

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1600
Wednesday, April 16, 1986, 1:30 p.m.
City Commission Room, Plaza Level, Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Carnes	Kempe	Lasker	Linker, Legal
Doherty, 2nd Vice- Chairman	Young	Wilmoth	Counsel
Draughon		Frank	
Paddock, Secretary		Gardner	
Parmeale, Chairman		Setters	
Selph			
VanFossen			
Wilson, 1st Vice- Chairman			
Woodard			

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, April 15, 1986 at 9:18 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Parmele called the meeting to order at 1:32 p.m.

MINUTES:

Approval of Minutes of April 2, 1986, Meeting #1598:

On **MOTION** of **VANFOSSEN**, the Planning Commission voted **9-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, Young, "absent") to **APPROVE** the **Minutes of April 2, 1986, Meeting No. 1598.**

Correction to Minutes of March 26, 1986, Meeting #1597, Page 5:

On **MOTION** of **DRAUGHON**, the Planning Commission voted **9-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, Young, "absent") to **AMEND** the **Minutes of March 26, 1986, Page 5**, by correcting the last paragraph to read "...failure of past efforts...".

REPORTS:

Committee Reports: Mr. VanFossen advised the Comprehensive Plan Committee had met this date to review modifications to the Arkansas River Corridor Amendments for the District 6, 7, 9 and 10 Plans.

Director's Report: Mr. Jerry Lasker advised of actions by the City Commission on April 11, 1986 on the following items:

Special Housing Study: The City Commission unanimously approved the TMAPC recommendations and extended congratulations on the thoroughness of the report to Staff and TMAPC. The Commission did request a special study to cover the area one-half mile on either side of Utica, one-half mile north of 11th Street and one-half mile south of 21st Street, encompassing the hospital areas. The study is requested to review spacing requirements on various uses to see if some modifications might be needed due to the locations of the hospitals. Mr. Lasker stated Staff would be preparing the report, working through the TMAPC, to present it back to the City Commission within 30 - 45 days.

Creek Expressway: Mr. Lasker advised the City Commission discussion centered around the 45 day time limitation, and it was the feeling of the City that a decision on the placement of an expressway and/or parkway should not be made by default. Therefore, they requested the Planning Commission reconsider this matter, and make a recommendation to the City Commission. Mr. Lasker stated that, should the TMAPC decide not to reopen the hearing process, then nothing will go forward to the City. If the TMAPC chose to initiate public hearings and this resulted in a change of position, the recommendation would then be forwarded to the City for its action. Mr. Lasker commented that, on future transmittals to the City on matters regarding the Comprehensive Plan, a notation will be added as to the 45 day limit.

Chairman Parmele stated that upon receiving any new information or developments, it may be an appropriate time for the TMAPC to consider reopening this item. Ms. Wilson asked Mr. Lasker if he was aware of any new significant developments that may not have been around at the time of the previous public hearing. Mr. Lasker stated the only change he was aware of involved the City of Bixby, who previously voted in favor of the 126th Street route, and had since changed their position. They advised their previous vote was in favor of a **study** on the environmental impacts on the placement at 126th Street. Mr. Doherty commented this southern route was to be discussed at the TMAPC hearing continued to July 1986. Mr. Lasker confirmed the motion by TMAPC was to bring the southern route issue back in July after studies to determine the environmental impact. Mr. Lasker informed that the INCOG Staff was not conducting these studies and he was not aware of any other group doing the studies. In reply to Mr. Draughon, Mr. Lasker stated the Environmental Protection Agency (EPA) is not conducting any studies.

Director's Report - Cont'd

Mr. Doherty stated any action at this time would not be appropriate since this item is scheduled for July. Mr. Lasker stated he felt it would depend on any other significant items that might surface. Mr. Lasker reminded the TMAPC that other bodies, such as the INCOG Board of Directors Committee, need to review this for consideration of any changes.

SUBDIVISIONS:

PRELIMINARY PLAT APPROVAL:

Woodland Valley (PUD 397) 61st & South 91st East Avenue (RM-1, RD, RS-3)

A concept plan on this area was reviewed by the TAC on 5/9/85 as a "PUD Review" and a number of comments made. Numerous hearings before the TMAPC were held before the zoning and PUD was approved 9/18/85 and by the City on 10/8/85. Primary concern of the TAC at that review was the street system. The north/south street has already been dedicated (or in the process) for 91st East Avenue in accordance with previous agreements to extend this street to 61st Street. However, the plat submitted this date shows no indication of how the end of East 62nd Place is to be accomplished. The following comment was made on the TAC review 5/9/85:

"The Traffic Engineering Department and TAC, in general, had no objection to 62nd Place ending at this point. However, a standard dedicated cul-de-sac will be required. Traffic Engineering advised that if a street is tied from the west, it should be indirect and further south."

In discussion at the PUD hearings the Homeowners Association did not want the street extended to 91st East Avenue and the PUD was approved recognizing that request. However, based on the above recommendation, this plat should show a dedicated cul-de-sac at the end of 62nd Place. Since the PUD requires single-family development in this area, two choices may be considered:

- a) Provide standard dedicated cul-de-sac, but with "Limits of No Access" shown to prevent further vehicular access towards the east;

OR

- b) Provide standard dedicated cul-de-sac with approximately five or six single-family homes on RS-3 type lots. This would effectively block access to a further extension of 62nd Place. (Might require minor amendment of PUD.)

Woodland Valley (PUD 397) - Cont'd

TAC had no objection to either (a) or (b) as long as the cul-de-sac is provided. The TAC review on 5/9/85 also included a statement from City Engineering as follows:

"City Engineering advised that stormwater detention may be required if adequate provisions have not already been made."

On 9/9/85 the Planning Commission, by written memo, requested a "formal response" from Stormwater Management as follows: "Specifically, if the developer for PUD 397 has capacity for compensatory storage, detention storage, if fees will be required and if so, for what, etc." The TMAPC requested additional information and a formal response. The PUD files show no "formal response", but a note on the above mentioned memo dated 10/8/85 is as follows:

"Talked with Ruben today about this at his office. He reaffirmed that the detention facility was built and sized for compensatory storage adequate for PUD 397; however, did not have the capacity for detention storage for PUD 397. There is a memo in file in the Engineering Department which confirms this according to Ruben." (This information is included because of the discussion at the Planning Commission meetings, and may have been resolved by now.)

In the initial TAC review 5/9/85, the Staff had requested that the lot lines follow the development areas in the PUD for easier administration. This has been done and the plat complies with that request.

Traffic Engineering advised that another access point was recommended to 61st from Lot 1, Block 2 near the east end because of the large amount of office space being provided.

The TAC voted to recommend **approval** of the Preliminary Plat of Woodland Valley, subject to the following conditions:

1. Show a dedicated cul-de-sac at end of 62nd Place with either "LNA" or applicable lots and building lines.
2. Show 62nd Place and South 89th East Avenue on face of plat for references (dashed lines).
3. Show building lines in accordance with PUD:
 - (a) Lot 1, Block 1: 100' from west and south property lines.
 - (b) Lot 1, Block 2: 60' from common line between Lots 1 and 2.
 - (c) Lot 2, Block 2: 40' building line from all sides.
4. Lot 2, Block 2 has no visible access to a dedicated street. Either show an "access easement" to 91st East Avenue, or provide an "access handle" property line(s) out to 91st East Avenue. (This an "option", but not a condition of approval if adequate utility and or waterline easement is provided.)

Woodland Valley (PUD 397) - Cont'd

5. Restrictive Covenants:
 - (a) Reference all "Development Areas" with the applicable Lot and Block number.
 - (b) Page 5, line 4: Add, "(Area C, Lot 2, Block 2)".
 - (c) Page 7, line 6: Add after "Area E"... "(South 91st East Avenue)".
 - (d) Page 7, Line 12: Add after "Area E"... (Lot 2, Block 1)".
6. The ordinance for Z-6049 and PUD 397 shall be published prior to release of final plat.
7. All conditions of PUD 397 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.
8. 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 line and/or lot lines.
9. Water plans shall be approved by the Water and Sewer Department prior to release of final plat.
10. 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(s) of the lot(s).
11. A request for creation of a Sewer Improvement District shall be submitted to the Water and Sewer Department prior to release of final plat.
12. Paving and drainage plans shall be approved by Stormwater Management, including storm drainage and detention design and Watershed Development Permit application subject to criteria approved by City Commission. Class A Permit required. Delineate floodplain in channels.
13. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer.
14. All adjacent streets, intersections, and/or widths thereof shall be shown on plat.
15. 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 plat release.)
16. 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.

Woodland Valley (PUD 397) - Cont'd

17. The key or location map shall be complete. (Show "Southeast Square".)
18. 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 Subdivision Regulations.
19. All (other) Subdivision Regulations shall be met prior to release of final plat.

Comments & Discussion:

Mr. Wilmoth advised this case has been continued several times awaiting a formal response from Stormwater Management, which has been received and a copy was submitted to the Commission. In response to Mr. Draughon, Mr. Gardner commented on the type of storage and fees-in-lieu-of.

To further clarify the storage, Mr. Ted Sack, Sisemore-Sack-Sisemore, explained the partnership of the developers and the compensatory storage facility in the area. Mr. Bill Cruse, the developer, stated they have paid for extensive excavation and design to accommodate the required storage and they realize that they still are going to have to pay fees-in-lieu-of.

On **MOTION** of **CARNES**, the Planning Commission voted **9-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, Young, "absent") to **APPROVE** the **Preliminary Plat for Woodland Valley (PUD 397)**, as recommended by Staff.

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Victory Christian Center West side South Lewis, 7700 block South (AG)

Chairman Parmele advised that a request has been submitted to strike this application from the agenda. There was no objection from the Commission.

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Hunters Hill (PUD 358) East 121st & South Canton Avenue (RS-1)

Mr. Wilmoth advised that the Health Department has requested a continuance of this case, pending completion of the percolation tests.

On **MOTION** of **DOHERTY**, the Planning Commission voted **9-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, Young, "absent") to **CONTINUE Consideration of the Preliminary Plat for Hunters Hill (PUD 358)** until Wednesday, **May 7, 1986** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

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9700 Memorial (PUD 411) NE/c East 98th Street & South Memorial Drive (C0)

The Staff presented the plat with the applicant represented by Jerry Emanuel.

This is a portion of a larger tract reviewed by the TAC on 1/16/86 as a "PUD Review". Most of the discussion in that review was related to the street system and the proposed Mingo Valley-Riverside Expressway. This plat covers ONLY the first phase, one lot development for Fred Jones Ford, as approved in the Site Plan by TMAPC on 1/15/86. All of the remaining property around this is still "subject to a plat". This particular part does not conflict with any present or proposed right-of-way.

For the record, TAC noted that the plat only shows 50' of right-of-way from the section line, but the actual right-of-way exceeds the 120' minimum specified by Street Plan. Staff felt that the intent of the Plan has been met because more than 120' of right-of-way was obtained and the new pavement constructed. This was only discussed because the right-of-way is offset from centerline and some additional right-of-way might be needed in the future (see #3).

The TAC voted to recommend **approval** of the PRELIMINARY PLAT of 9700 Memorial, subject to the following conditions:

1. Covenants:
 - a) Include language for storm water facilities if located on this tract. (If located off site, indicate as directed by Stormwater Management.)
 - b) Include language for Haikey Creek Treatment Facility as directed by Water and Sewer Department.
 - c) Page 4: Under "DEVELOPMENT AREAS STANDARDS" include reference to... "Site Plan #Z-5842-SP-1 as approved by TMAPC 1/15/86". Also, Section 2.1.2 references the total acreage in this development area. Acreage should agree with area being platted, and if necessary, reference made that this is a PART OF Development Area 3. Same applies to building floor area.
 - d) Page 6: Section 3.3; Check first line with reference to Section 4.3?
2. If 98th Street is to be dedicated by separate instrument, indicate Book/Page of dedication. Improve, PFPI, etc., as per City Engineering.
3. Since South Memorial weaves from side to side along the section lines between 71st and the Arkansas River, show a tie dimension to the centerline of the construction and/or right-of-way for reference purposes. (This is consistent with requirements on other plats on this side of the section line, such as State Farm Insurance plat.)

4. Check with Traffic Engineering regarding access points. Boulevard entry on private street needs to be more specifically outlined. Access shall be approved by Traffic Engineering and shown on plat as directed. State Highway Department approval is also required. Line up 98th Street with existing street on west side. If left turn lane is to be built, include in PFPI Dimension "LNA" line. North drive is "right turn only".
5. Stormwater Management advised that an application for a watershed Development Permit is required. On basis of information provided, a Class A Permit will be required. Drainage for this project shall comply with Section 205.3.1 of Watershed Development Ordinance #16949. A PFPI will be required for development (from PUD review minutes).
6. All conditions of PUD 411 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.
7. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements should be tied to or related to property lines and/or lot lines. Show 11' utility easement parallel to 98th Street.
8. Water plans shall be approved by the Water and Sewer Department prior to release of final plat. Include language for Water and Sewer facilities in covenants.
9. 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(s) of the lot(s).
10. This property is located within the area served by the Halkey Creek Sewage Treatment Plant and will require a statement concerning sewer availability within the covenants.
11. A request for creation of a Sewer Improvement District shall be submitted to the Water and Sewer Department prior to release of final plat.
12. Paving and drainage plans shall be approved by Stormwater Management, including storm drainage, detention design and Watershed Development Permit application subject to criteria approved by City Commission.
13. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer.
14. Street names shall be approved by City Engineer and shown on plat.
15. It is recommended that the developer coordinate with Traffic Engineer 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.)

9700 Memorial (PUD 411) - Cont'd

16. 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.
17. A Corporation Commission letter (or Certificate of Nondevelopment) shall be submitted concerning any oil and/or gas wells before plat is released. A building line shall be shown on plat on any wells not officially plugged.
18. 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 Subdivision Regulations.
19. All (other) Subdivision Regulations shall be met prior to release of final plat.

On **MOTION** of **CARNES**, the Planning Commission voted **9-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, Young, "absent") to **APPROVE** the **Preliminary Plat for 9700 Memorial (PUD 411)**, as recommended by Staff.

FINAL PLAT APPROVAL & RELEASE:

Woodview Heights Amend (Bik 4 & 5) West 57th Place & South Vancouver (RD)

On **MOTION** of **WOODARD**, the Planning Commission voted **9-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, Young, "absent") to **APPROVE** the **Final Plat for Woodview Heights Amend. (Bik 4 & 5)**, as recommended by Staff.

REQUEST FOR WAIVER:

BOA 643 West Tulsa View Acres 2327 South 65th West Avenue (RS)

This is a request to waive the platting requirement on the south 59' of Lot 3 and all of Lot 4, Block 3 of the above subdivision. The County Board of Adjustment has approved a day care center in an existing church facility (View Acres Baptist Church). Since nothing will physically change and the property is already platted, Staff recommends **APPROVAL** of the request, noting that Section 260 of the Code has been met by previous plat.

On **MOTION** of **DOHERTY**, the Planning Commission voted **9-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, Young, "absent") to **APPROVE** the **Waiver Request for BOA 643 West Tulsa View Acres**, as recommended by Staff.

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CZ-142 Opportunity Heights North side West 55th Pl & South 45th West Ave

This is a request to waive plat on Lots 7, 8, 22, 23, 24, 27 and 28, Block 4 of the above named subdivision. This was rezoned by OK Fireworks to be used with other properties they own in the area. The proposal is to use these lots for parking of equipment. Staff has no objection, subject to any additional comments and/or requirements of the TAC. Staff had advised the TAC that the zoning application would not be reviewed by the TMAPC until 10/23/85. The application would not be transmitted until after all the other required hearings were complete. Subsequently, the zoning was denied, but has been approved upon hearings and appeal process (County Commission approved 4/14/86). Staff has held transmittal of TAC recommendation until the final decision was made on the zoning.

In their review on 10/10/85, the TAC recommended approval of the request, noting that Section 260 of the Zoning Code would be satisfied, adding the following two conditions to apply if the property is eventually developed where a structure is to be constructed:

- 1) Drainage plan approval through the permit process, if any grading is done (County Engineer).
- 2) Sewer main extension required if any structure is built on these lots (Water & Sewer Department).

On **MOTION** of **SELPH**, the Planning Commission voted **9-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, Young, "absent") to **APPROVE** the **Waiver Request for CZ-142 Opportunity Heights**, as recommended by Staff.

LOT SPLITS FOR WAIVER:

L-16637 H.W. Muse 712 North 29th West Avenue (Osage County) (RS-3)

This is a request to clear title on a single tract of land in Osage County, but within the City Limits of Tulsa. It has already been reviewed by City-County Health Department and Water and Sewer Department, and their approvals conditioned upon the existing septic system and water service by

an existing "temporary service". Any new construction would require a water main extension and additional review by the City-County Health Department. Staff had scheduled this for a routine approval since we had anticipated receiving dedication of rights-of-way to conform with the Street Plan. However, the owner has provided information that indicates that he cannot dedicate the south 25' to match a 25' strip dedicated (but unimproved) by the School Board. His septic lateral lines are within 3' of his property line. Therefore, he is requesting waiver of the Subdivision Regulations requiring conformance with the Street Plan for the part on the south side of his house. Staff is recommending approval since he has demonstrated a hardship on the south side of the lot. However, Staff does recommend obtaining that portion of North 29th West Avenue which is described in the deed as "an easement", but does not specify how wide. Staff recommended 25' which would be one-half of a standard street. If the property on the other side developed or comes in for lot split approval, the other 25' will be obtained at that time. (Dedication of right-of-way does not mean that the City will accept the street for maintenance.) A hardship has been shown on the south, but none on the east so this was the basis of Staff recommendation.

In discussion, Staff brought up the possibility of not requiring any right-of-way at all, since the gravel driveway on the east only serves one residence on a large acreage to the north. It might possibly be better to wait until the larger tract of land to the north is subdivided and platted, then actual street construction could take place where needed. Right-of-way dedication of half street at this time would not provide any different access than is presently available. It might be wise to require applicant to designate the east 25' of his land as "private road and utility easement" since an easement is provided in the abstract, but not defined.

Further discussion by TAC concluded that it might be better to require the right-of-way along the south side and provide for removal of the septic laterals when the area was needed for street construction. There was no need for the street right-of-way on the east (North 29th West Avenue), but TAC recommended a "mutual access and utility easement" be provided to define the vague references to "easement" in the abstract.

Most of the discussion was regarding the need for right-of-way along the south side of the tract. Mr. Muse advised he would ask the Planning Commission to waive the requirement on the south side, but had no objection to the recommendation along the east side.

The TAC voted to recommend **approval** of the L-16637 subject to the following conditions:

- (a) That 25' right-of-way on the south side be provided to match existing unimproved right-of-way on school property subject to stipulation that septic laterals be allowed to remain until such time as sewer is available and the street is actually constructed.
- (b) Provide private "mutual access and utility easement" of 25' along east boundary.

Comments & Discussion:

Mr. Wilmoth advised the applicant is wanting to delete condition (a). Mr. Doherty inquired as to septic lateral remaining, if the street was constructed prior to sewer being provided. Mr. Wilmoth referred this question to Legal. Mr. Linker stated the City might have to take it, compensating the applicant. Mr. Linker stated he had no problem with condition (a), as this would allow the applicant to continue to operate until such time sewer and the street were installed.

Applicant's Comments:

Mr. H.W. Muse, 712 North 29th West Avenue, requested approval of the lot split waiver, deleting condition (a). Mr. Muse reviewed the history of this lot since his house was built in 1964. At that time he was advised that his permits would have to be obtained from Pawhuska, and he had his sewer approved by the State Health Department. Mr. Muse commented that, since the development of Gilcrease Hills he has had a water problem, as his water lines had to be relocated. Mr. Muse advised of the error found on the abstract, in 1967 by Osage County, on the land numbers.

Mr. Muse, in reply to Mr. Doherty, stated his objection was to any road construction as it would further interfere with his septic system. Mr. Doherty clarified that, if the City did install a road prior to the sewer being installed, where Mr. Muse could tie onto it, the City would have to provide compensation. Mr. Muse stated he understood this, but the Health Department advised (the applicant) that the planned site is the only place the sewer could be located.

Additional Comments and Discussion:

Mr. VanFossen asked Legal if a requirement could be placed that, at such time a road might be needed, the applicant would agree to dedicate it that time. Mr. Linker advised that, in effect, is what the City is doing; taking a dedication, subject to the applicant's rights. Mr. Linker stated he could not go along with placing a requirement that it be dedicated at such time it was needed.

Mr. Paddock verified with Staff that a hardship could be found on the south, not on the east portion. Mr. Wilmoth agreed and stated Staff's concern was the easement on the east portion, and it would help the applicant by defining how wide this was to be. In reply to Mr. VanFossen, Mr. Wilmoth confirmed that there presently is not a road, just a driveway.

On **MOTION** of **CARNES**, the Planning Commission voted **8-1-0** (Carnes, Draughon, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; Doherty, "nay"; no "abstentions"; Kempe, Young, "absent") to **APPROVE** the **Lot Split Waiver for L-16637 Muse**, deleting condition (a).

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L-16632 Lavery (2993)

4617 South Columbia Place

(RS-1)

This is a request to split a 204.7' x 304.7' tract into four lots. The west two lots have 90' of lot width on South Columbia Place, while the eastern two lots have only 12' "handles" out to Columbia Place. A variance will be required from the City Board of Adjustment (BOA) because of the 12' "handles" (30' of frontage is required on a dedicated street) and because of the 90' lot width on Columbia Place (100' lot width is required). Staff notes that there are at least two approved lots splits in this general area that are similar to the subject tract. The "flag lot" concept has generally been an acceptable practice.

Staff feels that the above mentioned variances are minor in nature and recommends APPROVAL of the lot split request, subject to:

- 1) Approval of the City BOA for the above mentioned variances.
- 2) Approval of the Water and Sewer Department for any extensions that may be necessary.
- 3) Any easements that may be necessary to service the subject tract.

Staff advised that Stormwater Management is requiring a Class "B" permit for the subject tract.

The TAC voted to recommend approval of L-16632, subject to the following conditions:

- a) BOA approval of lot widths and frontages;
- b) Sewer extension subject to approval of the Water and Sewer Department;
- c) An 11' utility easement on the north, east and south;
- d) Grading plan approval by Stormwater Management in the permit process.

Comments & Discussion:

Commissioner Selph requested clarification of the term "flag lots". Mr. Paddock inquired as to what zoning designation required the 100' lot width. Mr. Wilmoth stated it was RS-1. In response to Mr. Draughon, Mr. Wilmoth clarified the utility easement requirement in regard to widths and placement, and indicated other flag lots in this area for Ms. Wilson.

Mr. VanFossen stated he understood that the TMAPC could not take under consideration any restrictive covenants of a subdivision. Mr. Linker agreed that, technically, these are matters of contract and advised the Commission that, just because restrictive covenants do not permit something, the Commission cannot use that as a dictate. Mr. Gardner stated the width of the lots is basically the same size as the lots to the east that have a dedicated cul-de-sac, and noted this application has a private street cul-de-sac.

Applicant's Comments:

Mr. Rick Brazelton, 1933 South Boston, stated he was the architect for the project. Mr. Brazelton presented a concept plan and site plan indicating the placement of the four homes proposed. In reply to Mr. Paddock, Mr. Brazelton confirmed the proposed paved street was to be 22' wide going into a 60' wide cul-de-sac, and the applicant is planning to preserve as many trees as they can with this proposal.

Interested Parties:

Address:

Ms. Kenan Banard	4549 South Columbia Place
Mr. Jim Lee	4624 South Delaware
Mrs. Carl Baker	4635 South Columbia Place
Mr. Gil Parrish	4649 South Delaware

Mr. Barnard informed the Commission that 22 neighbors in the 300' radius of the subject tract met with the architects to discuss drainage concerns, maintaining continuity of the neighborhood, etc. Mr. Barnard stressed the existing drainage problems, and clarified the direction of the run-off for Ms. Wilson.

Mr. Lee stated he felt that, due to the unique character of the area and spacing and trees, this development would detract from the neighborhood. Mr. Lee, while not opposed to two additional homes, did object to the four proposed homes. Mr. Lee confirmed the drainage/water problems. In response to Mr. Doherty, Mr. Lee compared the size of his lot and the size of the proposed lots.

Mrs. Baker stated the 90' lot frontage proposed was incompatible with other homes in this area, and she felt the development would add to the water problems. Mrs. Baker stated agreement to two homes, not four.

Mr. Parrish also stated concerns as to the saturation/drainage problems. In reply to Mr. Paddock, Mr. Parrish advised the storm sewer runs under his property, and even if the sewer inlets were kept clear, the existing system does not handle the water run-off. Mr. Parrish stated, in response to Mr. Draughon and Ms. Wilson, that he has talked to Stormwater Management about the inadequacy of the storm sewer system, as have others in the neighborhood. Mr. VanFossen commented that the streets in this area are not standard, paved streets with curbing and gutters.

Applicant's Rebuttal:

Mr. Brazelton stated that during the first stages of planning this development, the applicant consulted with the Stormwater Management, and they are aware of the standards and requirements to be met.

Additional Comments and Discussion:

Chairman Parmele asked if this application, generally, met RS-1 standards. Mr. Gardner replied the basic difference was the private street versus public street. Mr. VanFossen commented that the size of the lots were basically in keeping with the size of the abutting lots, and he felt the water issues have been addressed with Stormwater Management; therefore, he moved for approval, subject to conditions.

Mr. Paddock, to Legal, inquired if the TMAPC, under these conditions, had any discretion to deny this request for lot split. Mr. Linker advised that, anytime a waiver for lot split is requested, the TMAPC has discretion. However, if the application meets all Subdivision Regulations, the discretion may not be present. Mr. Linker continued by stating that, in an area where there is a variance from the Subdivision Regulations, then he felt the Commission had discretion, but it must be reasonable. Mr. Paddock asked Staff if a representative from Stormwater Management was at the TAC meeting, and was informed a representative was present.

Mr. VanFossen commented that the two lots on Delaware Avenue do not meet the Subdivision Requirements, as to frontage and/or square footage. Commissioner Selph stated the proposed lots are incompatible with the widths of the current lots, although not major; and he had a problem with the proposed four, two-story, homes in this area. In response to Mr. Draughon, Mr. Gardner and Mr. Linker commented on the difference between Class A and Class B permits. Chairman Parmele asked if the Planning Commission could change conditions and request a Class A permit from Stormwater Management. Mr. Linker stated he saw no problem with Staff advising Stormwater Management of the information brought out in a public hearing. Ms. Wilson advised she, too, had a problem with the size of the lots in comparison with the surrounding area.

On **MOTION** of **VANFOSSEN**, the Planning Commission voted **4-5-0** (Carnes, Parmele, VanFossen, Woodard, "aye"; Doherty, Draughon, Paddock, Selph, Wilson, "nay"; no "abstentions"; Kempe, Young, "absent") to **APPROVE** the **Lot Split Waiver for L-16632 Lavery**, as recommended by Staff.

That motion failing, Commissioner Selph made a motion for denial of this application.

On **MOTION** of **SELPH**, the Planning Commission voted **6-3-0** (Doherty, Draughon, Paddock, Selph, Wilson, Woodard, "aye"; Carnes, Parmele, VanFossen, "nay"; no "abstentions"; Kempe, Young, "absent") to **DENY** the **Lot Split Waiver for L-16632 Lavery**.

LOT SPLITS FOR RATIFICATION:

L-16639 (1814) Sheldon
L-16640 (293) Sertoma/East Tulsa
Christian Church

L-16642 (182) True/Reynolds
L-16643 (2702) Judkins/Pursley
L-16644 (2993) Exendine

On **MOTION** of **DOHERTY**, the Planning Commission voted **9-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, Young, "absent") to **APPROVE** the **Lot Splits for Ratification, as listed above, and as recommended by Staff.**

OTHER BUSINESS:

PUD 128-A-14: 7634 South Trenton Avenue - Lot 16, Block 7 Kensington II Amended Addition.

Staff Recommendation: **Minor Amendment to Side Yard Setback**

PUD 128 A-14 is located on the south side of East 71st Street South on both sides of South Trenton Avenue. The property has been platted into single-family and duplex lots. It has been approved for a maximum of 2,899 dwelling units on 136 acres. Several minor amendments have been approved in the subdivision mostly due to irregular lot sizes and shapes. The applicant is now requesting a minor amendment to allow a 4.34 foot side yard to allow for an existing encroachment of a new dwelling.

After review of the applicant's submitted survey, Staff finds the request to be minor in nature and consistent with the original PUD. It would appear the encroachment is the result of brick exterior. Staff recommends **APPROVAL** of the request subject to the applicant's submitted survey.

Comments & Discussion:

Mr. Draughon commented as to the frequency of minor amendments on this PUD. Staff advised that there may be similar amendment requests as the addition is developed, and it is being handled in this way, as Staff is not supportive of blanket amendments to a PUD. Mr. VanFossen commented these are very small lots, which allows situations such as this to open up.

On **MOTION** of **VANFOSSEN**, the Planning Commission voted **9-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, Young, "absent") to **APPROVE** the **Minor Amendment to Side Yard Setbacks for PUD 128-A-14, as recommended by Staff.**

* * * * *

PUD 128 A-15: 7725 South St. Louis Avenue - Lot 25, Block 7,
Kensington II Amended Addition

Staff Recommendation: Minor Amendment to Rear Yard Setback

PUD 128-A is located on the south side of East 71st Street South on both sides of South Trenton Avenue. The property has been platted into single-family and duplex lots. It has been approved for a maximum of 2,899 dwelling units on 136 acres. Several minor amendments have been approved in the subdivision mostly due to irregular lot sizes and shapes. The applicant is now requesting a minor amendment to the required 20 foot rear yard requirement to 11.19 feet to allow for an existing single-family dwelling.

After review of the applicant's submitted survey, Staff finds the request to be minor in nature and consistent with the original PUD. Due to the irregular shape of the lot, the structure meets and exceeds the 20 foot requirement in all but one portion of the subject tract. Staff recommends **APPROVAL** of the minor amendment as requested.

Comments & Discussion:

Mr. Gardner commented that, when the PUD was originally presented to the Planning Commission, the applicant was asking for some blanket waivers of side yards, etc., and at that time a decision was made by Staff, and approved by the TMAPC, to bring these back on an individual basis. In regard to this, Ms. Wilson asked that Staff advise or remind the Commission when presentations such as these are to come up.

On **MOTION** of **VANFOSSEN**, the Planning Commission voted **9-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, Young, "absent") to **APPROVE** the **Minor Amendment to Rear Yard Setback for PUD 128-A-15**, as recommended by Staff.

* * * * *

PUD 274-1: North of the NE/c of East 61st Street & South Lewis
One Summit Plaza

Staff Recommendation: Minor Amendment for Signs

The subject tract is Development Area B of PUD 274 and is the site of a multi-story office building. The PUD permits one ground sign at each entrance (two total) to be 8' tall and to each have a display area not exceeding 192 square feet. All materials submitted with the Detail Site Plan have shown that the maximum signage would be utilized by the two monument type signs; however, the applicant advises that overall sign area would not exceed 384 square feet.

The applicant is requesting that two additional signs be approved (both signs 2' X 5' on legs of undetermined height) and that the maximum display area not be increased from 384 square feet. Review of this request indicates that these signs are for the purposes of advertising the location of individual tenants, as would a wall or canopy sign. Staff is not supportive of such a request since all tenants could request similar treatment. Staff would, however, be supportive of a central directory type sign for the tenants located in a central place on the tract. The area of such a sign should be deducted from the 384 square feet authorized under the PUD and one additional sign would be required.

Therefore, Staff recommends that the TMAPC **continue** this application to allow design and review of a central directory sign, in addition to the two ground signs, to be accomplished within the 384 square foot display area maximum, or **DENIAL** of the application as submitted.

Note: One of the requested signs is already installed. The proposed sign location is at the front/southwest and northwest corners of the building.

Applicant's Comments:

Mr. Bob Stewart, 3151 East 34th Street, submitted a plan indicating the applicant's suggested placement for signs. Mr. Stewart stated he was a little confused as to whether to present this today or wait and see if the case was to be continued, as is recommended by the Staff.

Mr. Frank advised, after a motion for continuance by Mr. Carnes, that the applicant has done some sign planning for this project, and suggested to the applicant that he present these ideas to the TMAPC. In reply to Mr. Doherty, Mr. Frank advised that Staff has not reviewed what the applicant is presenting today. Mr. Doherty commented he was uncomfortable hearing something that Staff has not yet seen. Mr. VanFossen stated that, since the applicant was present with suggested signage, he would like to let the applicant at least present his case. Mr. Paddock and Ms. Wilson agreed with Mr. VanFossen to hear the applicant before voting for or against a continuance. Therefore, Mr. Carnes and Mr. Doherty withdrew the motion and second.

Mr. Stewart reviewed the sign allowance under the present PUD and the proposed signage, advising they have reduced the height and increased the width on the monument sign(s). Mr. Stewart stated the need for signs at the north and south entrances to the building, and described the north monument sign as 6' tall by 14' wide, black with brass-like lettering identifying One Summit Plaza.

Chairman Parmele asked Staff if the applicant's proposal appeared to be, basically, in conformance with Staff's recommendation. Ms. Wilson confirmed with Mr. Stewart the proposal was for a 6' x 14' sign on the north entrance (identifying One Summit Plaza), and two additional signs

nearer the building in a directory fashion. Mr. Stewart clarified that the PUD allows a total of 384 square feet of display area (192 sf each), and the applicant is requesting allowance of two signs (near the building) to be a total of 20 square feet, and reduce the allowable area of the other two signs (monument signs on Lewis) by this amount. Mr. Stewart stated it was also suggested to do a central directory-type sign, but due to the expense involved, the applicant was trying to incorporate the directory sign with the monument sign. Ms. Wilson inquired as to the suggested 20 square foot signs and what they would advertise. Mr. Stewart stated these signs would have the specific names of the tenants on the ground floor at those locations. Chairman Parmele verified that the building is situated so the entrances are on the north and south, and asked if the applicant wanted to have a central directory sign on each side of the building. Mr. Stewart advised this was not the intent, nor was it their intention to put every tenant on the main monument sign. Ms. Wilson inquired as to the size requirements needed by the applicant for the directory sign. Mr. Stewart explained that the original north monument sign had just the name of the building, and their proposal is to shorten and lengthen this sign, keep the logo of the building, and provide an area that could be used in a linear fashion listing five or six company names. The main directory would remain inside the lobby of the building.

In reply to Mr. Doherty and Ms. Wilson, Mr. Stewart indicated the proposed 2' x 5' signs at the northwest and southwest corners of the building will closely resemble wall signs, will be one or two feet off the ground and be black in color like the monument signs. Mr. Paddock, for clarification, asked the applicant if he was proposing, in addition to the two signs authorized under the PUD, two additional signs, plus a central directory type, plus a wall/canopy sign. Mr. Stewart stated this was not the request. He commented that, in addition to the two monument signs, he was requesting two small additional signs, making sure the total of all sign areas did not exceed the amount originally allowed. Mr. Stewart stated he interpreted Staff's recommendation as a suggestion to look at the possibility of doing a central directory sign, which would be a fifth sign. Mr. Gardner advised this was not the intent and explained that Staff was not opposed to three signs, but is opposed to four or more signs. Mr. Gardner stated he was not sure the applicant could meet the Code for an office district with all the signs proposed.

Mr. Carnes commented that, as originally stated in the motion for continuance, it appeared Staff and applicant need time to fully review this application. Discussion followed as to a timely continuance date.

On **MOTION** of **CARNES**, the Planning Commission voted **8-1-0** (Carnes, Doherty, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; Draughon, "nay"; no "abstentions"; Kempe, Young, "absent") to **CONTINUE Consideration of PUD 274-1 Minor Amendment for Signs** until Wednesday, **April 23, 1986** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

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PUD 409: North & East of the NE/c of East 75th Street & South Birmingham Ave

Staff Recommendation: Detail Sign Plan Review

The subject tract is 4.13 (gross) acres in size and is located north and east of the northeast corner of East 75th Street South and South Birmingham Avenue. The development has been approved for thirteen single-family detached lots with one reserve lot for storm water detention. The applicant is now requesting Detail Sign Plan approval which was a condition of approval of the original PUD.

The applicant is proposing a total of five signs with a display area of approximately 59.8 square feet. After review of the applicant's submitted plans, Staff cannot support five signs and is of the opinion that number is excessive for a four acre tract. Staff would be supportive of the two main entrance signs only, subject to those signs being located off City right-of-way.

Staff recommends APPROVAL of Detail Sign Plan subject to the deletion of the park sign and two small signs in the northeast and southeast corners as shown on the applicant's submitted plan.

Comments & Discussion:

Mr. VanFossen asked if the smaller signs were only for advertising purposes during the sale of the lots, at which time they have to be removed; the entrance signs being the only permanent signs. Mr. Frank stated the did not think the smaller signs were intended to be temporary, and Mr. VanFossen inquired if the Commission can interpret them as temporary for advertising, and approve the request as such. Mr. Doherty stated, as he understood the sign ordinance, a temporary sign of this nature identifying construction of lots for sale would not even fall under the permitting process. Mr. Frank stated the signs on this tract were not that type of signage. Mr. VanFossen moved for approval of the two main entry signs, as submitted on the Detail Sign Plan, and reject the other signs, which is according to Staff recommendation. Chairman Parmele stated, while not really opposed to the park sign, he would go along with the motion.

On **MOTION** of **VANFOSSEN**, the Planning Commission voted **9-0-0** (Carnes, Doherty, Draughton, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, Young, "absent") to **APPROVE** the **Detail Sign Plan for PUD 409**, as recommended by Staff, deleting the park sign and two small signs in the northeast and southeast corners.

PUD 287: North of the NW/c of East 71st Street & South Utica Avenue
 Part of Lots 3, 4 & Part of Lot 5, Block 1, South Utica Place

Staff Recommendation: Detail Site Plan

PUD 287 is located on both sides of South Utica Avenue, just north of East 71st Street. It has an underlying zoning of OM and was approved by the TMAPC and City Commission for a nine lot office complex use. The PUD was previously approved by the TMAPC for Detail Site Plan on Phases I and II which consisted of Lots 1 through Part of Lot 3. Lots 4 through 6 were to make up Phases III and IV (August 18, 1982). PUD 287 was approved to allow the required parking to be spread over the remainder of Lot 3 and part of Lot 5 and to allow a four foot building setback from the north property line of Lot 4 for the proposed structure. The applicant is now requesting Detail Site Plan approval for a structure on Lot 4 with parking being provided on Lots 3, 4 and 5.

The Staff review indicates that the submitted plan and text is in accordance with PUD 287. Therefore, Staff recommends **APPROVAL** of the Detail Site Plan as follows:

1) That the applicant's Detail Site Plan and Text be made a condition of approval, unless modified herein.

2) **Development Standards:**

Land Area: 34,032 sf
 Permitted Uses: As permitted in an OM District

	<u>Approved</u>	<u>Submitted</u>
Maximum Building Height:	10 Stories	1 Story - 17.5'
Maximum Building Floor Area:	10,100 sf	7,000 sf
Minimum Off-Street Parking:	1 space/350 sf for general office, 1 space/250 sf for medical	27 Spaces - one space/259 sf
Minimum Building Setbacks:		
from Utica	25'	25'
from West Boundary	Off Easement	Off Easement
from South Boundary	Not Specified	50'
from North Boundary of Lot 4	4'	4'
from North Boundary	Not Specified	50'
Minimum Landscape Open Space:	15% of net area	Exceeds*

* Landscaped open space shall include internal and external landscaped open areas, parking lots islands and buffers, but shall exclude pedestrian walkways and parking areas designed solely for circulation.

- 3) That all trash, utility and equipment areas shall be screened from public view.
- 4) That all parking lot lighting shall be directed downward and away from adjacent residential areas.
- 5) All signs shall be in accordance with Section 1130.2(b) of the PUD Chapter of the Zoning Code.
- 6) That a Detail Landscape Plan shall be submitted to the TMAPC for review and approval and installed prior to issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continued condition of the granting of an Occupancy Permit.
- 7) That a Detail Site Plan shall be submitted to and approved by the TMAPC prior to issuance of a Building Permit on the balance of Lots 3 and 5.

On **MOTION** of **VANFOSSEN**, the Planning Commission voted **9-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, Young, "absent") to **APPROVE** the **Detail Site Plan for PUD 287**, as recommended by Staff.

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Additional Discussion:

Mr. Gardner advised the Planning Commissioners that Staff had been notified there would be an open house for the project at 18th & Riverside, and the development turned out quite pleasing. Mr. Gardner suggested the Commissioners attend the open house for observation of the total project.

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Mr. Doherty, in regard to in-fill development applications, inquired if the TMAPC has adequate procedures to handle these type of situations. Mr. Gardner stated that "in-fill" was the kind of situation where each application needed to be reviewed for individual merits, and should be considered separately. Mr. Paddock stated that, unless the City/County already have some direction in this area, something should be developed. Mr. Paddock further commented his thoughts were along some kind of guidelines that would give direction to Staff, as well as the TMAPC, such as the density proposed for residential should be compatible with, or not exceed, the densities of the immediate abutting areas. Mr. Gardner stated, if that is the intent, then a new zoning classification should be instituted. Mr. Gardner remarked that the TMAPC usually sees only those cases where multiple homes are to be developed; not a lot split with one house built, as is the case in several areas of Tulsa.

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Mr. Paddock requested the TMAPC members receive a copy of the approved City Commission minutes, pertaining to the referral back to the TMAPC (Creek Expressway, 91st/96th Street). Mr. Gardner stated that, at the City Commission meeting of April 11th, it was made very clear by the five voting members that they did not really have anything before them. In other words, the decision had already been made, yet they asked that the TMAPC look back into the matter. Should the TMAPC decline reopening this matter, so be it. Mr. Gardner pointed out that, as suggested by Mr. Lasker, there may now be some significant facts that would cause the TMAPC to reconsider. Mr. Linker stated that the point being made by the City Commission was that this issue was, inadvertently, done by default, and this is the situation that concerns the City, as the elected officials did not vote on this issue. Mr. Linker further commented that the Planning Commission might want to reaffirm their action, do it again, and resubmit it to the City and let them have their vote, as is provided by the statutes. Mr. Linker advised that the only way this could come forward to the City Commission is by action of the Planning Commission, and if the TMAPC chooses not to act, then this is an indication that the TMAPC does not want to give the City Commission a chance for reconsideration.

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Ms. Wilson inquired as to the amount in the budget for seminars, as some of the TMAPC members have not yet attended conference.

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Chairman Parmele commented that, in regard to Stormwater Management (DSM), the TMAPC spends a great deal of time on most cases discussing stormwater management, and even though the TMAPC has no jurisdiction in this area, suggested asking a representative from the Department of Stormwater Management to attend TMAPC meetings. Mr. Gardner advised of a meeting scheduled with Stan Williams and his Staff, and he would discuss this and other matters regarding the TMAPC. Ms. Wilson stated that a letter should be submitted to the DSM formally requesting their attendance. Mr. Gardner agreed this could be done, but advised that, unless Stan Williams, himself, is at the meeting and issues a recommendation and/or statement, it would not mean a thing as everything going out of the DSM has to have his approval. Mr. Carnes stated agreement with Mr. Gardner, based on his experience with DSM as a developer. Mr. Draughon requested Mr. Gardner, in his meeting with DSM, suggest re-establishing the floodplain determination sheet. Mr. Gardner advised that, if they go back to the floodway zoning, they will probably go back to this form also.

There being no further business, the Chairman declared the meeting adjourned at 4:03 p.m.

Date Approved 5-7-86
Rant J. Ham
Chairman

ATTEST:

R.B. Paddock
Secretary