

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1631
Wednesday, **December 17, 1986**, 1:30 p.m.
City Commission Room, Plaza Level, Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Carnes	Crawford	Frank	Linker, Legal
Doherty, 2nd Vice- Chairman	Kempe	Gardner	Counsel
Draughon		Setters	
Paddock, Secretary		Wilmoth	
Parmeale, Chairman			
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, December 16, 1986 at 10:25 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Parmeale called the meeting to order at 1:34 p.m.

MINUTES:

Approval of Minutes of December 3, 1986, Meeting #1629:

On **MOTION** of **CARNES**, the Planning Commission voted **8-0-0** (Carnes, Doherty, Draughon, Paddock, Parmeale, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Crawford, Kempe, Selph, "absent") to **APPROVE** the **Minutes of December 3, 1986**, Meeting No. 1629.

REPORTS:

Report of Receipts & Deposits for the Month Ended November 30, 1986:

On **MOTION** of **DOHERTY**, the Planning Commission voted **8-0-0** (Carnes, Doherty, Draughon, Paddock, Parmeale, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Crawford, Kempe, Selph, "absent") to **APPROVE** the **Report of Receipts & Deposits for the Month Ended November 30, 1986** as verified by Staff.

Committee Reports: Mr. Paddock advised the **Rules and Regulations Committee** had previously met and recommended to the TMAPC that the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts" be placed as an appendix to the City of Tulsa Zoning Code (Appendix D) and to the County of Tulsa Zoning Code (Appendix C). Therefore, Mr. Paddock moved for approval of this recommendation.

Ms. Wilson inquired as to the verbiage on page 2 of the suggested wording for the Matrix dealing with the "official zoning map", and questioned the phraseology as to the Zoning Map recognizing existing versus short-range conditions. Mr. Paddock requested Staff to respond to this issue. Mr. Gardner stated he recalled the specific language was presented as it is stated in Comprehensive Plans for the various districts. Mr. Gardner verified the "official zoning maps" were maintained at the INCOG offices and this suggested language was merely an insert to explain the Matrix. Mr. VanFossen, in regard to the word "existing", stated he felt this word was more appropriate and should replace "short-range", as it would be more clear. Mr. Paddock amended his motion to include changing the wording "short-range" to "existing" in the language for the Matrix appendix, as he agreed it was not clearly stated.

Mr. Paddock commented that the Comprehensive Plan Committee should, in the near future, be taking a look at the content of the Matrix to determine whether any further modifications might be needed.

TMAPC ACTION: 8 members present

On **MOTION** of **PADDOCK**, the Planning Commission voted **8-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Crawford, Kempe, Selph, "absent") to **APPROVE** the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts" as an Appendix to the Tulsa City and County Zoning Codes, as modified herein:

- APPENDIX C - Tulsa County Zoning Code
- OR
- APPENDIX D - City of Tulsa Zoning Code

**MATRIX ILLUSTRATING DISTRICT PLAN MAP CATEGORIES
RELATIONSHIP TO ZONING DISTRICTS**

Conformance with the Comprehensive Plan

The "Zoning Matrix", as this section of the Comprehensive Plan is commonly referred to, provides guidance for codes and ordinances relating to the physical environment; specifically, the relationship of zoning to the Comprehensive Plan. As the Comprehensive Plan is the fundamental development policy for the metropolitan area, other plans, codes, ordinances and regulations should be in accordance with policies expressed in the Plan.

REPORTS (Committee) - Cont'd

The Zoning Code, in particular, has as a purpose the promotion of the development of the community in accordance with the Comprehensive Plan. A zoning ordinance is in accordance with the Plan if the type and intensity of land use authorized by the ordinance is compatible with the goals, objectives, principles and policies specified in the Plan. Provisions of the ordinance should not be in contradiction to the intent of the Plan and should not preclude realization of the Plan.

The Comprehensive Plan shall be considered in making zoning or rezoning decisions. The Plan establishes, at a general level, appropriate locations for different intensities of land use with due regard to compatibility, topography, environmental considerations, traffic generation and other factors. The zoning decision making process requires specific consideration of the compatibility of land use and environmental characteristics of a proposed use with surrounding areas. Thus, zoning decisions include consideration of the general factors embraced in the Comprehensive Plan, but also the individual examination of such conditions as they relate to an individual parcel of land for which rezoning is requested.

District Plan Map Categories

The District Plan Map graphically expresses policies to guide the intensity of land use. The relationship between the intensity of land use categories shown on the Plan Map and zoning districts is demonstrated in the table at the end of this Appendix. This table lists all of the basic zoning districts and indicates to what degree each of the districts may be considered as being in accordance with each of the Plan Map's categories. Three degrees of relationship have been established:

- A. Zoning district and Plan Map category are **not in accordance**.
- B. Zoning district and Plan Map category are **in accordance**.
- C. Zoning district and Plan Map category **may be found to be in accordance** under certain circumstances.

By way of illustration, the following examples should be noted:

- A. An existing zoning district or a rezoning request which, if implemented, would prevent the achievement of the objectives shown for the area by the Comprehensive Plan, i.e., if the Plan Map category for an area is Low Intensity, a proposal to rezone the area to a moderate industrial district (IM) would not be in accordance with the Comprehensive Plan.
- B. An existing zoning district or a rezoning request which, if implemented, would directly contribute to achieving the objective established for the area by the Comprehensive Plan would clearly be in accordance with the Plan, i.e., if the Plan category for an area is Low Intensity - Residential, a proposal to rezone the area to a single-family (RS-3) district would be in accordance with the Comprehensive Plan.

- C. If the existing zoning district or a rezoning request neither contributes to nor prevents the achievement of the planned use, then it must be determined whether the proposed land use, if implemented, would be compatible with the development of the surrounding area in the manner contemplated by the Comprehensive Plan, i.e., if the Plan Map category for an area is Low Intensity, a proposal to rezone a portion thereof for multi-family use would be in accordance with the Plan if the multi-family use contemplated was of a density and type that would be compatible with surrounding uses. The zoning district RM-0 used as a transition between the low intensity area and adjacent higher intensity areas would be an example of a multi-family district in accordance with the Low Intensity Plan category. The same zoning district contemplated for a large area in the center of a low density residential neighborhood would not be in accordance with the Low Intensity Plan Map category.

The table shows the intent of the Plan's policies, but cannot be relied upon as the only basis for making decisions on rezoning applications. The intensity of land use categories shown on the District Plan Map should not be interpreted as a zoning map. Existing zoning will continue to operate and rezoning cannot be claimed within various categories by right. It should also be recognized that the Official Zoning Map can properly vary from the District Plan Map in that: the Official Zoning Map recognizes existing conditions, and the Official Zoning Map is more detailed and precise than the District Plan Map. Furthermore, at the time of adoption of the District Plan, certain zoned parcels that are not in accord with the Plan may be of such size, nature or location that their existence should be recognized by zoning that is also not in accord with the District Plan Map categories.

AMENDMENT OF THE COMPREHENSIVE PLAN

Conflicts with the Comprehensive Plan:

The effectiveness of the Comprehensive Plan will depend on maintaining the interrelationship between the Plan and implementation techniques. In cases where proposed development plans, codes, ordinances or regulations are not in accordance with the Comprehensive Plan, the conflicts should be eliminated through a change in the proposals or through amendments to the Plan. It is recognized that there will be times when it may be desirable to take action not in accordance with the Comprehensive Plan. A decision of the appropriate body, board, or officials which is not in accordance with the Plan, shall be considered as an action necessitating consideration of an amendment of the Comprehensive Plan.

Keeping the Comprehensive Plan Current:

It should be clearly recognized that the Comprehensive Plan needs constant analysis, evaluation and amendment in order to ensure that policies expressly prepared at one time will be changed as social and economic conditions are altered. Besides this process of ongoing change, the

REPORTS (Committee) - Cont'd

Planning Commission will need to annually review the policies expressed in the Comprehensive Plan to ensure that they are consistent with the social, economic and physical conditions of the metropolitan area and the goals and aspirations of the citizens.

Policy on Zoning Map Amendments:

It is the official policy that in consideration of proposed amendments to the Zoning Code that amendments will be adopted to recognize changes in the Comprehensive Plan, to correct error, or to recognize changed or changing conditions in a particular area or in the jurisdictional area generally.

NOTE: The Zoning Matrix table will be attached as an exhibit with the above verbiage in the Zoning Code.

SUBDIVISIONS:

PRELIMINARY PLAT APPROVAL:

Country Acres (2572) 167th & South Peoria (AG)

Mr. Wilmoth advised the applicant, due to the number of continuances on this application, consented to striking it from the agenda. There being no objection from the Commission, it was stricken.

FINAL PLAT APPROVAL & RELEASE:

Barrington Place (2883) 108th & South Yale (RS-2)

On MOTION of DOHERTY, the Planning Commission voted 8-0-0 (Carnes, Doherty, Draughon, Paddock, Parmele, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Crawford, Kempe, Selph, "absent") to APPROVE the Final Plat of Barrington Place and release same as having met all conditions of approval.

* * * * *

Riverbridge Center (683)

NE/c 71st & South Peoria

(CS)

On **MOTION** of **DOHERTY**, the Planning Commission voted **6-0-2** (Carnes, Doherty, Draughon, Paddock, VanFossen, Woodard, "aye"; no "nays"; Parmele, Wilson, "abstaining"; (Crawford, Kempe, Selph, "absent") to **APPROVE** the **Final Plat of Riverbridge Center** and release same as having met all conditions of approval.

REQUEST FOR WAIVER (Section 260):

BOA 13717 Ideal Brick Industrial Tracts (3093)

10111 East 45th Place (IL)

This is a request to waive plat on a part of Lots 1 & 2, Block 1 of the above named plat. Proposed use is a heliport consisting of a 1-story metal building, landing pad and underground fuel storage tank, as per plot plan submitted. Numerous controls have already been placed on this tract by the Board of Adjustment, FAA and Airport Authority. Also, Board of Adjustment made approval subject to the review and approval of the Fire Department. Since more restrictive controls have already been placed on the tract, and it is already platted, Staff has no objection to an approval, subject to:

- (a) Grading and drainage plan approval by Stormwater Management in the permit process. (Application for a permit is required.)
- (b) Satisfy the Fire Department in accordance with Board of Adjustment approval.

NOTE: Applicant owns the tract to the west also, but it is not included in this request. Some land was taken off for the expressway on the east.

Water and Sewer Department advised that if the property is ever split a sewer main extension will be required. (This was not anticipated at this time, and if done, would require a formal application.)

The TAC voted to recommend **approval** noting that Section 260 will be met upon completion of the conditions outlined by Staff, including comment regarding future sewer extension requirement if split.

TMAPC ACTION: 8 members present

On **MOTION** of **CARNES**, the Planning Commission voted **8-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Crawford, Kempe, Selph, "absent") to **APPROVE** the **Waiver Request for BOA 13717 Ideal Brick Industrial Tracts**, subject to the conditions as recommended by the TAC and Staff.

* * * * *

Z-6111 Lakeview Addition (793)

North of the NW/c 15th & Utica

(CS)

This is a request to waive plat on the South 25 feet of Lot 8, all of Lot 9 and the east 10 feet of closed adjacent alley, Block 4 of the above named plat. This was recently rezoned to permit the expansion of the existing Phillips Station on the corner. Proposed use on this tract is a car wash in conjunction with the remodeling of the existing station. The existing station is NOT subject to replatting, but is shown for ownership and clarity. Since Utica is on the Street Plan for a 100 foot arterial, applicant is requesting waiver of the Subdivision Regulations requiring conformance with the Plan, based on the fact that Utica is already 4-laned and that very little right-of-way has been obtained along Utica to meet the 100 foot total requirement. If waiver is granted by the Planning Commission, the following will apply:

- (a) Waiver of Subdivision Regulations regarding Street Plan requirements. (Applicant's request).
- (b) Grading and drainage plan approval by Stormwater Management in the permit process.
- (c) Approval of access driveways by Traffic Engineering.
- (d) Utility easements or extensions if required.

PSO advised that a feeder line (pole) near Utica will need to be relocated. Applicant would work directly with PSO to determine the necessary details and easement requirements. It would be determined that the alley closed by ordinance still has utility easement rights if not, a 10' utility easement is required. TAC advised, in accordance with and consistent with past policy, an approval of waiver for right-of-way requirements is not recommended. However should the TMAPC recommend waiver, an additional 10' of right-of-way would be helpful in lining up dedications on this side of the street. This would not affect building setback from center of street. A license agreement for improvements already on any land dedicated would be acceptable. Access drives were satisfactory as shown, as per Traffic Engineering.

The TAC voted to recommend **approval** of the request, noting that being consistent with past recommendations on the waiver of Subdivision Regulations (Street Plan) the TAC is not recommending waiver of that specific requirement, but if waived by the Planning Commission, the following conditions shall apply:

- (a) Grading and drainage plan approval by Stormwater Management through the permit process.
- (b) Utility easement verification in closed alley, utility easement(s) as needed for PSO relocation.

Z-6111 Lakeview Addition - Cont'd

Comments & Discussion:

Mr. VanFossen clarified for Ms. Wilson the recommendation made by TAC. Mr. Paddock stated he thought it was unclear as to right-of-way and questioned if a separate motion might be needed to waive the Subdivision Regulations. Discussion followed as to covering this item with one or two separate motions. Chairman Parmele stated the Waiver of Section 260, as well as waiver of the Subdivision Regulations required six affirmative votes by the TMAPC; therefore, he felt both items could be covered with one motion.

TMAPC ACTION: 7 members present

On **MOTION** of **CARNES**, the Planning Commission voted **7-0-2** (Carnes, Doherty, Draughon, Parmele, VanFossen, Wilson, Woodard, "aye"; no "nays"; Paddock, Selph, "abstaining"; (Crawford, Kempe, "absent") to **APPROVE** the **Waiver Request for Z-6111 Lakeview Addition**, subject to the following conditions as recommended by the TAC and Staff:

- (a) Grading and drainage plan approval by Stormwater Management through the permit process.
- (b) Utility easement verification in closed alley, utility easement(s) as needed for PSO relocation.

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BOA 14222 (Unplatted) (794) West of the SW/c 11th & Mingo Valley Expwy (CS)

On **MOTION** of **VANFOSSEN**, the Planning Commission voted **8-0-1** (Carnes, Doherty, Draughon, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; Paddock, "abstaining"; (Crawford, Kempe, "absent") to **CONTINUE Consideration of the Waiver Request for BOA 14222** until Wednesday, **January 21, 1987** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

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BOA 14194 (Unplatted)(1894) 2525 South 101st East Avenue (Mayo Elem. School)

The Board of Adjustment (BOA) has approved a child care center in the Mayo Elementary School buildings at the above address. No physical changes will be made and existing facilities of the school will be used. Improvements and dedications were made with the processing of the Longview Lake Estates plats. Section 260 of the Code has been satisfied and Staff recommends APPROVAL.

TMAPC ACTION: 9 members present

On **MOTION** of **WILSON**, the Planning Commission voted **8-0-1** (Carnes, Doherty, Draughon, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; Paddock, "abstaining"; (Crawford, Kempe, "absent") to **APPROVE** the **Waiver Request for BOA 14194**, as recommended by Staff.

CHANGE OF ACCESS:

Crossbow Center (1994)

10901 East 41st Street

(CS)

The purpose of this request is to move two access points to coincide with paving improvements already in place. The number of access points remains the same.

TMAPC ACTION: 9 members present

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"; (Crawford, Kempe, "absent") to **APPROVE** the **Change of Access for Crossbow Center**, as recommended by Staff.

LOT SPLITS:

LOT SPLITS FOR WAIVER:

L-16788 O'Haren (2083)

SW/c of 91st Street & South College

(RD)

This is a request to split a small irregular shaped parcel from the northeast corner of the subject tract. This lot split will also require approval from the City BOA for a variance of the land and lot area in the RD District.

Based on the fact that the small tract is being split off and being sold to the abutting residential addition to the east for an entry feature for their addition, the Staff recommends **APPROVAL** of this request subject to the following conditions:

L-16788 O'Haren - Cont'd

- a) Approval from the City BOA for a variance of the bulk and area requirements in the RD District in order to permit a lot split.
- b) That the smaller tract is not to be used for residential purposes.

NOTE: This tract is not inside a PUD.

TMAPC ACTION: 9 members present

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"; (Crawford, Kempe, "absent") to **APPROVE** the **Lot Split Waiver for L-16788 O'Haren**, subject to the conditions as recommended by the TAC and Staff.

LOT SPLITS FOR RATIFICATION:

L-16784 (593) Burien	L-16786 (3194) Parrott
L-16785 (3294) 6000 Garnett Park	L-16789 (492) Malone

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"; (Crawford, Kempe, "absent") to **APPROVE** the **Ratification of the Above Listed Lot Splits**, as recommended Staff.

MISCELLANEOUS LAND DIVISION ITEM:

Martin vs Flatt, et al; Quiet Title Action; CJ-86-7328. Legal Department request.

Mr. Wilmoth advised the TMAPC had been in a Quiet Title suit due to not granting a certain parcel a lot split. However, after researching this, Mr. Wilmoth stated it was not granted because the applicant never made application for a lot split or submitted a request for one. Mr. Wilmoth commented that had the applicant done so, it most likely would have been granted because there was nothing out of the ordinary with the piece of land.

Mr. Linker advised he discussed this with Mr. Wilmoth and, as this was outside the City's jurisdiction, any action by the TMAPC will be forwarded to the District Attorney's office. Mr. Linker briefed the Commission by stating the reason this happened was because Mr. Paddock (on behalf of the TMAPC) was requested to enter an appearance on this case, without any service of process on the Planning Commission. Mr. Paddock, therefore,

MISCELLANEOUS LAND DIVISION ITEM - Cont'd

forwarded it on to the City Legal Department. Mr. Linker stated he had no problem with the Quiet Title Action, although this was an unusual way of handling this. The reason it was being brought before the TMAPC was for the TMAPC to determine if they had any objections to Legal agreeing to a judgment of Quiet Title.

Chairman Parmele confirmed that, had the applicant applied, it would have just been a routine approval; however, no application has been submitted. Chairman Parmele then asked if the TMAPC was being asked to approve it this date. Mr. Linker stated that, technically, the Planning Commission had not even been served. Therefore, the TMAPC must decide: (1) do they want to give the District Attorney permission to enter an appearance on behalf of the TMAPC; and (2) what is the feeling as to an agreement to a Quiet Title judgment to cure this defect or failure to have lot split approval.

Mr. Paddock commented that this was sent to him in error as he felt they intended to send this to the Chairman of the TMAPC (Bob Parmele). When he called the applicant on this, he advised he was not the Chairman and, therefore, refused to accept the service in this manner and would forward it the City Attorney's office. Mr. Paddock stated that, as no application had ever been submitted for a lot split, he felt the TMAPC was not the proper party defendant. Further, as pointed out by Mr. Linker, the TMAPC had not been properly served with process.

Mr. Linker stated he had no problem with the way this was being presented with the exception that the TMAPC might possibly not collect any costs and/or expenses for processing a lot split application. There was also the possibility that there might be a problem with the Health Department. Mr. Wilmoth confirmed that this would require Health Department approval, due to the existing house. Therefore, Mr. Linker suggested the TMAPC indicate they had no objection to the judgment entered, subject to Health Department approval, and upon agreement with the District Attorney.

TMAPC ACTION: 9 members present

On **MOTION** of **VANFOSEN**, the Planning Commission voted **8-1-0** (Carnes, Doherty, Draughon, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; Paddock, "nay"; no "abstentions"; (Crawford, Kempe, "absent")) to **APPROVE** the Judgment of Quiet Title Action for Martin vs Flatt, et al; subject to approval by the Health Department and the District Attorney for the County of Tulsa.

CONTINUED ZONING PUBLIC HEARING:

Application No.: Z-6129 & PUD 423

Present Zoning: RS-3

Applicant: Sublett (Williams)

Proposed Zoning: RM-0

Location: North side of 37th Street & East of Peoria

Size of Tract: .2 acres, approximately

Date of Hearing: December 17, 1986 (continued from November 5, 1986)

Presentation to TMAPC by: Mr. John Sublett, 320 South Boston, #805 (582-8815)

Relationship to the Comprehensive Plan:

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

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the requested RM-0 District may be found, in accordance with the Plan Map.

Staff Recommendation: Z-6129

Site Analysis: The subject tract is approximately .2 acres in size and located east of the Northeast corner of South Peoria Avenue and East 37th Street South. It is partially wooded, flat, contains a vacant single-family dwelling that appears to have been used for duplex use and is zoned RS-3.

Surrounding Area Analysis: The tract is abutted on the north by multi-family dwellings (fourplexes) zoned RS-3, on the east by a duplex zoned RS-3, on the south by a parking facility zoned OL, and on the west by an electrical wholesale business zoned CH, OL and PUD.

Zoning and BOA Historical Summary: Commercial zoning has been held within a district boundary along Peoria with a buffer of OL in some areas.

Conclusion: Peoria Avenue Strip is zoned CH and a buffer of less intense zoning is necessary to protect the residential character of the abutting single-family residences. This pattern has started to develop as can be seen on the case map. The typical buffer has been OL zoning prior to the "P" Parking District being added to the Code. RD zoning was also used west of the northwest corner of South Peoria Avenue and West 35th Place South in 1972. Staff cannot support an increase in intensity of use for the subject tract, but would support RD zoning because the existing use is a duplex, and there is multi-family use on the abutting tracts to the north. RM-0 zoning would permit development of a triplex as opposed to the existing duplex use. (Staff feels any increase in intensity is inappropriate due to existing parking problems and Brookside Special Study regarding parking).

Therefore, **STAFF** recommends **DENIAL** of the requested RM-0 zoning and **APPROVAL** OF RD zoning in the alternative.

Z-6129 & PUD 423 Sublett (Williams) - Cont'd

December 10th & 17th: On November 5, 1986, the TMAPC voted to continue consideration of Z-6129 for RM-0 zoning until December 10, 1986 to allow the applicant time to submit a PUD. The zoning application will again be continued from December 10th until December 17, 1986 to be heard with PUD 423. Staff recommendations are unchanged from November 5th.

If the TMAPC is supportive of RM-0 zoning for Z-6129, suggested development standards will be presented for TMAPC on December 17th in conjunction with PUD 423.

Staff Recommendation: **PUD 423** - Outline Development Plan and Text, Detail Site Plan and Detail Landscape Plan.

The subject tract has an area of approximately .2 acres and is located east of the northeast corner of South Peoria and East 37th Street South. The applicant has requested RM-0 zoning per Z-6129 and is proposing to construct a triplex dwelling unit in accordance with PUD 423. A parking lot of six spaces is proposed in the front yard of the residence. The TMAPC initially continued Z-6129 from November 5, 1986 to allow the applicant to file a PUD. The existing dwelling unit on the subject tract is a duplex. The applicant is requesting approval of the submitted Outline Development Plan and Text, Detail Site Plan and Detail Landscape Plan at this time.

Staff is not supportive of the requested RM-0 zoning per Z-6129 and is therefore not supportive of the companion PUD. Staff recommends **DENIAL** of PUD 423.

If the TMAPC is supportive of RM-0 zoning per Z-6129; the proposed plan and text has some merit and controls can be adopted under the PUD for even increased compatibility. Staff suggests the following conditions of approval for the PUD 423 Outline Development Plan and Text, Detail Site Plan and Detail Landscape Plan subject to approval of RM-0 underlying zoning per Z-6129:

- 1) That the applicant's Outline Development Plan and Text, Detail Site Plan and Detail Landscape Plan be made a condition of approval, unless modified herein.
- 2) **Development Standards:**

Land Area (Gross):	12,578 sf
(Net):	10,678 sf
Permitted Uses:	Expand existing duplex into triplex dwelling unit and in accordance with bulk and area requirements of the RM-0 District unless otherwise specified.
Maximum Building Height:	Existing and 35'

Z-6129 & PUD 423 Sublett (Williams) - Cont'd

Minimum Off-Street Parking:	6 spaces
Minimum Lot Area:	10,000 sf
Minimum Land Area per DU:	3,600 sf per Dwelling Unit
Minimum Building Setbacks:	
from Centerline of East 37th	112.5'/Existing
from West Boundary	16'
from East Boundary	10'
from North Boundary	22'
Minimum Livability Space per DU:	1,200 sf

- 3) That the Detail Site Plan shall include a 6' privacy screening fence along the east boundary from a point adjacent to the southeast corner of the proposed building to the most southerly part of the parking areas to be constructed in the front yard of the subject tract.
- 4) That the Detail Landscape Plan shall include those trees, existing and new, as shown on the Site Plan submitted with PUD 423. That the new landscaping and screening be installed prior to issuance of an Occupancy Permit on any new construction and that new and existing landscaping shall be maintained and replaced as needed as a continued condition of PUD approval. The Site Plan indicates that 8 new Pink Dogwood Trees (6' - 8' tall) and 3 new Red Maple Trees (8' - 10'tall) will be planted.
- 5) Subject to review and approval of conditions, as recommended by the Technical Advisory Committee.
- 6) That the exterior facade of the existing and proposed building addition shall be in substantial compliance and conformity with similarly developed adjacent residential properties as shown on the elevations submitted with the Detail Site Plan.
- 7) 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. This requirement can be met by TMAPC approval of amended deeds of dedication.
- 8) TMAPC approval of the Detail Site Plan and Detail Landscape Plan is made subject to the City Commission approving PUD 423.

Applicant's Comments:

Mr. Sublett stated he felt the applicant had satisfied the requirements and he had no problem with the Staff's recommendation as to the conditions of approval.

Interested Parties:

Mr. Charles B. John (1403 East 37th) inquired as to what type of structure was planned for the subject tract and what parking requirements were being placed on the property. Mr. Gardner advised a triplex was proposed and appropriate parking would be required. Mr. Gardner further reviewed the conditions of the PUD for Mr. John as to landscaping, fencing, etc.

Comments & Discussion:

In regard to the Staff's recommendation on the zoning and any increase in intensity being inappropriate, Mr. Paddock inquired as to how the proposed PUD met the objections as it related to parking in this special Brookside district. Mr. Gardner stated he was not sure how many units would be permitted under RM-0 zoning as requested; however, Staff could not support this zoning. Staff has concluded that with the limit on the dwelling units, the increase of one dwelling unit (from two to three) was not that significant. Therefore, Staff felt that this might have some merit. Mr. Gardner commented that while Staff was not supportive of the zoning, they could support the PUD when limited to only three dwelling units.

Chairman Parmele pointed out that when this case was previously presented to the TMAPC, the Commission indicated a triplex might be appropriate as long as the applicant submitted a PUD with appropriate conditions in place. Mr. Carnes stated it appeared to him the applicant had worked with the Staff to meet the Planning Commission's concerns. Therefore, he moved for approval, subject to the conditions of the PUD as listed in the Staff recommendation. Discussion followed as to a separate vote on the zoning and the PUD, or whether both could be covered with one vote. Final consensus with the Commission and Staff was that these should be voted on together. Mr. Carnes clarified his motion included approval of the RM-0 zoning and approval of the Outline Development Plan and Text, Detail Site Plan and Detail Landscape Plan for PUD 423.

Mr. Paddock commented that, not being at the previous meeting in which this case was discussed, and in keeping with his past positions on the appropriateness of using a PUD for such small acreage, he could not support the PUD to increase the density of use. In response to Mr. Paddock, Mr. Carnes pointed out that this was a case where there was a fourplex behind the subject tract, a duplex on one side, a helicopter pad and parking for commercial use across the street. Based on this, he felt the applicant's proposal was an improvement to the neighborhood. Mr. Carnes concluded by stating this was a case where a PUD was justified.

Ms. Wilson, in regard to the Brookside Special Study, commented that the emphasis of this Study was on the commercial use along Peoria, and with this application being of residential use providing its own parking, plus the facts as pointed out by Mr. Carnes, she could support the motion.

TMAPC ACTION: 9 members present

On **MOTION** of **CARNES**, the Planning Commission voted **7-1-1** (Carnes, Doherty, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; Paddock, "nay"; Draughon, "abstaining"; (Crawford, Kempe, "absent")) to **APPROVE Z-6129 Sublett (Williams) for RM-0 and APPROVE the Outline Development Plan and Text, Detail Site Plan and Detail Landscape Plan for PUD 423**, subject to the conditions as recommended by Staff.

TMAPC ACTION: 9 members present

On **MOTION** of **DOHERTY**, the Planning Commission voted **7-1-1** (Carnes, Doherty, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; Paddock, "nay"; Draughon, "abstaining"; (Crawford, Kempe, "absent")) to **APPROVE the Early Transmittal of Z-6129 and PUD 423 Sublett (Williams) to the City Commission**, as requested by the applicant.

Legal Description:

Lot 5, Block 1, LEE DELL ADDITION to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

OTHER BUSINESS:

PUD 306: East and South of the SE/c of College and East 91st Street

Staff Recommendation: Amended Deeds of Dedication

The applicant is requesting approval of amended deeds of dedication for Woodside Village I, which was a condition of approval for PUD 306-4 approved by the TMAPC. The number of dwelling units within this addition will be reduced to 39 units.

Review of the applicant's submitted materials indicates the conditions of approval have been met. Staff recommends **APPROVAL** of the "Amended Deeds" and "Partial Termination of Deed of Dedication of Woodside Village I", subject to approval by the City Attorney's office.

TMAPC ACTION: 8 members present

On **MOTION** of **DOHERTY**, the Planning Commission voted **8-0-0** (Doherty, Draughon, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Carnes, Crawford, Kempe, "absent")) to **APPROVE the the Amended Deeds of Dedication for PUD 306 Woodside Village I**, as recommended by Staff.

* * * * *

PUD 261-A-3: Minor Amendment Adjusting Development Area Boundaries, Allocating Parking Between Development Areas A and B, Increasing Floor Area Allocation for Development Area B, and Lot Split No. 16790 with Waiver

Staff Recommendation:

The subject tract is located north and east of the intersection of the Riverside Parkway and East 71st Street, and has underlying zoning of CS, OM, and OL. The Frates Office Building has been constructed in Area A, a Wal-Mart store is nearing completion in Area C, and Area B is vacant.

The previously approved and proposed sizes of the Development Areas are as shown below:

	<u>Approved Net</u>	<u>Proposed Net</u>
Development Area A	4.30 acres	3.74 acres
Development Area B	3.94 acres	4.58 acres
Development Area C	9.01 acres	8.93 acres
	<u>17.25 acres</u>	<u>17.25 acres</u>

Staff considers the adjustment of development area boundaries minor and a normal part of the refinement of a PUD during the development process. The detailed calculations are accurately reflected in the applicant's Text for the minor amendment. It is noted that a shared parking and mutual access agreement will be necessary, and will be made a condition of approval of this minor amendment for parking and drives as they relate to Development Areas A and B. Tie-contracts between the various parcels created by the Lot Split are also conditions of approval between parts of Areas A and B, and Areas A and C.

The purpose of the waiver on LNO 16790 is to clarify that compliance will not be required with the Subdivision Regulations/Major Street and Highway Plan which shows the Riverside Parkway planned to go through portions of the subject tracts, when in fact it has been built to the west of the now vacated Peoria alignment. Staff is supportive of LNO 16790 and the waiver.

The applicant is requesting that a 5.5% increase in the floor area allocation of PUD 261 be assigned to Development Area B as follows:

<u>Floor Area Allocation</u>	<u>Approved</u>	<u>Proposed</u>
Development Area A	67,000 sf	66,901 sf
Development Area B	72,400 sf	85,975 sf
Development Area C	105,000 sf	105,000 sf
Total:	244,400 sf	257,876 sf *

* $13,476 \div 244,400 = 5.5\%$

Staff notes that based on the underlying zoning of Areas A and B (which the applicant owns), the requested square footage is available and the request is within the TMAPC General Policies for being considered a minor amendment. Although the original PUD 261 was approved for a maximum of 244,400 square feet of floor area, the underlying zoning (7.42 acres of CS, 10.23 acres of OM, and .69 acres of OL) could support 396,416 square feet of floor area. Staff finds this part of the applicant's request to also be minor.

Based on the findings that the request to adjust development area boundaries is minor, parking allocation between Areas A and B is minor, increasing the floor area 5.5% is minor, and supporting Lot Split No. 16790 with waiver, Staff recommends approval of PUD 261-A-3 as follows:

(1) That the applicant's submitted Outline Development Plan (Plat for Lot Split) and Text be made a condition of approval unless modified herein.

(2) **Development Standards:**

Development Area A - Office

Net Area:	3.74 acres
Permitted Uses:	As permitted within an OM District
Maximum Floor Area:	66,901 sf *
Minimum Internal Landscaped Open Space:	18% of net area, excluding landscaped right-of-way
Maximum Stories:	4
Minimum Building Setback: from North Boundary	75 ft **
from Centerline of Abutting Public Street	125 ft
Parking Ratio:	1 space/360 sf of floor space ***
Other Bulk & Area Requirements:	As required within an OM District

* Includes 7500 square feet of accessory space which may be used for club and restaurant facilities and an accessory detached building containing 468 square feet.

** An accessory garage may be located within 3 feet of the North and West boundaries of the development area subject to vacation of the 17.5' utility easements or a license agreement with the City of Tulsa.

*** Required off-street parking may be provided within the adjoining Development Area B if effective parking easements appurtenant to Development Area A are established of record.

Development Area B - Office/Restaurant

Net Area: 4.58 acres
Permitted Uses: As permitted within an OM District and the uses included within Use Unit 12 - Eating Places
Maximum Floor Area: 85,975 sf *
Maximum Stories: 4
Maximum Height: 56 ft
Minimum Internal Landscaped Open Space: 18% of net area, excluding landscaped right-of-way
Minimum Building Setback: from Centerline of Abutting Public Street 100 ft
Parking Ratios:
Office Use 1 space per 360 sf **
Other Uses 1 space per 225 sf
Other Bulk & Area Requirements: As provided within an OM District

* Not more than 16,000 square feet shall be used for uses included within Use Unit 12.

** Required parking shall be exclusive of parking which is located within Development Area B but which is necessary to meet the parking requirements of Development Area A.

Development Area C - Wal-Mart

Net Area: Reduced from 9.01 to 8.93 acres

NOTE: All Development Standards shall remain unchanged and as previously approved by the TMAPC for Detail Site Plans, Detail Sign Plans, Detail Landscape Plans, and related materials.

- (3) All other requirements of PUD 261 shall remain unchanged except as modified herein.
- (4) Subject to the granting of a mutual access and parking agreement between Areas A and B if this requirement has not already been met.
- (5) Approval of LNO. 16790 and granting a waiver of the Subdivision Regulations requiring compliance with the Major Street and Highway Plan as it relates to the "planned" alignment for the Riverside Parkway, including tie-language between parts of Development Areas A and C, and A and B.
- (6) That all trash, utility and equipment areas shall be screened from public view.
- (7) That all parking lot lighting shall be directed downward and away from adjacent residential areas.

- (8) All signs shall be subject to Detail Sign Plan review and approval by the TMAPC prior to installation and in accordance with Section 1130.2 (b) of the PUD Chapter of the Zoning Code and as follows:

Development Area B: One pole or pylon sign identifying a tenant or use within the project not exceeding 20' tall and not exceeding 120 square feet of display surface area.

Two monument signs (total) identifying the project located at a public street entrance and not exceeding 6' tall and not exceeding a display surface area of 120 square feet. The monument sign in Area C does not count in this total.

One monument sign identifying and adjacent to each building not exceeding 4' tall and not exceeding 48 square feet of display surface area.

Wall or canopy signs shall be limited in aggregate display surface area to a maximum of 1.5 square feet per lineal foot of building wall to which attached. Wall or canopy signs shall not exceed the height of the building.

- (9) That a Detail Landscape Plan shall be submitted to the TMAPC for review and approval and installed prior to issuance of an Occupancy Permit on new construction. 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.
- (10) That a Detail Site Plan shall be submitted to and approved by the TMAPC prior to issuance of a Building Permit on new construction.
- (11) 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, unless otherwise specified herein.

Comments & Discussion:

In reply to Mr. VanFossen, Mr. Frank clarified the parking easements and other conditions of the PUD for the various development areas.

Applicant's Comments:

Mr. Roy Johnsen (324 Main Mall) explained the applicant was attempting to maintain the parking ratio at status quo, and stated that the reason for the mutual parking rights was so Parcel A would not lose existing parking. Mr. Johnsen further clarified that they were not asking for a change in the existing or future parking, and this request would merely provide that, since part of the parking was in Parcel B, it lawfully had to be available for use for Parcel A. Or, alternatively, that those spaces could be constructed at a later date in Parcel A; which really amounts to status quo. In response to Mr. VanFossen, Mr. Johnsen reviewed the

history of this tract of land as related to Riverside Drive/Peoria Avenue construction. Mr. Johnsen summarized that all this request would permit them to now have a larger Parcel B to convey, but reserve the parking rights for Parcel A.

TMAPC ACTION: 9 members present

On **MOTION** of **CARNES**, the Planning Commission voted **6-0-3** (Carnes, Doherty, Draughon, Selph, VanFossen, Woodard, "aye"; no "nays"; Paddock, Parmele, Wilson, "abstaining"; (Crawford, Kempe, "absent") to **APPROVE** the **Minor Amendment adjusting Development Area Boundaries, Allocating Parking between Development Areas A and B, Increasing Floor Area Allocation for Development Area B, and Lot Split #16790 with Waiver for PUD 261-A-3, subject to the conditions as recommended by Staff.**

* * * * *

PUD 414: North and East of the NE/c of Yorktown Place and East 36th Street, Being Lot 1 and the North 20' of the Abutting Open Space, Kennebunkport

Staff Recommendation: Detail Site Plan

The subject tract is Lot 1 and the North 20' of the abutting open space, in the Kennebunk Port Addition. The applicant is requesting Detail Site Plan approval for a single family dwelling unit which has the same basic floor plan and orientation to the perimeter boundaries of PUD 414 as was presented under PUD 414-1.

TMAPC denied PUD 414-1 as noted in the minutes of the November 5, 1986 meeting. Also available for review is the "Department of Stormwater Management Case Review" on PUD 414-1, and the minutes of the TMAPC meeting held April 4, 1986 at which PUD 414 was approved.

Notice has been given to "Interested Parties" and abutting property owners.

Comments & Discussion:

Mr. VanFossen stated he understood this was exactly the same thing that was previously presented, except the rear yard has been relocated. Mr. Frank clarified that the Staff recommendation was to just present the application that the TMAPC had previously, at which time the Commission indicated in the minutes that they desired rear yards be maintained as 20'. Mr. Frank reviewed the definition of "lot frontage" in the Zoning Ordinance which states that, if the lot had frontage on more than one street, then the applicant could select a front yard. This is not the case with this application as the applicant only has frontage on one

street. Mr. Frank pointed out that the applicant owned only the north 20' of the reserve space area or open space. Further, the TMAPC previously put a condition on the lot split stating that no screening could be placed in the open space, and it must remain open space and undeveloped. Chairman Parmele questioned that, by the Code, the side yard (as submitted by the applicant), was in fact a rear yard. Mr. Frank clarified that the 25' shown on the applicant's plot plan as a front yard, was actually a side yard, and the area shown by the applicant to be a side yard was technically a rear yard.

Applicant's Comments:

Mr. Bill Grimm (610 South Main), attorney representing the applicant, stated that at the initial presentation of the PUD, the applicant was led to believe that he could come back for a variance of the setback requirement on a lot-by-lot basis, and that today's request was for waiver of the 20' setback requirement for Lot 1 only. Mr. Grimm further commented that he felt the applicant had tried to do everything possible, within the wishes of the TMAPC, to make this property usable considering the constraints of the physical size and shape of the lot. He pointed out one of the purposes of the PUD Code was to permit flexibility in development when there were unique physical characteristics, and he felt this particular tract certainly fell into the category of unique physical characteristics. With respect to drainage, Mr. Grimm stated the subject tract would not inhibit any drainage as it was at the crest of a hill; therefore, any drainage would flow away from this tract. Mr. Grimm presented and reviewed the actual Plot Plan and requested approval of this application.

Mr. VanFossen commented that he was entirely in favor of allowing this plan, but had a problem if this looked exactly like that presented on November 5, 1986. He voiced concerns as to this being the same due to the interested parties present at the November 5th hearing, and questioned the legality of this application. Mr. VanFossen stated that he had reviewed this site and confirmed that there were no drainage problems on this particular tract. Mr. Gardner commented that all the interested parties had been notified of this application, and the Commission, should they determine this to be the same thing presented November 5th, had the option of not hearing this again. Mr. Gardner pointed out that this did not involve a zoning change, only a Detail Site Plan review, and the Commission could judge this presentation versus the November 5th presentation. Staff was making no recommendation, only placing it on the agenda based on the applicant's request. Mr. Linker advised that he felt this application was enough different that there would be no legal problem. However, he did have a little problem with the TMAPC's action at the last hearing on this, as he felt the concerns being mentioned should have been addressed at the time the plat was approved. Mr. Linker added that it was realized there would be problems building on some of these lots and he did not think it was realistic to now say the applicant had to meet all of the straight Zoning Code provisions. Mr. VanFossen and Chairman Parmele agreed with Mr. Linker.

Mr. Carnes commented he still had a problem with the request from 20' to 10', as the Commission had already reduced the setback from 25' to 20'. Mr. Frank stated that this could be compared to approving a lot split with a "handle", and this application could be considered the same way, if approved subject to the applicant's Plot Plan, and subject to a tie-agreement between all of the open space area and this particular lot. Mr. Frank pointed out the PUD did not specify a 20' setback from the east boundary, it only stated a "20' rear yard". Therefore, if the Commission determined the side yards, as presented by the applicant, then there might be some flexibility. Mr. Gardner reminded that the previously approved recommendation was not to grant a blanket waiver, but to require the applicant to come back with a Detail Site Plan to determine the appropriateness of the particular structure on any given lot where the applicant was not able to meet the requirements as approved. In this particular instance, as mentioned by Legal, the physical characteristics present a problem. Mr. Gardner suggested to the Commission, in regard to concerns about the neighbors to the east, that another option might be to move the structure to the west, which would be closer to the private street.

Commissioner Selph asked the applicant if he would be willing to do this. Mr. Grimm stated that he did not think the structure could be moved the full 10', as part of the plan provided for an alcove drive. Mr. VanFossen interjected that he was very familiar with this site and the only way to make it usable and feasible for the northern most areas was to have a curving drive/private street within the tract. Mr. VanFossen stated if the reduced setback really hurt the properties to the east that much he would be nonsupportive of the request; however, he did not feel that it had that much impact. He added that he felt it would severely detract from the project to even move the residence 5', and he was in favor of leaving the structure where indicated.

Mr. Doherty stated he had two concerns with the application: (1) the Commission was getting, in effect, a motion to reconsider; and (2) he had a problem with constructing a second story bedroom window which immediately looks down into a neighbor's back yard.

Mr. Draughon remarked, in reference to drainage, that DSM comments stated that reducing the rear yard setback from 20' to 10' would impede overland drainage. Mr. Grimm stated that at the time of the first minor amendment, the developer was seeking a variance on four particular lots. However, this application dealt with only one lot and, during a review with DSM, they indicated that this application did indeed present a hardship with only a the 55' lot depth. Mr. VanFossen confirmed that the south end of the structure would be the highest point of the entire project and the only water flowing down the 10' rear setback would be what came from the roof of the house on this particular strip. Going north from the structure, the drainage definitely flowed downhill and would be of more concern on the other lots.

Mr. Jack Arnold (co-developer with Mr. Woolman) stated he assisted with the planning on this particular site. Mr. Arnold advised that another builder was interested in this for his own house, and part of the contract stated that the applicant must get this accepted as presented. Therefore, Mr. Arnold did not feel the applicant could make any adjustment to the west. Mr. Arnold pointed out that, according to the Code, they could move back another 10' and build a two story height, plus the roof height. He felt the visual impact of what the applicant was proposing was of minimal visual impact to the neighbors.

In reviewing the plans for the second floor of the proposed structure and the location of the windows, Mr. VanFossen inquired if it might be feasible to delete the windows on the second floor. Mr. Arnold stated he would have to obtain clearance from the purchaser of the lot and the builder of the house. Mr. Arnold confirmed that the sale of this lot was contingent upon acceptance as presented.

Discussion between Mr. Doherty and Mr. VanFossen as to height and visual impact brought out the fact that a two story structure has previously been built on this tract and that there was not a 20' clearance at that time.

Interested Parties:

Mr. James Smith (3470 South Zunis), as property owner adjacent to the subject tract, stated his concern was that the proposed structure would be too close to his back yard. Mr. Smith briefed the Commission as to the history of the existing structure and the development in the area. He stated he felt the proposed structure was certainly an improvement, but stressed he felt it was still too close to his home. Mr. Smith requested the setback be as established in the Code.

Mr. Doherty inquired as to the location of the proposed structure in relation to previous house that was located on this tract. Mr. Smith stated that the old building, at its closest point, was set back about 10' or 12'; the widest part for the back structure of the house was approximately 20' away. Mr. Smith confirmed the old structure was two story in front and one story in back. Mr. Smith pointed out that the old structure would not be permitted under today's standards as far as setbacks, carport, etc.

Mr. Draughon asked Mr. Smith if he had problems with drainage in this area. Mr. Smith replied that there were some problems with drainage and confirmed that the water flows from the peak down to the south and to the north, and from the east to the west. Mr. Smith added that the drainage problems in this area were not from yard-to-yard, but from the whole project to the north end. However, he did not think drainage was going to be a problem due to a retention area that has been built. Mr. Smith suggested that the applicant eliminate one lot in the subdivision and move the proposed structure north.

Mr. Doherty inquired as to why the Commission was not informed of the existing two story house on this property. Mr. Doherty stated he still had a problem with the proximity of the proposed structure to the neighbors. In view of the fact that there had been a previous structure on this tract, Mr. Doherty commented that his thinking had changed to where he could move for approval of the applicant's request.

Ms. Wilson stated she still had a problem with calling the yards something different than what they were and she felt this application was identical to that previously presented. This, along with the fact that this was an in-fill project, she stated she would be voting against the motion.

TMAPC ACTION: 9 members present

On **MOTION** of **DOHERTY**, the Planning Commission voted **2-7-0** (Doherty, VanFossen, "aye"; Carnes, Draughon, Paddock, Parmele, Selph, Wilson, Woodard, "nay"; no "abstentions"; (Crawford, Kempe, "absent") to **APPROVE** the **Detail Site Plan for PUD 414**.

That motion failing, Ms. Wilson moved for denial of the request.

TMAPC ACTION: 9 members present

On **MOTION** of **WILSON**, the Planning Commission voted **6-2-1** (Carnes, Draughon, Paddock, Parmele, Wilson, Woodard, "aye"; Doherty, VanFossen, "nay"; Selph, "abstaining"; (Crawford, Kempe, "absent") to **DENY** the **Detail Site Plan for PUD 414**.

Additional Comments and Discussion:

Mr. Grimm stated that with the denial vote, the applicant would more than likely be sued; therefore, additional lawsuits may come out of this action. Chairman Parmele commented that he felt a mistake was made at the time of plat approval; sometimes a closer look is needed at the time of preliminary and final plat approvals. He further felt that if the Commission had previously looked at this in more detail and considered the individual sites, the Commission might have made a different decision at the PUD hearing on this application. Mr. VanFossen commented that the 10' was brought up at the time of plat approval and the Commission indicated they would review these on a lot-by-lot basis. He felt that in looking at this proposal there was not much choice but to move it over 10' which would be inappropriate. Mr. VanFossen reiterated he felt this application was a proper use of the site and lot.

Mr. Carnes stated that had he known that there had been a house on the lot, it would have certainly made a difference. However, it appeared to him that there could be a workable solution with the neighbors, developers, etc. Chairman Parmele suggested a motion to reconsider their vote to allow the applicant, the purchaser of the lot and the developer to see if there might be a way to shift the structure west, not ask for a full 20', and resubmit it to the Commission. Mr. Carnes, while in favor of Chairman Parmele's suggestion, still felt the neighbors and developers could work out a solution.

At this point, Mr. Linker advised that this should not be an item of neighborhood approval, but should deal with whether or not there should be a waiver of the Subdivision Regulations. Mr. Linker recalled that at the PUD hearing on this matter, it was very apparent that the applicant would have to come back to the TMAPC for individual lot approval. He added that it appeared to him the Commission was forcing the applicant to do something that might cheapen the area. The applicant was allowed to speak and agreed that they were trying to maintain a high standard in their development, and weighing the economic benefits to the project as well as to the neighborhood, the 5' or 10' should not be that great of a consideration.

Mr. VanFossen asked for reconsideration of the motion and vote at this time. Mr. Carnes reiterated that his concern was with the neighborhood. Mr. Gardner commented that the Commission was asked to approve/deny a specific plot plan; not a decision for any and/or all subsequent plot plans. After reviewing the options available to the applicant, Mr. Gardner stated a condition of approval placed in the previous presentation made this subject to Site Plan review so the Commission could see these again.

Commissioner Selph stated he felt there were probably some good reasons to reconsider this, and moved for reconsideration on January 7, 1987 to allow the buyer and applicant a chance to discuss and review this matter. Mr. Grimm interjected that the buyer was waiting to see the Commission's actions this date, and he was not sure that continuing until January 7th would accomplish what they were trying to achieve.

Chairman Parmele recognized Mr. John Woolman (one of the partners in the project) who advised they had sold four lots in this subdivision and they were not builders of every house in the subdivision. Mr. Woolman stated that they informed the buyer of the Commission's intent to see these on a lot-by-lot basis, and the design of the house was made with the intention to bring it before the TMAPC for review of the setbacks. Mr. Woolman advised that it was the applicant's decision to present this application again to the Commission, not the builders. He advised the City had informed the builders they could do a 10' setback, and then it was voted down by the TMAPC. Mr. Woolman challenged the Commission to try to build in the City of Tulsa and get everyone (or agency) to agree. He stated this subdivision was creating \$2.5 - \$3 million worth of new construction, and considering the fact that they were ready to start the houses, he hoped the Commissioners would reconsider their position. Mr. Woolman informed the Commissioners of the efforts extended to the neighbors to accommodate their wishes during the building and construction phases.

After discussion by the Commissioners on the point of order to follow, Commissioner Selph amended his motion to reconsider this date, rather than January 7th.

TMAPC ACTION: 9 members present

On **MOTION** of **SELPH**, the Planning Commission voted **8-1-0** (Carnes, Doherty, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; Draughon, "nay"; no "abstentions"; (Crawford, Kempe, "absent")) to **RECONSIDER** the previous vote for denial of the Detail Site Plan for PUD 414, as recommended by Staff.

Additional Comments and Discussion:

Mr. VanFossen having physically viewed the site, pointed out on the plot plan submitted by the applicant characteristics of the site and the detrimental effect of moving the structure. Mr. Doherty commented that in light of the additional information at this meeting, and the fact that he felt this project was far superior to what had been there, plus the current economic situation of the City of Tulsa and other factors, he moved for approval of the request.

Mr. Carnes requested Mr. Smith to comment on the actions taking place on this application, and Mr. Smith agreed that this development was going to be an improvement. However, he questioned the need to notify neighbors and why the Code was established if a structure was being placed where a previous structure had been, rather than improving the situation. Mr. Carnes commented that, after viewing the aerials indicating the previous structure, he felt the proposed structure would be an asset over what the neighborhood had previously. Mr. Smith agreed but was disturbed that other developers might come in and build something of less quality than Mr. Woolman's proposal.

Mr. Draughon indicated he would be voting against the motion. Ms. Wilson commented one of the reasons she voted to reconsider the vote for denial was the discussion as to mistakes made in the platting process, her concerns as to the location of the existing structure and the possible miscommunications between the applicant, Staff and the TMAPC. She felt that, perhaps, mercy might be needed in this instance. Chairman Parmele advised he was changing his vote based on learning about the previous two story structure, and he felt the developer was making efforts to build something that would be a credit to the entire neighborhood.

TMAPC ACTION: 9 members present

On **MOTION** of **DOHERTY**, the Planning Commission voted **6-2-1** (Carnes, Doherty, Parmele, VanFossen, Wilson, Woodard, "aye"; Draughon, Paddock, "nay"; Selph, "abstaining"; (Crawford, Kempe, "absent")) to **APPROVE** the Detail Site Plan for PUD 414, Lot 1.

* * * * *

Chairman Parmele thanked Commissioner Selph for his attendance and service during the last year, which was applauded by the TMAPC members and the INCOG Staff. Chairman Parmele also offered thanks to the entire Commission for their attendance as there had been no cancellations due to lack of quorum.

There being no further business, the Chairman declared the meeting adjourned at 3:37 p.m.

Date Approved 5-7-87
[Signature]
Chairman

ATTEST:

[Signature]
Secretary