split on a larger tract.

Mayor Young pointed out that, although there are other lots in the area that are 50 feet wide, those lots are about 8 feet deeper. He asked if these lots will be terribly undersized. After calculating the square footage, Mr. Wilmoth informed this would be just short of RS-3 requirements. Mr. VanFossen asked about some very small lots farther north on Vancouver, and Mr. Wilmoth informed that those lots are duplexes that are split down the party wall.

On MOTION of HIGGINS, the Planning Commission voted 8-0-0 (Connery, Draughon, Higgins, Paddock, VanFossen, Wilson, Woodard, Young, "aye"; no "nays"; no "abstentions"; Kempe, Rice, "absent") to approve L-16292 subject to the following conditions:

- (a) Board of Adjustment approval of lot width and lot area.
- (b) Approval of Water and Sewer Department;
- (c) Any utility easements that may be necessary to service the subject tracts.

L-16293 Vivian Clark (1903) West of the NW/c of E. 32nd St. N. (RS-3)  
& N. Zuni Ave.

This is a request to split a 455' x 239' tract into three lots, a 55' x 239' lot, a 300' x 239' lot, and a 100' x 239' lot. Approval is required by the Board of Adjustment because the lot width is inadequate on the 55' x 239' lot and 30' of frontage is required on a dedicated street. The 55' x 239' and the 100' x 239' lots are lacking in this respect. Based on the fact that the majority of the lots in the area are 50 feet in width, the Staff recommended approval of this request subject to the approval of the Board of Adjustment, Water & Sewer Dept. and the City Engineers Dept. relative to any recommendations on drainage.

L-16293 Vivian Clark (continued)

The applicant was not represented at the TAC meeting.

In discussion, City Engineering advised that a cul-de-sac end on 32nd St. North was needed, including a PFPI. On-site detention or fee in lieu would be required. (There was no concern for the existing half-street dedications made many years ago.)

Water and Sewer Dept. advised that there is an existing 30' waterline easement along the east side of the tract, but additional 11' utility easements would be needed on the north, west and south, and part of the east connecting with the existing 30' easement.

Staff advised the TAC that this split was to clear title on the conveyances that were made, but not approved by TMAPC, as the three tracts were already of record but not approved. If a cul-de-sac were dedicated then possibly two additional lots could be created on the large lot, topography permitting. However, it would still require Board of Adjustment approval on the north lot. New lots created off the cul-de-sac would have enough frontage to meet the zoning.

The TAC inquired if there was a means to require a plat on the property. Staff again advised that it was not "subject to a plat" by zoning or other agencies. There were only 3 lots requested so it would fall in the category of a lot-split, not a plat.

After further discussion the TAC felt there were numerous problems that needed to be solved, so was not in favor of approving this application.

The Technical Advisory Committee recommended Denial of L-16293 since it did not meet the subdivision and zoning requirements regarding street frontage and improvements.

Mr. Wilmoth informed that the TAC has looked at this from the standpoint of a subdivision, but it is actually an unplatted piece of ground that was left over after all the other plats around it were filed, all of which were done long before Planning Commission approval was required. He emphasized that this application was made to clear title on something that has already happened--the applicant is not trying to build a subdivision.

The applicant, Vivian Clark, was represented by Roy Evans, 553 East Ute. Mr. Evans informed they would like to get a lot split and then build one house on the property. They do not want to fully develop the property for more than one house. The house will be built on the center lot which is 239 feet by 300 feet in size.

Mayor Young asked how long ago this property was purchased by the present owners, and Mr. Evans informed the purchases occurred in the early 1970s to his knowledge.

L-16293 Vivian Clark (continued)

Mr. VanFossen asked if this is designated as a lot in a subdivision at this time, and Mr. Wilmoth informed this property is unplatted. It needs to be split for title purposes because it is less than 2 1/2 acres in size. Any conveyance of property less than 2 1/2 acres would require approval of the Planning Commission on the deed by lot split.

There was discussion about the cul-de-sac that City Engineering recommended and whether or not it would be necessary at this time.

Mr. Draughon asked Mr. Linker why the Planning Commission is involved in clearing title or in establishing one, and Mr. Linker informed that the State Statutes provide that anytime a platted lot or a tract of ground that is not platted is divided into a tract that is 2 1/2 acres or less, Planning Commission approval must be given on the deed; otherwise, the conveyance is void. The reason for that is to prevent people from just splitting off lots and avoiding the subdivision process.

Mayor Young asked if the northernmost lot would be a usable tract of land, and Mr. Wilmoth informed that it would be a challenge to design something that would fit on that tract. A person could conceivably build a house on it if they designed it right. The only access to that lot would be the half street on the north end.

On MOTION of YOUNG, the Planning Commission voted 7-0-1 (Connery, Draughon, Higgins, VanFossen, Wilson, Woodard, Young, "aye"; no "nays"; Paddock, "abstaining"; Kempe, Rice, "absent") to approve L-16293 as submitted for title clearance.

L-16246 L. Calton (3090) W. of S. 261st W. Ave. & Coyote Trail (AG)

This is a request to split a 3.25 acre tract into three lots. This application was previously approved by the TAC, TMAPC, and the BOA. The lot sizes were altered slightly at the request of the Health Department. Staff recommends approval of this request subject to:

- (1) County Board of Adjustment approval
- (2) Health Department approval.

Mr. Wilmoth informed that the lot split the Planning Commission previously approved has slightly different access handles than this configuration. The Health Department would not approve the lot split unless the applicant redesigned his lots as shown on this application. There are existing mobile homes on the subject tract, and the Health Department had asked the applicant to rearrange the property so the homes could be put on three lots.

Mayor Young asked if there are now access easements or provisions on both the east and west sides of tract "A". Mr. Calton informed that the west side does not have mutual access. The Health Department required that strip so he would have the land area he needed. The

L-16246 L. Calton (continued)

configuration that was previously approved only had the normal flag lot on one side.

The applicant, Lynn Calton, 1104 East 44th Street, #3303, was present. Mr. Calton informed one of the tracts was about .999 acres in size excluding the mutual access easement--the Health Department says that cannot be included as part of the land as far as the one acre requirement for septic systems is concerned. They had the property designed in three rectangles, but they had to go back and do this configuration in order to meet the requirement to have one acre excluding the mutual access easement. There is a trailer park on the property now, and they are trying to eliminate the trailer park and reduce it to three one-acre lots and sale it. This will decrease the density in the area.

Mayor Young asked if the strip along the west side of the property could be a second access point to Tract "B", and Mr. Calton informed that could be an access point; however, the road is presently on the east side of the property.

Mr. VanFossen had a question about the width of the access easement. He does not think a 15-foot easement sounds adequate.

Mr. Gardner informed that the Ordinance requires a minimum of 30 feet of frontage on a dedicated street. Tract "B" now meets the Ordinance requirements, so the only waiver involved would be on Tract "C". He does not think the Health Department was so concerned about Tract "B" meeting the zoning, but they did want the tract to have an acre of land not counting easements.

Mr. VanFossen asked if a 15-foot easement is normally considered adequate, and Mr. Gardner informed it depends on the circumstances. In this case, it would probably be adequate because it deals with 3 or more acres of land and only three units.

On MOTION of VANFOSSEN, the Planning Commission voted 6-1-1 (Connery, Draughon, Higgins, VanFossen, Wilson, Woodard, "aye"; Young, "nay"; Paddock, "abstaining"; Kempe, Rice, "absent") to approve L-16246 subject to the following conditions:

- (1) County Board of Adjustment approval
- (2) Health Department approval.

Additional Discussion:

Mayor Young informed he is concerned about creating lots of strange configurations to meet with Health Department approval. He wondered if there are other ways to solve small land area problems other than creating lots with strange configurations. Mr. Wilmoth informed the Staff would prefer that it be done a different way. In the City, lots have to actually abut the street because of the water and sewer department requirements

L-16246 L. Calton (continued)

that a tract abut the street that the services are in. It is not as difficult in the county, because the tracts are usually served by rural water districts and they do not have that kind of problem. He informed he would rather see normal lots formed with an access.

Mayor Young informed he feels the Planning Commission sometimes goes too far to try to accommodate something that someone before may have determined was not supposed to happen there.

Mr. Gardner informed that the original arrangement of the tracts was the proper solution. The Health Department has certain rules and regulations. He is not sure who waives those regulations. There was nothing the applicant could do but come back with this plan that the Health Department would approve. He informed that the Planning Commission may be able to over-ride the Health Department in a situation like this. He informed that the Planning Commission obviously wants all lots to meet the standards of the Health Department.

Mr. Gardner asked Legal Counsel if the Planning Commission can over-ride the Health Department, and Mr. Linker informed they cannot. He stated that the applicant is merely meeting a requirement that has been placed on him by the Health Department, and the Planning Commission does not have the right to over-ride the ruling of the Health Department--that is set up by State Statute. The Planning Commission might be able to go contrary to what the City Agencies might require, but they cannot go against the Health Department.

Mayor Young asked Mr. Linker if the one acre requirement is a State Statute as opposed to a local Health Code requirement, and Mr. Linker informed he is not familiar with that, and he is not familiar with whether or not the Health Department has any leeway at all. It has been his understanding that they have hard and fast rules and that is the way it is.

Mr. Calton informed there is an Oklahoma State Department of Health Regulation through Bulletin 600 that says there shall be a one acre lot. These lots would have been satisfactory as originally designed; however, an internal memorandum came from Oklahoma City to all of the local authorities which stated that mutual access easements could not be included in the one acre.

Mr. Linker informed he understands why the easement cannot be included, because an easement is not the fee ownership of the property. An easement is used for the purposes of the easement only.

Mr. Paddock asked Mr. Linker who has the power to over-rule the Health Department, and Mr. Linker informed he would have to look at the Statutes to determine that. He is not sure that

L-16246 L. Calton (continued)

there is any authority, short of a court, that could do that. He does not know of any appeal procedure from the Health Department rulings.

Mayor Young informed that it may be that the Statute which requires one acre may be interpreted by the State Health Department in a way that the Statute does not give them the authority to interpret it. If it does not specifically say they can exclude mutual access easements, then an acre would be an acre. He suggested examining their authority to do that.

Mr. Linker informed that in this case, the applicant may have been able to change the size of the lots where they met the requirements. Part of the problem may be because of the way the applicants divided it up themselves. If the tract will meet the size with the handle, then it will certainly meet the size by altering the lines and making different tracts different sizes.

Mr. Paddock asked Mr. Linker who has the power to over-rule the Health Department, and Mr. Linker informed he would have to look at the Statutes to determine that. He is not sure that there is any authority, short of a court, that could do that. He does not know of any appeal procedure from the Health Department rulings.

Lot Splits for Discussion:

L-16311 Word/Ramsey (583) S. of SE/c 67th & S. Evanston Ave. (RS-1)

In the opinion of the Staff, the lot split(s) listed above meet the subdivision and zoning regulations, but since the lot(s) 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.

Mike Taylor, 5359 S. Sheridan Road, represented the applicant.

Mr. Wilmoth told about other lot splits in this immediate area. He informed that there is nothing pending on this piece of property. He pointed out that the abutting property owners have been notified in writing that this lot split is coming before the Commission. Mr. Wilmoth stated that this is probably the cleanest lot split in this whole area. It will make four large tracts with a common easement down the middle. They feel that this will meet the intent of the regulations. The lots have 30 feet of frontage, but they have asked the applicant to certify to them that the lots do have an average lot width of 100 feet. If it doesn't, it would have to go to the Board of Adjustment for a waiver of the lot width. The lot area is no problem because it is RS-1, and the minimum is only 13,500--they are way over that minimum. They are recommending approval of this lot split as submitted.

L-16311 Word/Ramsey (continued)

Ms. Higgins asked if there is a deed restriction on the property as to minimum lot size in this area. Mr. Wilmoth informed he is not sure that restriction applied to all the lots or just the ones on the other side of the pond.

Mr. Taylor informed they have attempted to research the abstract, and have found nothing filed of record concerning deed restrictions in this subdivision. If there is something filed, it is on another subdivision or is an unrecorded instrument that may or may not stand up in Court. They are in compliance with the zoning and the private deed restrictions from the original plat. They feel that the lots meet the zoning requirements. They are in excess of the RS-1 bulk and area standards, and they meet the frontage requirements. He told of the amenities they are planning to put on the tracts. They expect this development to cost in excess of \$70,000 which does not include any of the land costs. The lots will probably be put on the market for around \$200,000. They do not feel that this proposal will be detrimental to the neighborhood.

Mayor Young asked the applicant if he has information on the elevation on the west end of the large tract versus the elevation on the east end, and Mr. Taylor informed the property drops about 20 feet. He informed that most of the drop is in the easternmost tracts.

Mayor Young asked the applicant if there will be earth work in the two eastern tracts which would constitute fill, and the applicant informed that there will not be. They do not expect to do a lot of earth work. They are going to try to retain as much of the natural beauty of the lot as they can.

Mayor Young asked if there will be any conditions or restrictions that will protect the lake itself, such as no effort to fill the area of the lake and no effort to drain the lake in order to develop it, and Mr. Taylor informed he cannot answer that because he has not seen any documents. He informed that the attorney will be drawing up private deed restrictions to be placed on the lots concerning all of the mutual common areas. Mr. Taylor described those common areas that will be on the lots.

Mayor Young asked when the covenants or restrictions would be prepared by the attorney, and Mr. Taylor informed he does not know what the schedule is. They are waiting to proceed on that end of it until they can get the lot split approved. Mr. Taylor informed he is sure the owner of the property would be willing to give the City a copy of any documents filed.

Mr. Wilmoth informed that in order to get a building permit, the applicant will have to show a lot split approval to the Building Inspector. If they make a comment into the record about concerns

L-16311 Word/Ramsey (continued)

they have, when the record search comes over that comment will be in the minutes, and the Building Inspector can watch for that. Items they are concerned about could be red-flagged.

Mr. Taylor informed they have reviewed this plan and lot split with Paula Hubbard, a Protective Inspections Zoning Officer, and she has signed and dated a copy of the plat that was submitted. She had no problem with the lots meeting the minimum lot width.

Ms. Higgins asked Mr. Linker if the Planning Commission has a right to put legal technicalities as to development of property on an applicant in a lot split if the proposed lots meet all of the requirements of a lot split.

Mr. Linker informed that would depend on the specific covenant of a piece of property and the specific requirements that apply. He does not see anything wrong with covenants that would legitimately protect neighboring property owners for legitimate concerns during lot split approval. He has not ever seen this done. Mr. Wilmoth informed he also has never seen this done.

Mayor Young informed that the TMAPC is here by Title 19, and under Title 19 there is a specific statute that says that a subdivision is formed any time a second lot is made. He informed that he knows they have not used that statute and that interpretation. They have referred to Title 11 with regard to what a subdivision is. He is curious as to whether or not, in the fact that they are here by Title 19, they are not subject to the definition of a subdivision that appears there. Mr. Linker informed he believes Title 19 states that a subdivision is 5 lots. Under Title 19, the burden is to apply the subdivision regulations. If they go beyond the subdivision regulations in their requirements, then he thinks an applicant would have a basis for overturning the action of the Commission in Court. That is the only duty that he thinks is placed on the Commission by the State Statutes under Title 19--apply the subdivision requirements. That basically gets into generalities. It gets into what is good for the general health, safety, and welfare of the public. That is why it depends on the specific thing they are dealing with on the covenant.

Mayor Young informed that the Statute he is referring to says that when a second lot is created, a subdivision is created.

Mr. Gardner informed that any division of land is a subdivision. However, as far as a definition of subdivision under Title 19, it says 5 or more lots is a subdivision, and less than that is a lot split. He thinks the fact that these have handles, none of which, other than along Evanston, reach the full 30 foot required for having frontage on a street, brings this application to the Planning Commission. He does not think these lots have 30 feet or frontage as the least dimension.

Mayor Young informed he supports the division that is before the Commission except that there is a situation where there are certain species of animals which inhabit this area which are directly threatened by some of the other lot splits which occurred which would have required a substantial amount of land fill in order to use the land. They need to have an understanding that the applicant is not going to go in there and destroy the environment which is the setting around which this particular project becomes attractive.

Mr. Gardner informed that technically this meets all the subdivision requirements, but it may not meet the spirit and intent because the part adjacent to the street is 30 feet, and then it tapers down to 20 feet. He does not know that the envisionsers of the Ordinance had that sort of situation in mind. This is properly before the Planning Commission and they can make conditions. Those requirements do need to be reasonable and do need to be related to what it is that is before the Commission. The preservation of the lake may not be a legitimate condition, but drainage is, and if that lake is needed for detention, then that is the condition.

Mr. VanFossen asked if the Planning Commission can make as part of its approval, the condition that the lake be properly protected in its development. He is not sure that a protective covenant is what is needed because that usually defines items of use, and the Commission's concern is what will occur during development as he sees it. He wants the property to be protected during its development.

Mr. Linker informed he would have to have time to look into this further before he could make a recommendation concerning what could be done to protect the area. If this is strictly a private lake on private property, then he thinks the Commission has problems trying to control that private lake if all the owners on that private property are against the covenants that might be proposed.

Mr. VanFossen informed there will be more than two owners owning the lake, so the key is whether there is any way that the development of this tract will not destroy the lake for others.

Mr. Linker informed he thinks that if one of the other owners of the lake was present and was concerned about it and wanted something done in regard to the lake, that might be a legitimate concern. Without the other owners present showing their concern over the lake, he thinks a condition to protect the lake might be going too far.

Mr. VanFossen suggested continuing this item for one week to allow legal counsel to look up the wording for what might be able to be appropriately handled for that single item. He feels that the Planning Commission is in general approval of this concept. Mr. Linker informed that someone would have to tell him what they want protected, and then he can work out wording. He is concerned about the legal effect of the wording.

L-16311 Word/Ramsey (continued)

Mayor Young informed he feels they have the authority to impose restrictions to protect this natural drainageway.

Mr. Linker informed that if the Planning Commission makes an unreasonable condition, it will be struck down.

Mayor Young informed that he does not think the Planning Commission needs to be making the judgment of reasonableness--that is what the Court is for.

Mr. Linker informed that he needs more time to look into this situation. He stated that if all the owners of this property feel that they are protected as it is without any additional covenant, then he thinks the Planning Commission is going pretty far to impose a covenant that the owners are not agreeable to. If they agree to it, then that is fine.

Mr. Gardner informed that the catch in this case is whether or not a condition can be made. He thinks the question is whether this drainage and this lake is needed for detention. If it is needed, that would be a legitimate condition. He suggested continuing this item to allow the applicant to come back with something specific as to what the owners say they are going to do.

Mr. VanFossen asked if this could be approved subject to protection of the lake, and he was informed by Staff that that could be done, but it could be challenged as to whether or not that is a reasonable condition. If a condition is made, and if it is satisfactory to the applicant, then it may not go any farther.

Mr. Paddock asked the applicant if they have been in communication with the other property owners who own the lake. He also asked the applicant if he has any views as to what may be involved in the development of this property as it may impact upon the lake. Mr. Taylor informed there has been communication with the abutting property owners. They have been instructed to do plans and to give cost estimates in the excavation and the improvement of the lake. The lake is the number one selling point for the creation of these lots. He informed that they want to maintain the integrity of the area. Any earth change must be approved by the City as well as building permits. He informed he thinks this design is workable for everyone concerned.

Mr. VanFossen informed he thinks the applicant's design is beautiful, but he thinks the Planning Commission is trying to set a precedent on whether they have any rights to control the integrity of something.

On MOTION of VANFOSSEN, the Planning Commission voted 8-0-0 (Connery, Draughon, Higgins, Paddock, VanFossen, Wilson, Woodard, Young, "aye"; no "nays"; no "abstentions"; Kempe, Rice, "absent") to

L-16311 Word/Ramsey (continued)

continue consideration of L-16311 until Wednesday, November 14, 1984, at 1:30 p.m., in the City Commission Room, Plaza Level, Tulsa Civic Center, and to request that the Legal Department help the Commissioners with wording that might permit them to provide in maintaining the integrity of the lake which is a common amenity to other properties.

Additional Discussion:

Mayor Young informed there is no value in discussing pending legal matters in an open meeting, but they do have a couple of pending Court cases on these other lot splits--the ones that were really a threat to the area. In one of the cases, the point was made that an orderly division of land around this lake would be approved by the Planning Commission, and in fact, this is almost exactly what the Planning Commission looked at that time as an orderly development for that area--one which recognized the physical features and the unique conditions. If they approve this, they need to make a statement as to the conditions under which they are approving it and seeing it as orderly which may, in fact, make their case on the ones that are pending in Court. Unless they make this statement, he thinks they will weaken their attempt to prevent the other from occurring. The other lots did not have a regard for the lake. He described some of the previous proposals.

Mr. Linker informed he would need some help on what the Commission wants in the covenant. He can do the legal wording of it, but he cannot come up with all the details of what is to be protected with the lake. Mr. VanFossen informed he would be glad to assist Mr. Linker in preparing the covenant.

Mayor Young informed he thinks the applicant should participate in drawing up the covenant because they may have some suggestions.

Mr. Paddock wanted to know what the Commission feels regarding the Health Department. He wanted to know if there are any administrative remedies for appealing any rules and whether the Health Department is going beyond its legitimate jurisdiction in cases they have had on lot splits. He thinks some research needs to be done into this question. He suggested that the Legal Department be directed to research this subject and to make a report back to the commission at a later date.

Mr. Linker informed that what the Legal Department should have is a letter from Mr. Gardner specifically setting up the question they want to ask. He informed he would like to have a couple of weeks to look into this item.

Mr. Paddock informed he will draft a letter. Mayor Young informed they need to specifically ask if the State Health

L-16311 Word/Ramsey (continued)

Department has the authority to indicate what is excluded from the computation of an acre. Ms. Higgins informed she would like to know what the one acre is--is it in AG zoning?

11.7.84:1529(24)

CONTINUED ZONING PUBLIC HEARING:

PUD 272-A Olsen (Wallace) W. and S. of SW/c 81st & Sheridan

(RM-0 &CS)

The applicant was not present. There were also no interested parties or protestants present.

Mr. Gardner informed that the Staff would request that this item be continued for at least two weeks.

On MOTION of HIGGINS, the Planning Commission voted 7-0-0 (Draughon, Higgins, Paddock, VanFossen, Wilson, Woodard, Young, "aye"; no "nays"; Connery, Kempe, Rice, "absent") to continue consideration of PUD 272-A until Wednesday, November 21, 1984, at 1:30 p.m., in the City Commission Room, Plaza Level, Tulsa Civic Center.

Mr. Gardner informed that the property owner who owns about half of the subject tract has made a request to exclude his property from the controls of the PUD. Mr. Gardner requested that at this point in time the Planning Commission honor his request and delete that property from the application.

On MOTION of WOODARD, the Planning Commission voted 7-0-0 (Draughon, Higgins, Paddock, VanFossen, Wilson, Woodard, Young, "aye"; no "nays"; no "abstentions"; Connery, Kempe, Rice, "absent") to delete the following described property from PUD 272-A:

A tract of land located in the NE/4 of the NE/4 of Section 15, T18N, R13E, City of Tulsa, Tulsa County, Oklahoma, being more particularly described as follows: Commencing at the; northeast corner of said Section thence South 208.71 feet along the east line of said Section to the Point of Beginning; thence South 208.71 feet; thence S89°58'29"W 417.42 feet; thence North 208.71 feet; thence N89°58'29"E 417.42 feet to the Point of Beginning said tract containing 2.000 acres less and except the East 50 feet from street right-of-way purposes for a net area of 1.760 acres.

Mr. VanFossen asked if somebody can apply for something without a property owner approving it, and Mr. Gardner informed that they cannot apply for something without the property owners permission--only this Commission and the City can do that.

Mr. Gardner informed that the Staff will now instruct the applicant to amend the PUD to delete that piece of property or withdraw the application by two weeks from today.

11.7.84:1529(25)

Application No. PUD 359  
Applicant: Bob Latch  
Location: 77th & East side of Memorial

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Present Zoning: AG

Date of Application: March 12, 1984  
Date of Hearing: November 7, 1984  
Size of Tract: 11.36 acres

Presentation to TMAPC by: William B. Jones  
Address: 201 West 5th, Suite 400

Phone: 581-8200

Staff Recommendation:

The subject PUD is approximately 12.56 acres in size and is located 1/2 mile south of the SE corner of 71st Street and South Memorial Drive. It has an underlying zoning of RM-1, and the applicant is proposing an office complex adjacent to Memorial in Development Area "A" and an elderly housing project to the east in Development Area "B".

Access is a concern of the Staff in that Tract "B" and the Mayfair Care Center to the east has only one point of access to Memorial as proposed. The PUD text indicates that Development Area "B" has the right to use one or both of the two most southern access points in Development Area "A". The Staff recommends, in addition, that a temporary access road (gravel) be constructed simultaneously with Development Area "B" across Development Area "A" at the southern-most access point and that the temporary road extend from Memorial Drive to Area "B". The Staff concurs with no screening fence requirement for the northern and southern boundaries of Development Area "B", but only if extensive landscaping is provided along these areas to buffer existing residential uses on the north and future uses on the south. A further Staff concern is about possible changes in the use of this property from an elderly housing center into a conventional multifamily facility, which is a use permitted by the underlying RM-1 zoning, provided adequate livability space and off-street parking is met. Recognizing the potential for this change and the need to properly notify adjacent property owners prior to said change being implemented, the Staff recommends that one of the conditions of approval be that notice to abutting property owners be given and that the TMAPC hold a public hearing to consider such conversion. Conventional housing will require increased parking and the contingency parking plan demonstrates that there is sufficient open space area which could be converted to parking to satisfy the Code or provide additional parking for the elderly if demand warrants.

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

Therefore, the Staff recommends APPROVAL of PUD #359, subject to the following conditions:

PUD 359 (continued)

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

DEVELOPMENT AREA "A" STANDARDS  
(Office)

Gross Land Area:	3.83 acres	166,914.71 sq. ft.
Net Land Area:	2.76 acres	120,323.61 sq. ft.
Maximum Building Floor Area:	66,750 sq. ft.	
Floor Area Ratio:	39.99%	
Maximum Building Height: (Exclusive of Mezzanines and Below Grade Levels or Floors)	Three (3) stories	
Minimum Building Setbacks:		
From Centerline of South Memorial Drive:	165 feet	
From North Boundary Line of Development Area A:	10 feet	
From South Property Line:	10 feet*	
From East Boundary Line of Development Area A:	25 feet	
Minimum Off-Street Parking:	225 spaces	
Permitted Uses:	Principal and Accessory Uses permitted as a matter of right in an OL District as such Zoning District is defined and set forth in the Tulsa Zoning Code on the date of the filing of this PUD #359 Application and magazine and cigar stand, barber and beauty shop, flower and gift shop, eating places (other than Drive-Ins), automatic teller machine.	

\*Buildings taller than 2 stories in height shall setback an additional 2 feet for every 1-foot of height above 20 feet.

DEVELOPMENT AREA "B" STANDARDS  
(Retirement Care Center)

Gross Area:	8.73 acres	380,293.06 sq. ft.
Net Area:	8.60 acres	374,750.06 sq. ft.
Maximum No. of Dwelling Units:	212 units	
Maximum Density:	24.28 D.U./AC.	
Maximum Building Height:	46 feet	
Maximum No. of Stories (Exclusive of basement or any mezzanine or loft areas):	Three (3) stories	
Number of Buildings:	One (1)	
Number of Efficiency Dwelling Units:	-0-	
Number of 1 Bedroom Dwelling Units:	200	
Number of 2 Bedroom Dwelling Units:	12	
Number of 3 Bedroom Dwelling Units:	-0-	
Minimum Livability Area--		
	Required:	127,200 sq. ft.
	Proposed:	135,189 sq. ft.*
Minimum Off-Street Parking Spaces--		
	Required:	324
	Proposed:	276**
Permitted Uses:	Retirement or elderly multi-family residential dwelling units and accessory uses such as park, gardening, club house, dining facilities, swimming pool, tennis court, jogging path, snack bar and similar recreational and related uses.	

PUD 359 (continued)

Minimum Building Setbacks:

From West Boundary of Development Area B:	115.0 feet
From North Property Line:	160.0 feet
From South Property Line:	65.0 feet
From East Boundary of Development Area B:	125.0 feet

\*The computation of livability area includes the atrium, landscaped, garden and park areas but does not include other space within the building area normally includable in the determination of livability space such as recreational areas, pools, etc.

\*\*There is sufficient land within this Development Area devoted to landscaping, gardening & similar uses that could be utilized for additional parking spaces sufficient to meet present Code requirements should the project at any time in the future be converted from a retirement care center to a conventional, multifamily apartment project, all without materially violating livability requirements of the existing Code.

- (3) That signs shall comply with Section 1130.2 (b) of the Zoning Code.
- (4) That a Detail Site Plan be approved by the TMAPC for each Development Area prior to issuance of a Building Permit.
- (5) That a Detail Landscaped Plan be approved by the TMAPC for each Development Area prior to occupancy.
- (6) That no Building Permit shall be issued until the requirements of Section 260 of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's Office, incorporating within the Restrictive Covenants the PUD conditions of approval, making the City of Tulsa beneficiary to said Covenants.

Comments and Questions:

Mayor Young asked what the subject tract is zoned, and Mr. Gardner informed the property has been recommended for RM-1 zoning. He stated that he does not know if the City has already taken action on that zoning request. Mr. Jones informed that RM-1 zoning has been approved.

Applicant's Comments:

Mr. Jones informed that this entire tract is approximately 16 1/2 to 17 acres in size. On the rear portion of the property is the Mayfair

PUD 359 (continued)

Nursing Home which is open and in operation. The property that is involved in PUD #359 is approximately 11.36 net acres in size (12.56 gross acres). This consists of the front portion of the subject tract.

Mayor Young asked Mr. Jones if the subject tract was before the City Commission a few months ago with the concept of building a furniture store on the front part of it, and Mr. Jones informed that it was, but that proposal was turned down. The City Commission and the Planning Commission recommended that the 11.36 acres be zoned RM-1.

Mr. Gardner informed that the legal description that was first submitted needs to be modified to exclude the nursing home from the application.

There was discussion about the types of uses that will be permitted under this application.

Mr. Jones informed that they have no problems with the Staff's conditions. Their intent is to operate a retirement care center on Development Area "B". They have no problem with having a condition which would require a public hearing and notice should they decide to change the use in Development Area "B" to conventional multi-family. They do not ever intend to make such a change. He informed he thinks that such a condition would only apply to Development Area "B".

Mr. Jones described the two development areas and the uses that will be allowed in those areas. He also described the access in the area.

Mr. Jones informed that this project is designed with less parking than normal because of studies which have been done which show that retirement centers actually only need 3/4 of one parking space per residential unit--that is considerably less than the Zoning Code requires for a regular apartment project. They have put the extra space that would normally be parking into open space and landscaped space.

Mayor Young asked if the area where the nursing home is located is part of the PUD, and Mr. Jones informed that it is not. Both pieces of property are under common ownership at the present time.

Mr. VanFossen asked if there are any requirements for green areas, and Mr. Jones informed they are providing more livability space than is required in Development Area "B". Development Area "A" is subject to the filing of a Detail Site Plan--they are not sure where the open space will be. Mr. Gardner explained why they did not require a specific amount of landscaping in Development Area "A".

There was discussion about the relationship between the nursing home and the retirement center.

Mr. VanFossen informed he has a problem with having 40 percent coverage on a one-story building.

Protestants: None.

PUD 359 (continued)

TMAPC Action: 7 members present.

On MOTION of YOUNG, the Planning Commission voted 7-0-0 (Draughon, Higgins, Paddock, VanFossen, Wilson, Woodard, Young, "aye"; no "nays"; no "abstentions"; Connery, Kempe, Rice, "absent") to recommend to the Board of City Commissioners that the following described property be approved for Planned Unit Development, subject to a seventh condition stating that notice to abutting property owners be given and that the TMAPC hold a public hearing should this use ever change from being an elderly housing center into a conventional multifamily facility, per the legal description as furnished in the applicant's amended text:

A tract of land lying in the N/2, NW/4, SW/4 of Section 12, Township 18 North, Range 13 East of the Indian Base and Meridian, according to the U.S. Government Survey thereof in the City of Tulsa, Tulsa County, Oklahoma, more particularly described as follows:

Beginning at a point on the South line of said N/2, NW/4, SW/4, said point lying 115.00 feet East of the Southwest corner thereof; thence N89°58'37"E along the said South line a distance of 842.68 feet to a point; thence N00°00'48"E a distance of 660.28 feet to a point on the North line of said N/2, NW/4, SW/4; thence S89°58'54"W along the said North line a distance of 546.05 feet to a point; thence S00°01'11"E a distance of 207.00 feet to a point; thence S89°58'54"W a distance of 297.00 feet to a point lying 115.00 feet East of the West line of said N/2, NW/4, SW/4; thence S00°01'11"E and parallel to said West line a distance of 453.34 feet to the point of Beginning, containing 11.3653 acres more or less.

11.7.84:1529(31)

Application No. Z-6004  
Applicant: Warren G. Morris  
Location: SE/c 129th E. & I-244

Present Zoning: AG & RMH  
Proposed Zoning: IL & FD

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Date of Application:  
Date of Hearing: November 7, 1984  
Size of Tract: 12.38 acres

Presentation to TMAPC by: Warren G. Morris  
Address: 3312 South 115th East Avenue

Phone: 627-4300

Relationship to the Comprehensive Plan: Z-6004

The District 5 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Potential Corridor, Development Sensitive, and Medium Intensity--No Specific Land Use.

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

Staff Recommendation:

Site Analysis--The subject tract is approximately 12.38 acres in size and located south and west of the intersection of I-244 and 129th East Avenue. It is partially wooded, sloping, contains 20 non-connected mobile homes and zoned AG.

Surrounding Area Analysis--The tract is abutted on the north by vacant land zoned AG and I-244, on the east by single-family dwellings on large lots zoned AG, on the south by mostly vacant land and one single-family dwelling zoned RMH, and on the west by vacant land under construction zoned RMH.

Zoning and BOA Historical Summary--The zoning history on this tract is extensive and somewhat confusing. In 1981 the applicant requested and received a recommendation for IL zoning on the tract; however, the ordinance was never published. Next, in 1983 the applicant requested and received a recommendation for RMH on the tract, but this ordinance was also never published. The tract remains zoned AG because the applicant did not define the Floodway.

Conclusion--Given the zoning history and the Comprehensive Plan designations, the Staff can support the request for IL on the tract, except any portion that is found to be in a designated Floodway.

Therefore, the Staff recommends APPROVAL of IL on the subject tract, except FD zoning on any portion found to be in a designated Floodway.

For the record, the City Engineer and T.A.C. expressed interest in platting all of the property the applicant owns between I-244 and aligning with the subject application. The Staff could also support

Z-6004 (continued)

zoning this same area IL from the previous application if it meets the legal test of notice.

Comments and Questions:

Mr. Gardner informed that the Staff needs something that does away with all of the previous zoning applications that have been approved by the City, but did not have the ordinances published. The Legal Department is suggesting that all of the ordinances be published so that the Planning Commission will be amending the previous one until they get to this point, or that they have something in the record, possibly the applicant's agreement in this public hearing, that they do away with all of the previous cases and process only the case that is before the Commission at this time.

Mr. Linker informed that publishing all of the Ordinances would require a lot of research and would be really confusing. One way to resolve the problem would be for Warren Morris to inform the Commission that he is willing to abandon the previous ordinances which were adopted but were never published, and then the Planning Commission and City Commission could recognize that and order that the former "Z" numbers be abandoned and then act on his last request. The alternative is to go through and adopt each ordinance and make sure it amended the right ordinance--this is the fifth one.

Mayor Young informed the Planning Commission could make a motion to recommend that the City Commission move to abandon the previous ordinances.

Mr. Gardner informed the Staff is recommending approval of the IL and FD, and the applicant has determined the southern boundary of the FD that is included within this application, and he does have a legal description for that FD portion.

Applicant's Comments:

Mr. Morris informed he has no objection to abandoning the previous zoning cases and ordinances on this property.

Protestants: None.

TMAPC Action: 6 members present.

On MOTION of YOUNG, the Planning Commission voted 6-0-0 (Draughton, Higgins, Paddock, VanFossen, Wilson, Young, "aye"; no "nays"; no "abstentions"; Connery, Kempe, Rice, Woodard, "absent") to recommend that the City Commission abandon these previous zoning cases and ordinances: (1) Z-5522, (2) Z-5574, (3) Z-5772 (Ordinance #15594), and (4) Z-5781.

On MOTION of YOUNG, the Planning Commission voted 6-0-0 (Draughton, Higgins, Paddock, VanFossen, Wilson, Young, "aye"; no "nays"; no "abstentions"; Connery, Kempe, Rice, Woodard, "absent") to recommend to

Z-6004 (continued)

the Board of City Commissioners that the following described property be zoned IL, LESS AND EXCEPT any portion found to be in a designated floodway which shall be zoned FD:

Being a tract of land in the East 1/2 of the SE 1/4 of Section 32, T-20-N, R-14-E, I.B.M., Tulsa County, State of Oklahoma, being more particularly described as follows, to-wit:

Commencing at the Southeast corner of said Section 32, thence N 0-21-07.1E a distance of 379.80 feet along the east boundary of said Section 32 to the point of beginning;

THENCE North  $00^{\circ}21'07.1''$  E a distance of 50.00 feet.

THENCE North  $89^{\circ}38'52.9''$ W a distance of 40.00 feet.

THENCE North  $00^{\circ}21'07.1''$  E a distance of 97.52 feet.

THENCE North  $31^{\circ}42'38.3''$  W a distance of 108.98 feet.

THENCE North  $00^{\circ}21'07.1''$  E a distance of 21.58 feet.

THENCE North  $72^{\circ}54'47''$  W a distance of 2.47 feet.

THENCE North  $56^{\circ}06'47''$  W a distance of 307.97 feet.

THENCE North  $64^{\circ}16'27''$  W a distance of 598.27 feet.

THENCE South  $47^{\circ}04'33''$  W a distance of 572.81 feet.

THENCE South  $00^{\circ}19'23.1''$  W a distance of 233.88 feet.

THENCE Due East a distance of 961.43 feet to a point on a curve, thence 147.02 feet along a curve to the right with a central angle of  $27^{\circ}54'16.4''$  and a radius of 301.88 feet to a point on a reverse curve, thence 187.02 feet along a curve to the left with a central angle of  $27^{\circ}54'16.4''$  and a radius of 301.88 feet to a point of tangency, thence due East a distance of 70.00 feet to the P.O.B., containing 12.377 acres, more or less.

OTHER BUSINESS:

PUD 363-1 Horizon Engineering N & E of the NE/c of 36th St. N. & Yale Ave.

Staff Recommendation--Minor Amendment.

The subject tract is located north and east of the NE corner of 36th Street North and Yale Avenue. It is approximately 25 acres in size with the west 15 acres being zoned RMH and the balance RS-3. PUD #363 allows a maximum of 117 lots for manufactured homes over the entire development at a density of 4.7 dwelling units per acre.

The applicant is now requesting a minor amendment to allow phased development of the entire tract starting with a 7.1 acre tract as Phase 1. Phase 1 will consist of Lots 1-3, Block 1, Lots 1-20, and Lots 1-10, Block 3. The developer is requesting authorization for a Phase 1, and not more than two (2) additional phases.

After review of the plans submitted by the applicant, the Staff finds the request to be in substantial compliance with the outline development plan and minor in nature. The submitted plans call for the first phase to contain 33 lots for a density of 4.64 units per acre, which is less than the approved 4.7. The Staff recommends APPROVAL of the request to phase per the conditions listed below:

1. Subject to Technical Advisory Committee approval,
2. Subject to Phase 1 plans submitted,
3. not more than three (3) phases be approved for the entire development, and
4. all other development standards of the original PUD shall be conformed to, as approved by the TMAPC.

On MOTION of PADDOCK, the Planning Commission voted 5-1-0 (Draughon, Higgins, Paddock, VanFossen, Wilson, "aye"; Young, "nay": no "abstentions"; Connery, Kempe, Rice, Woodard, "absent") to approve a Minor Amendment to PUD #363 to allow phasing of the project, subject to the following conditions:

1. Subject to Technical Advisory Committee approval,
2. Subject to Phase 1 plans submitted,
3. not more than three (3) phases be approved for the entire development, and
4. all other development standards of the original PUD shall be conformed to, as approved by the TMAPC.

Staff Recommendation: Minor Amendment

PUD #370 is 9.85 acres in size and is located 1/2 mile south of 101st Street on the west side of Memorial Drive. The subject tract has been approved for church use on the east 450' and multifamily use designed specifically for Senior Citizens on the balance.

The applicant is now proposing to amend the setback requirements to allow for future expansion as follows:

Minimum Building Setback:

<u>Church</u>	<u>Approved</u>	<u>Submitted</u>	<u>Recommended</u>
From Centerline of Memorial Drive:	150 feet	150 feet	150 feet
From Centerline of 106th Street:	150 feet	60 feet	90 feet
From South Property Line:	40 feet	40 feet	40 feet
From Boundary between Church & Residential Area:	200 feet	140 feet	190 feet

\*Doesn't include the temporary buildings which shall be removed with any future expansion.

After review of the submitted plans, the Staff can support the request per the following conditions:

1. The applicant supply the file 3 complete site plans and texts showing all proposed structures, parking facilities, square footages and other data;
2. the approved setbacks be for the existing and proposed structures as shown to date. Any additional structures would require TMAPC approval;
3. the two temporary classrooms be utilized only for a period of time until any additional expansion is completed at which time they must be removed; and
4. all other conditions of approval for the original PUD be in affect.

Based on the above conditions, the Staff recommends APPROVAL of the request.

PUD 370-1 (continued)

Comments and questions:

Mayor Young asked if the future expansion mentioned in the Staff Recommendation refers to the church or the residences, and Mr. Frank informed it applies only to expansion of the church and church facilities. This minor amendment does not apply to the residential facilities in any way.

Mayor Young asked where the expansion of the building would be located, and Mr. Frank informed the expansion would involve construction of a proposed sanctuary of about 4,000 square feet adjacent to the northeast corner of the present building.

TMAPC Action: 8 members present.

On MOTION of YOUNG, the Planning Commission voted 8-0-0 (Connery, Draughon, Higgins, Paddock, VanFossen, Wilson, Woodard, Young, "aye"; no "nays"; no "abstentions"; Kempe, Rice, "absent") to approve the Minor Amendment to PUD 370 to allow for future expansion, subject to the following conditions:

1. The applicant supply the file 3 complete site plans and texts showing all proposed structures, parking facilities, square footages and other data;
2. the approved setbacks be for the existing and proposed structures as shown to date. Any additional structures would require TMAPC approval;
3. the two temporary classrooms be utilized only for a period of time until any additional expansion is completed at which time they must be removed; and
4. all other conditions of approval for the original PUD be in affect.

There being no futher business, the Acting Chairman declared the meeting adjourned at 4:08 p.m.

Date Approved

November 21, 1984

Cherry A. Kempe  
Chairman

ATTEST:

AB Paddock

Secretary

11.7.84:1529(37)

