

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1634
Wednesday, **January 21, 1987**, 1:30 p.m.
City Commission Room, Plaza Level, Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Carnes Doherty, 2nd Vice- Chairman Draughon Paddock, Secretary Parmele, Chairman Rice VanFossen Wilson, 1st Vice- Chairman Woodard	Crawford Kempe	Frank Gardner Setters	Linker, Legal Counsel

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, January 20, 1987 at 9:43 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 1:30 p.m.

MINUTES:

Approval of Minutes of January 7, 1987, Meeting #1632:

On **MOTION** of **PADDOCK**, the Planning Commission voted **8-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, Rice, VanFossen, Wilson, "aye"; no "nays"; no "abstentions"; (Kempe, Woodard, Crawford, "absent") to **APPROVE** the **Minutes of January 7, 1987, Meeting No. 1632.**

REPORTS:

Chairman's Report:

Chairman Parmele announced the Election of TMAPC Officers for the 1987 year would be held at next Wednesday's meeting. He advised of the confirmation of Jim Doherty's reappointment by Tulsa County to the TMAPC for a full three year term. Chairman Parmele stated receipt of a letter from Mrs. Kenneth Clark regarding the BOA case dealing with the relocation of the Greyhound Bus Terminal (#14222).

Committee Reports:

Mr. VanFossen advised the **Comprehensive Plan Committee** would be meeting next Wednesday at noon.

Mr. Paddock advised the **Rules & Regulations Committee** had met this date to discuss clarification of the TMAPC's General Policy on Major Amendments and also discussed an amendment in the Zoning Code dealing with portable/promotional signs. He would be presenting these items at the next TMAPC meeting.

SUBDIVISIONS:

PRELIMINARY PLAT APPROVAL:

Summer Place (2783) 10333 South Yale Avenue (AG to RS-1 pending)

This plat has a "sketch plat" approval by TAC, dated 8/14/86, under the name "Howard Estates". The name has changed and the engineer has changed, but it is the same plat that received sketch plat approval. It is also one of the three plats that were working prior to the new requirements by the City-County Health Department regarding use of septic tanks in new subdivisions. The language has been worked out with owner, engineer, Health Department and Water and Sewer Department, and is similar to the language used in "Barrington Place" which is pending final approval. (The third plat in this area is "Hunters Hills"). A copy of the minutes of the TAC on 8/14/86 was provided with Staff comments in the margin. Note that since the zoning is pending (Z-6134) the plat should be held from Planning Commission review until the zoning ordinance is published after City Commission approval, and after approval of percolation tests by the City-County Health Department.

There was considerable discussion about location of septic systems, stormwater detention areas, and utility locations. Great care must be taken to assure there are not conflicts and that the builders be made aware of specific location requirements. No objection to processing the plat was made by the TAC, noting staff recommendation to withhold TMAPC final approval until zoning is approved.

The TAC voted to recommend **approval** of the PRELIMINARY plat of Summer Place, subject to the following conditions:

Summer Place - Cont'd

1. All utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. (All of reserve plus area between building lines.)
2. 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.
3. 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).
4. Paving and/or drainage plans shall be approved by Stormwater Management and/or City Engineer, including storm drainage, detention design and Watershed Development Permit application subject to criteria approved by City Commission. Stormwater Management advised that onsite detention is required, with PFPI. Vensel Creek Master Drainage Plan shows this area is a "sensitive area which requires development practices which limit run-off to historical levels".
5. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer.
6. The method of sewage disposal and plans therefore, shall be approved by the City-County Health Department. Percolation tests required prior to preliminary approval.
7. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size, and general location. This information is to be included in the restrictive covenants on plat.
8. 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.
9. Covenants:
 - (a) Section II-C refers to overland drainage: None is shown on face of plat. Check exact location pending review with Department of Stormwater Management.
 - (b) Section II-E: Make sure "Reserve A" can also be used by utilities for crossing or as an easement over the whole Reserve, plus area to 35' building lines.
 - (c) Section II-F: Refers to fence/sign easement. None shown on face of plat.
10. The Zoning Application Z-6134 shall be approved and the ordinance or resolution therefore published before final plat is released. Plat shall conform to the applicable zoning approved.

Summer Place - Cont'd

11. A "Letter of Assurance" regarding installation of improvements shall be submitted prior to release of final plat, including documents required under Section 3.6-5 of Subdivision Regulations.
12. All (other) Subdivision Regulations shall be met prior to release of final plat.

TMAPC ACTION: 8 members present

On **MOTION** of **CARNES**, the Planning Commission voted **8-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, Rice, VanFossen, Wilson, "aye"; no "nays"; no "abstentions"; (Kempe, Woodard, Crawford, "absent") to **APPROVE** the **Preliminary Plat for Summer Place**, subject to the conditions as recommended by the TAC and Staff.

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Crow Creek Office Park (PUD 422)(2492) 33rd & South Peoria (OMH, OM, RS-3)

On **MOTION** of **VANFOSSEN**, the Planning Commission voted **8-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, Rice, VanFossen, Wilson, "aye"; no "nays"; no "abstentions"; (Kempe, Woodard, Crawford, "absent") to **CONTINUE Consideration of Crow Creek Office Park** until Wednesday, **February 4, 1987** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

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Heritage Hills III (2502) NW/c Pine & Greenwood (RS-3)

This plat has a sketch plat approval by TAC on 2/27/86. A copy of the minutes of that meeting was provided, with Staff comments in the margin. (Some of the conditions had already been met.)

Staff advised that the underlying plat should be properly vacated to the satisfaction of "Tulsa Development Authority" (TDA) and their attorneys. Waiver of platting fees recommended for TDA (formerly TURA). Board of Adjustment has approved waiver of rear building lines on Pine as recommended by TAC. (Case # 13987)

"TURA" is now "Tulsa Development Authority (TDA)", so both names may need to be shown on plat; see TDA for instructions.

PSO advised that some changes may be necessary in their part of the covenants. It was also noted that Lot 6, Block 2 may still be owned by an individual and not TDA. Make sure proper ownership is shown on final plat.

Heritage Hills III - Cont'd

The TAC voted to recommend **approval** of the PRELIMINARY plat of Heritage Hills III, subject to the following conditions:

1. 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. (Relocate utilities and easements as per utilities.) Make minor corrections to utility easements as recommended by utilities.
2. Water plans shall be approved by the Water and Sewer Department prior to release of final plat.
3. A request for creation of a Sewer Improvement District shall be submitted to the Water and Sewer Department prior to release of final plat.
4. Paving and drainage plans shall be approved by Stormwater Management and/or City Engineer, including storm drainage, detention design and Watershed Development Permit application subject to criteria approved by City Commission. (Class A Permit)
5. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer.
6. A topo map shall be submitted for review by the Technical Advisory Committee (Subdivision Regulations). Submit with drainage plans as directed.
7. 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.)
8. Covenants: Add paragraph for "Limited Access" as per Traffic Engineering.
9. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City-County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
10. 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.
11. All Subdivision Regulations shall be met prior to release of final plat.

Comments & Discussion:

Mr. Doherty inquired if there were any setback problems due to the small lots. Mr. Wilmoth advised the applicant has already been to the BOA on this and the rear building line was reduced to 25 feet.

Heritage Hills III - Cont'd

TMAPC ACTION: 8 members present

On **MOTION** of **DOHERTY**, the Planning Commission voted **8-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, Rice, VanFossen, Wilson, "aye"; no "nays"; no "abstentions"; (Kempe, Woodard, Crawford, "absent") to **APPROVE** the **Preliminary Plat for Heritage Hills III**, subject to the conditions as recommended by the TAC and Staff.

FINAL PLAT APPROVAL & RELEASE:

Dufresne Ministries (1512)

East 86th & South Union

(AG)

Mr. Wilmoth advised this plat had a special condition as it would have an adjacent sewage lagoon. Due to being in the City limits, it had to go through the City Commission to obtain approval for this lagoon. He advised all the releases from the Health Department, Engineering, etc. have been received. Mr. Wilmoth further advised there was a separate document with this item regarding the easement for the lagoon, which would be approved separately. The Legal Department and the appropriate City agencies have been forwarded copies of this document, which is separate from the plat. Therefore, Staff recommends **APPROVAL** of the plat, and release of same as submitted.

TMAPC ACTION: 8 members present

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

REQUEST FOR WAIVER (Section 260):

Z-5682 Lynch-Forsythe's (693)

1438 East 1st Street

(IL)

This is a request to waive plat on Lot 2, Block 14 of the above subdivision. Two other lots were included in the original zoning application (Lots 20 & 21), but they are NOT included in this application and still remain "subject to a plat". Applicant has filed a Board of Adjustment application (#14372) to vary the setback from an "R" District. The plot plan submitted is not clear and is drawn upside-down. (Staff suggests that applicant redraft the plot plan to reflect the 10' alley, a 140' deep lot, and right-of-way on 1st Street as 65' or 32.5' from centerline.) The proposal is for a 24' x 50' building one foot from the west property line. Staff has no objection, since the property is already platted. The Board of Adjustment conditions will control location of the building on the lot. Grading and drainage plan approval required by Department of Stormwater Management through the permit process.

Z-5682 Lynch-Forsythe's - Cont'd

The TAC voted to recommend **approval** noting that Section 260 will be met upon completion of the following conditions:

- (a) Noting that this waiver only applies to Lot 2.
- (b) Grading and drainage plan approval by Department of Stormwater Management in the permit process.

TMAPC ACTION: 8 members present

On **MOTION** of **DOHERTY**, the Planning Commission voted **8-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, Rice, VanFossen, Wilson, "aye"; no "nays"; no "abstentions"; (Kempe, Woodard, Crawford, "absent") to **APPROVE** the **Waiver Request for Z-5682 Lynch-Forsythe's**, as recommended by Staff.

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BOA 14374 (Unplatted)(1202)

1205 East 46th Street North

(RS-3)

This is a request to waive plat on a 205' x 212' tract at the above location. The Board of Adjustment application for church use was approved once (#12005), but it expired and applicant is starting over with a new request. A lot split (#16485) was approved 7/3/85. At that time the proposed use was not finalized. Right-of-way on 46th Street North will meet the Street Plan and an existing easement is in place along the east property line. Staff has no objection to waiver, subject to the following conditions:

- (a) Grading and drainage plan approval by Department of Stormwater Management through the permit process.
- (b) Approval of access points by Traffic Engineer. Limited Access Agreement may be required.
- (c) Additional utility easements if needed to serve the tract.

Department of Stormwater Management advised that Watershed Development Permit #549 has already been processed. Traffic Engineering had no requirements as submitted. Utilities did require an 11' easement on all four sides of tract. City Engineer advised that dedication on 46th Street North should be verified.

The TAC voted to recommend **approval** noting that Section 260 will be met upon completion of the conditions outlined by Staff and TAC including:

- (a) Provide 11' utility easement on all four exterior boundaries.
- (b) Verify dedication on 46th Street North (if not dedicated this will be a requirement.)

TMAPC ACTION: 8 members present

On **MOTION** of **WILSON**, the Planning Commission voted **8-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, Rice, VanFossen, Wilson, "aye"; no "nays"; no "abstentions"; (Kempe, Woodard, Crawford, "absent") to **APPROVE** the **Waiver Request for BOA 14374**, subject to the conditions as recommended by the TAC and Staff.

Heritage Hills III - Cont'd

TMAPC ACTION: 8 members present

On **MOTION** of **DOHERTY**, the Planning Commission voted **8-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, Rice, VanFossen, Wilson, "aye"; no "nays"; no "abstentions"; (Kempe, Woodard, Crawford, "absent") to **APPROVE** the **Preliminary Plat for Heritage Hills III**, subject to the conditions as recommended by the TAC and Staff.

FINAL PLAT APPROVAL & RELEASE:

Dufresne Ministries (1512)

East 86th & South Union

(AG)

Mr. Wilmoth advised this plat had a special condition as it would have an adjacent sewage lagoon. Due to being in the City limits, it had to go through the City Commission to obtain approval for this lagoon. He advised all the releases from the Health Department, Engineering, etc. have been received. Mr. Wilmoth further advised there was a separate document with this item regarding the easement for the lagoon, which would be approved separately. The Legal Department and the appropriate City agencies have been forwarded copies of this document, which is separate from the plat. Therefore, Staff recommends **APPROVAL** of the plat, and release of same as submitted.

TMAPC ACTION: 8 members present

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

REQUEST FOR WAIVER (Section 260):

Z-5682 Lynch-Forsythe's (693)

1438 East 1st Street

(IL)

This is a request to waive plat on Lot 2, Block 14 of the above subdivision. Two other lots were included in the original zoning application (Lots 20 & 21), but they are NOT included in this application and still remain "subject to a plat". Applicant has filed a Board of Adjustment application (#14372) to vary the setback from an "R" District. The plot plan submitted is not clear and is drawn upside-down. (Staff suggests that applicant redraft the plot plan to reflect the 10' alley, a 140' deep lot, and right-of-way on 1st Street as 65' or 32.5' from centerline.) The proposal is for a 24' x 50' building one foot from the west property line. Staff has no objection, since the property is already platted. The Board of Adjustment conditions will control location of the building on the lot. Grading and drainage plan approval required by Department of Stormwater Management through the permit process.

Z-5682 Lynch-Forsythe's - Cont'd

The TAC voted to recommend **approval** noting that Section 260 will be met upon completion of the following conditions:

- (a) Noting that this waiver only applies to Lot 2.
- (b) Grading and drainage plan approval by Department of Stormwater Management in the permit process.

TMAPC ACTION: 8 members present

On **MOTION** of **DOHERTY**, the Planning Commission voted **8-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, Rice, VanFossen, Wilson, "aye"; no "nays"; no "abstentions"; (Kempe, Woodard, Crawford, "absent") to **APPROVE** the **Waiver Request for Z-5682 Lynch-Forsythe's**, as recommended by Staff.

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BOA 14374 (Unplatted)(1202)

1205 East 46th Street North

(RS-3)

This is a request to waive plat on a 205' x 212' tract at the above location. The Board of Adjustment application for church use was approved once (#12005), but it expired and applicant is starting over with a new request. A lot split (#16485) was approved 7/3/85. At that time the proposed use was not finalized. Right-of-way on 46th Street North will meet the Street Plan and an existing easement is in place along the east property line. Staff has no objection to waiver, subject to the following conditions:

- (a) Grading and drainage plan approval by Department of Stormwater Management through the permit process.
- (b) Approval of access points by Traffic Engineer. Limited Access Agreement may be required.
- (c) Additional utility easements if needed to serve the tract.

Department of Stormwater Management advised that Watershed Development Permit #549 has already been processed. Traffic Engineering had no requirements as submitted. Utilities did require an 11' easement on all four sides of tract. City Engineer advised that dedication on 46th Street North should be verified.

The TAC voted to recommend **approval** noting that Section 260 will be met upon completion of the conditions outlined by Staff and TAC including:

- (a) Provide 11' utility easement on all four exterior boundaries.
- (b) Verify dedication on 46th Street North (if not dedicated this will be a requirement.)

TMAPC ACTION: 8 members present

On **MOTION** of **WILSON**, the Planning Commission voted **8-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, Rice, VanFossen, Wilson, "aye"; no "nays"; no "abstentions"; (Kempe, Woodard, Crawford, "absent") to **APPROVE** the **Waiver Request for BOA 14374**, subject to the conditions as recommended by the TAC and Staff.

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BOA 14324 Union Gardens (684)

NE/c East 63rd & South Mingo (RS-3)

This is a request to waive plat on the south 79' of the west 236' of Lot 5, Block 4 of the above named subdivision. BOA has approved a day care center in an existing house at this location. Staff research indicates that a lot split was approved 3/14/86 (#4377), wherein additional right-of-way was dedicated on South Mingo Road. Since nothing physical will change with this BOA approval and the Subdivision Regulations and Major Street and Highway Plan have been met by previous lot split, Staff recommends APPROVAL, noting that Section 260 of the Code has been met.

TMAPC ACTION: 9 members present

On MOTION of CARNES, the Planning Commission voted 8-0-1 (Carnes, Doherty, Paddock, Parmele, Rice, VanFossen, Wilson, Woodard, "aye"; no "nays"; Draughon, "abstaining"; (Kempe, Crawford, "absent") to APPROVE the Waiver Request for BOA 14324 Union Gardens, as recommended by Staff.

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

This is a request to waive plat on a tract that contains the old Guaranty Bank building on the south side of 11th Street. The Board of Adjustment has granted permission to use the east part of the building as a bus station, as well as the surrounding parking area. (This is "subject to a plat" because a bus station is Use Unit #2). A plot plan has been submitted showing the proposed parking and driveways. The building exists now, and only an interior remodel is necessary. Research indicates that lot splits have been approved separating this tract from Crow-Toyota. Staff has been advised that easements for existing utilities have been granted (lot split #15962 as amended). Staff has no objections to the request, since adequate right-of-way exists on 11th Street and the improvements on the property already exist. If any grading is done, approval will be required from Stormwater Management. Access to 11th Street is subject to approval of Traffic Engineering.

Water and Sewer main extension would normally have been required. If agreements and/or easements were granted, Water and Sewer Department require documentation of same.

Traffic Engineering advised that applicant should consult with that department regarding curb radius designs. Department of Stormwater Management advised a minimum impact permit is required.

The TAC voted to recommend approval, noting Section 260 will be met upon completion of the following conditions:

- (a) Approval of access by Traffic Engineering relating to curb radius.
- (b) Paving and grading approval by Stormwater Management in the permit process (minimum impact permit.)
- (c) Documentation of easements and/or provision for sewer service.

Comments & Discussion:

Mr. Gardner pointed out that the letter as received by Chairman Parmele from Mrs. Kenneth Clark (and others) regarding this site was stating concerns as to the use, not the platting.

TMAPC ACTION: 9 members present

On **MOTION** of **VANFOSSEN**, the Planning Commission voted **8-0-1** (Carnes, Doherty, Paddock, Parmele, Rice, VanFossen, Wilson, Woodard, "aye"; no "nays"; Draughon, "abstaining"; (Kempe, Crawford, "absent") to **APPROVE** the **Waiver Request for BOA 14222 (Unplatted)**, as recommended by Staff.

AMENDMENT TO THE DEED OF DEDICATION:

Expressway Village Center (3104) NE/c of the Crosstown Expwy & North Mingo

On **MOTION** of **VANFOSSEN**, the Planning Commission voted **8-0-1** (Carnes, Doherty, Paddock, Parmele, Rice, VanFossen, Wilson, Woodard, "aye"; no "nays"; Draughon, "abstaining"; (Kempe, Crawford, "absent") to **APPROVE** the **Amendment to the Deed of Dedication for Expressway Village Center**, as recommended by Staff.

LOT SPLITS:

LOT SPLITS FOR WAIVER:

L-16787 Baker, et al (2893) 4775 South Harvard Avenue (CS)

This is a request to split a portion of Lot 2, Patrick Henry Village to separate a commercial strip center from the Harvard Bank Tower. Nothing physical is changing and all right-of-way, easements, and improvements are in place. The tracts have parking that meets the Zoning Code. The only waiver requested is that of the lot frontage required in a CS District which is 150 feet. The northern lot will have only 122.3 feet so will require a waiver. The southern (remainder) has both frontage, access, parking, etc. and does not require a waiver. Access points agree with approvals and amendments previously made. Staff recommends approval, subject to Board of Adjustment approval of the reduction in frontage as requested.

ONG advised that gas meter location and/or service should be verified (not a condition of approval.) DSM advised that a Watershed Development Permit would be required for any NEW construction. (None is planned with this application.)

A mutual access and/or reciprocal parking agreement would be advisable if property is actually sold separately even though both have access and parking "on site".

The TAC voted to recommend **approval** of L-16787, subject to the following conditions:

- (a) Board of Adjustment approval of lot frontage.
- (b) Documentation of "Mutual Access" at the driveway entrance.

TMAPC ACTION: 9 members present

On **MOTION** of **CARNES**, the Planning Commission voted **8-0-1** (Carnes, Doherty, Paddock, Parmele, Rice, VanFossen, Wilson, Woodard, "aye"; no "nays"; Draughon, "abstaining"; (Kempe, Crawford, "absent") to **APPROVE** the **Lot Split Waiver for L-16787 Baker, et al**, as recommended by Staff.

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L-16774 Fortner/Broadwater (3103) 1908-1910 East Newton Street (RM-2)

This is a request to split an existing duplex down the common wall in order to provide for separate ownership of each side. Because the newly created lots will be below the minimum lot sizes allowed for RM-2 zoned lots, a variance will be required from the Board of Adjustment

Since the subject tract is comparable to the area in lot size and use, and the duplex already exists, the Staff recommends **APPROVAL** of this request subject to the following conditions:

- (1) Approval from the City Board of Adjustment for a variance of the bulk and area requirements in the RM-2 district.
- (2) That a copy of a signed and recorded copy of a common wall maintenance agreement be kept in the subject file.
- (3) That the applicant increase the roadway dedication to the City of Tulsa, to include the previously dedicated 15 feet of right-of-way, and increase it to a total of 25 feet.

Staff noted that with the additional 10 feet of dedication, most of the parking space will actually be in the street right-of-way. A "reverse parking agreement" may be necessary. However, since this already exists and the parking is actually two parallel driveways, TAC and Staff only mentioned this for information and is not making this a condition of approval.

L-16774 Fortner/Broadwater - Cont'd

The TAC voted to recommend **approval** of L-16774 subject to the conditions as outlined above by Staff.

Comments & Discussion:

Mr. VanFossen inquired as to any reasons why the requirement to meet the Building Code was not included as a condition of approval. Mr. Wilmoth stated this could be added as condition #4, should the TMAPC wish to add the requirement.

TMAPC ACTION: 9 members present

On **MOTION** of **WOODARD**, the Planning Commission voted **9-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, Rice, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Kempe, Crawford, "absent") to **APPROVE** the **Lot Split Waiver for L-16774 Fortner/Broadwater**, as recommended by Staff and subject to the following conditions:

- (1) Approval from the City Board of Adjustment for a variance of the bulk and area requirements in the RM-2 district.
- (2) That a copy of a signed and recorded copy of a common wall maintenance agreement be kept in the subject file.
- (3) That the applicant increase the roadway dedication to the City of Tulsa, to include the previously dedicated 15 feet of right-of-way, and increase it to a total of 25 feet.
- (4) Documentation from the Building Inspector verifying the requirements of the Building Code have been met.

OTHER BUSINESS:

PUD 393-2: 97th Street at Jamestown, Crown Pointe Addition, Block 1 through Block 3

Staff Recommendation: Minor Amendment For Building Height

The subject tract has an area of approximately 60 acres and has been platted in accordance with RS-1 underlying zoning and PUD 393 for large lot single family development. Development in this subdivision of 71 lots is in the very early stages and a field check indicated several houses were under construction. The applicant is requesting approval of a blanket minor amendment to permit the maximum height of residential structures (35' per RS-1/PUD 393) to be more than 35' on lots where "substantial topographical changes" (not defined) occur, subject to approval of a Detail Site Plan in each instance where the building height exceeds 35'.

The "General Policy" of the TMAPC is to consider minor an amendment to the maximum approved height which does not exceed 20% (a 20% increase over 35' would be a 42' maximum). Staff concurs with the applicant that this tract does have "substantial topographic changes" in certain areas, but would appear to be developable without the waiver of the height (even subject to a Detail Site Plan) in other areas. In many cases the 35' height could be maintained at the front and lots having a down slope (as to the lake) could have a 42' maximum height overall with no adverse impact on adjacent lots. Houses are currently under construction on Lot 17, Block 1, Lot 6, Block 2, and Lots 27, 28, and 32 of Block 3.

Field inspection of the site indicates that the topographical features would allow staff to support amending the maximum 35' height to 42' without the normal plot/building plan requirement on certain lots, but not on all lots. A procedure such as this, if concurred in by the TMAPC, would allow the applicant to develop building plans to the maximum allowable 42' with the confidence that TMAPC has concurred in advance in the minor amendment. To postpone TMAPC concurrence until after building plans are prepared and then require Detail Site Plan review, would seem to inject an unacceptable element of uncertainty into the process. Expenses would be incurred in architectural services for plans that may or may not be approved by the TMAPC. Staff also considers it inappropriate to grant blanket relief in those cases where houses have been built in adjacent subdivisions or could be built within the subject tract and the topographical features could provide an adverse relationship; a plot plan should be submitted and notice given on a case-by-case basis in these instances.

Notice of this request has been given to all abutting property owners.

Therefore, Staff recommends that the applicant's request for a blanket waiver to permit the maximum height of residential structures to be more than 35' on lots when substantial topographic changes occur, subject to approval of a Detail Site Plan in each instance where the building height exceeds 35' be **DENIED**, and recommends **APPROVAL** of permitting the maximum building height to be increased from 35' to 42' (as needed) on the following lots, except as noted, without requiring a Detail Site Plan, and **DENIAL** of said relief on the balance of the lots until such a time as a plot plan or other information is submitted for future TMAPC review on a case-by-case basis:

- Lot 20, Block 1
- Lot 6, Block 2
- Lots 2, 3, 7-17 inclusive, 33-35 and 37-39 inclusive of Block 3
- Except approve Lot 9, Block 3 not to exceed 41' maximum per plot plan
- Except approve Lot 22, Block 3 not to exceed 37' maximum per plot plan

PUD 393-2 Minor Amendment - Cont'd

NOTE: Construction has started on several lots within the addition without a waiver being needed. The status of issuance Building Permits in Crown Pointe on January 13, 1987 is as follows:

Approved: Lot 17, Block 1
Lot 10 and 11, Block 2
Lot 19, 27, 28, 32 and 36, Block 3

Denied: Lot 9, Block 3; 41' height requested *
Lot 22, Block 3; 37' height requested **

* Plans on file indicate the proposed structure is 35' at the front and 47' at the rear. Staff supports relief as stated above per PUD 393-2.

** Staff supports relief per PUD 393-2 as stated above.

This information will be updated as needed prior to the TMAPC meeting.

Comments & Discussion:

Mr. Frank stated that, in addition to the above recommendations for approval and relief, the Staff also supports the following additional relief:

- Lot 8, Block 1, not to exceed 40'
- Lot 18, Block 3, up to a maximum of 42', subject to TMAPC approval of a Detail Site Plan.

In response to Mr. Paddock, Mr. Frank clarified that a Detail Site Plan was needed only on Lot 18, Block 3.

Applicant's Comments:

Mr. Charles Norman, 909 Kennedy Building, stated agreement with the Staff recommendation, as amended above.

TMAPC ACTION: 9 members present

On **MOTION** of **VANFOSSEN**, the Planning Commission voted **9-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, Rice, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Kempe, Crawford, "absent") to **APPROVE** the **Minor Amendment for Building Height for PUD 393-2 Norman**, as recommended by Staff and amended above.

Additional Comments and Discussion:

Mr. VanFossen commented that he has observed the definition of building height in the Zoning Code differs considerably from that in the Building Code. He suggested Staff investigate this for the purpose of modifying the Zoning Code to meet the Building Code definition. Mr. Paddock stated agreement with Mr. VanFossen and moved that Staff be directed to proceed on this matter. Mr. Norman commented that the definition of height relates to the average height of the structure above ground elevation. Mr. Norman continued by stating that, in the single-family districts, a maximum of 35' was permitted, which was difficult to meet with many of

the houses now being designed. Mr. Norman pointed out that many times, due to the front-to-back or back-to-front elevations, there was very little room for leeway in considering this height limitation; therefore, he agreed with the Commission's suggestion to review the building height definitions.

TMAPC ACTION: 9 members present

On **MOTION** of **PADDOCK**, the Planning Commission voted **9-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, Rice, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Kempe, Crawford, "absent") to **DIRECT** the INCOG Staff to consider amending the Zoning Code definition of building height to conform with the definition used in the Building Code.

* * * * *

PUD 207-9: 9735 South Maplewood Avenue, Reserve Area "A", Mill Creek Pond

Staff Recommendation: Minor Amendment and LNO 16668 to Allow a Lot Split

This is a request to split off a triangular portion of Reserve Area "A", and attach it to the abutting lot (Lot 3, Block 5). This lot split is needed because a swimming pool and deck was built on Lot 3, Block 5, and it encroaches into Reserve Area "A". The Homeowners Association of Mill Creek Pond Addition owns Reserve Area "A", which is a reserve for stormwater detention, and utility easement.

The original PUD 207 was approved by the TMAPC on 7/12/78, and by the City Commission on 8/15/78 to allow 98 dwelling units on a 40 acre tract that was platted into Mill Creek Pond Addition. Several minor amendments have been approved in this addition, mostly for side and rear yard setbacks, because of the large homes being constructed on relatively small lots.

After review of the applicant's submitted plot plan, the staff finds this request to be minor in nature and consistent with the original PUD. Staff recommends **APPROVAL** of the request as represented in the applicant's submitted plot plan, subject to the following conditions:

- 1) That tie language be placed on the face of the deed stating that this portion of Reserve Area "A" cannot be transferred or conveyed without including Lot 3, Block 5 Mill Creek Pond Addition.
- 2) This lot split does not change any easements of record, and all restrictions of Reserve Area "A" continue to be applicable until or unless changed by the TMAPC and City Commission. Appropriate action must be taken by the applicant to vacate any easement or to obtain the necessary license agreements permitting the requested use of the present Reserve "A".
- 3) That the applicant secure a release letter from Stormwater Management subject to the terms and conditions as may be applicable and recommended by the Department of Stormwater Management.

NOTE: Applicant may wish to vacate that portion of Reserve Area "A" affecting the subject tract in order to clear title to the property.

Comments & Discussion:

Mr. Frank commented that the Staff recommendation needed to be clarified so as to include the criteria from the Department of Stormwater Management (DSM), as a portion of Reserve Area A was platted and reserved for detention and drainage (condition #3, above). Mr. Frank stated that, per a letter from Mr. Jack Page of DSM, the subject property was only used for utility purposes at the present time. The DSM case review sheet indicated that the "applicant shall provide DSM with documentation which shows that the capacity of Reserve A has not changed and the designated amount of water will still have capacity to go through this area". Mr. Frank stated that earlier correspondence from Mr. Page indicated that this area was not being used for drainage purposes. Mr. Frank added that he felt that as long as the applicant satisfied DSM, then the TMAPC should be satisfied as this was a condition of approval to be met prior to any release.

Mr. Frank pointed out that the swimming pool was built and in place, and from conversations with the applicant, the Homeowners Association of Mill Creek Pond was more than willing to deed off this particular piece of property to the applicant.

Mr. Paddock and Mr. Frank discussed the memo from DSM as to clarification of the easement being for utility or drainage purposes. Mr. VanFossen, also questioning the easement of record referred to in condition #2, requested a comment from Mr. Linker as to the wording of this condition. Mr. Linker advised that rewording this condition would depend as to what restrictions were placed on Reserve A. After further discussion, it was agreed to add the following wording to condition #2, "including, but not limited to, license agreements". Mr. Linker agreed with Chairman Parmele that a continuance might be in order to allow time for the applicant, Legal and Staff to get together on this application.

Mr. Draughon questioned how the applicant was able to build this swimming pool and deck. Mr. Frank stated he was not sure this could be explained or if a permit was even issued.

Mr. Doherty inquired if the fence was outside the property line and suggested Staff field check this during the one week continuance.

TMAPC ACTION: 9 members present

On **MOTION** of **VANFOSSEN**, the Planning Commission voted **9-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, Rice, VanFossen, Wilson, "aye"; no "nays"; no "abstentions"; (Kempe, Woodard, Crawford, "absent") to **CONTINUE Consideration of PUD 207-9 Minor Amendment to Permit a Lot Split** until Wednesday, **January 28, 1987** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

* * * * *

PUD 159-A-2: North of the NW/c of West 71st Street South and South Union

Staff Recommendation: **Minor Amendment for Building Height**

The subject tract has an area of approximately 7.9 acres and is located north of the northwest corner of West 71st Street South and South Union Avenue. The underlying zoning of this tract is RM-1 and PUD 159-A has been approved for a nursing home. The TMAPC has previously approved a Detail Site Plan for a nursing center.

The applicant is requesting that the height limitation be increased from one story to two stories on the center portion of the complex to allow the two major wings and functional areas of the building to be connected together. This amendment is necessary due to the relatively steep slope of the site from where it abuts Union, downward to the south and southwest. The Page Belcher Golf course abuts this development on the west.

Staff concurs that this request is minor and necessary due to the topographic conditions of the site, and also based on the fact that the apartment uses on the subject tract normally would be permitted a maximum height of 35' under RM-1 zoning.

Therefore, Staff recommends **APPROVAL** of PUD 159-A-2 per the submitted plot plan as requested and further, to establish the maximum permitted height as 35' for either the nursing center or the apartment units.

Comments & Discussion:

Chairman Parmele asked, if this was over a 20% increase in height, why it was not submitted as a major amendment. Mr. Frank stated the applicant filed this as a minor, and the finding of minor or major was up to the Commission. However, Staff felt that, based on topography and land use relationship, it should be considered as a minor amendment. Mr. Gardner pointed out that, in 80% of the complex, the buildings were one story in the front, but due to the topography, the height of the building in the other 20%, technically, did not change even though it appeared two story in the back.

Mr. Carnes stated this was an example of what had been discussed in the Rules & Regulations Committee meeting, and the Commission could make something a "major" if they chose too. He felt that, in this particular case, it was a minor amendment and, therefore, moved for approval. Mr. Paddock commented that this further indicates a need for clarification of building height.

Mr. Gardner suggested stating the motion so as to address the Commission's General Policy on Major/Minor Amendment. Therefore, Mr. Carnes amended his motion for approval to include waiver of the TMAPC General Policies so as to allow the 35' height.

TMAPC ACTION: 9 members present

On **MOTION** of **CARNES**, the Planning Commission voted **9-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, Rice, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Kempe, Crawford, "absent") to **APPROVE** the **Minor Amendment for Building Height for PUD 159-A-2**, as recommended by Staff to establish a 35' maximum height; thereby, waiving the TMAPC General Policies.

* * * * *

PUD 190: SW/c of East 71st Street South and South Sheridan Road,
Summit Square Shopping Center

Staff Recommendation: Detail Sign Plan Review

Summit Square is 14.8 acres in size and located at the southwest corner of East 71st Street South and South Sheridan Road. It is currently zoned CS, RM-0 and RS-3 and is being developed as retail shopping under the guidelines of PUD 190. The applicant is now requesting Detail Sign Plan approval as required by PUD 190.

Review of the applicant's submitted drawings and plot plan indicate a single monument type sign that displays both the development name and names of major individual tenants. The proposed sign is 28' 5" in height and 10' wide for a total display surface area of 284.2 square feet. The sign location is on 71st Street at the western most entrance to the development, approximately 825 feet from the centerline of South Sheridan Road.

The submitted sign is within the permitted size allowed by the PUD Chapter of the Zoning Code. The submitted plot plan does not show the distance from the centerline of 71st Street, but does show the sign to be located on the subject tract and off the city right-of-way.

Therefore, Staff recommends **APPROVAL** of the Detail Sign Plan subject to the applicant's submitted plot plan and drawings.

TMAPC ACTION: 9 members present

On **MOTION** of **PADDOCK**, the Planning Commission voted **9-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, Rice, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Kempe, Crawford, "absent") to **APPROVE** the **Detail Sign Plan for PUD 190**, as recommended by Staff.

There being no further business, the Chairman declared the meeting adjourned at 2:18 p.m.

Date Approved 2-15-87
Rant J. Duff
Chairman

ATTEST: [Signature]
Secretary