

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
Minutes of Meeting No. 1636  
Wednesday, February 4, 1987, 1:30 p.m.  
City Commission Room, Plaza Level, Tulsa Civic Center

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>	<b>OTHERS PRESENT</b>
Carnes	Crawford	Frank	Linker, Legal
Doherty, 2nd Vice- Chairman	Kempe	Gardner	Counsel
Draughon		Matthews	Connelly, City
Paddock, 1st Vice- Chairman		Setters	Development
Parmele, Chairman		Wilmoth	
Rice			
VanFossen, Secretary			
Wilson			
Woodard			

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, February 3, 1987 at 10:05 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 1:37 p.m.

**MINUTES:**

**Approval of Minutes of January 21, 1987, Meeting #1634:**

On **MOTION** of **CARNES**, the Planning Commission voted **8-0-0** (Carnes, Draughon, Paddock, Parmele, Rice, VanFossen, Woodard, Wilson, "aye"; no "nays"; no "abstentions"; (Doherty, Kempe, Crawford, "absent") to **APPROVE** the **Minutes of January, 1987, Meeting No. 1634.**

**Amendment to the Minutes of October 1, 1986, Meeting No. 1622, pg 5:**

Mr. Murrel Wilmoth clarified the request to amend these minutes in regard to Dufresne Ministries. He requested a modification to part of condition #2, as follows: "Therefore, the Staff recommends that the area set aside for this be shown as an easement and the documentation therefor be included with the plat, subject to approval by the Water & Sewer Department and the Legal Department."

On **MOTION** of **RICE**, the Planning Commission voted **8-0-0** (Carnes, Draughon, Paddock, Parmele, Rice, VanFossen, Woodard, Wilson, "aye"; no "nays"; no "abstentions"; (Doherty, Kempe, Crawford, "absent") to **APPROVE** the **Amendment to the Minutes of October 1, 1986, Meeting No. 1622, page 5 (Dufresne Ministries),** as recommended by Staff and outlined above.

REPORTS:

Chairman's Report:

Chairman Parmele advised he was in receipt of a letter from Bill Stokely requesting the Rules & Regulations Committee reconsider his request for a special event mobile marquee; Chairman Parmele referred this letter to Mr. Paddock. He was also in receipt of a letter from Joe Combs, Chairman of the Tulsa Arts Commission, stating this group would like to take a more active role in City planning/development functions. After discussion with Mr. Gardner and Mr. Linker, Chairman Parmele stated they felt it would appropriate to refer this to Pat Connelly of the Department of City Department so as to include this group in the Capital Improvements Program (CIP) review.

Chairman Parmele announced the appointments to the TMAPC Committees for 1987, as follows:

Rules & Regulations Committee

Bob Paddock, Chairman  
Jim Doherty  
Cherry Kempe  
Gail Carnes

Comprehensive Plan Committee

Gary VanFossen, Chairman  
Art Draughon  
Marilyn Wilson  
Luther Woodard

Bob Parmele, Ex-Officio member to both Committees

Committee Reports: Comprehensive Plan Committee

- 1) Request from the Committee to hold a TMAPC Work Session to discuss the Development Guidelines.

Mr. Gardner suggested a February 18th meeting date, after the regular TMAPC meeting, to review the Guidelines. Chairman Parmele clarified that this meeting would be a Joint Committee Work Session.

- 2) Review and recommendation on the FY 1988 City of Tulsa Capital Improvement Program (CIP) project requests for conformance with the Comprehensive Plan.

Ms. Dane Matthews commented that during the review process, some of flood and drainage projects were deleted from the previously submitted list; specifically, the Perryman Ditch I-44 Improvement and the Fred Creek Improvements. Ms. Matthews proceeded to review, by category, Staff's input to the CIP (as attached to these minutes).

In reply to Commissioner Rice, Ms. Matthews explained that the INCOG Staff suggested the City and County work together on expansion of and improvements to the animal control facility, as well as coordinate a "regional" communications center.

Mr. Paddock inquired as to the Environmental Impact Statement (EIS) for a segment of the Mingo Valley Expressway right-of-way, and Ms. Matthews clarified that the EIS had been done on the segment from 51st Street to 96th and Memorial, according to the Transportation Department. In regard to the upcoming District 9 update, Mr. Paddock mentioned he would like to see some coordination between this

## Committee Reports - Cont'd

update and the Comprehensive Plan Committee's consideration of "open space or green space" designation, which will be used on the Plan Maps. Ms. Matthews commented that this was a timely suggestion as Mr. VanFossen, Chairman of Comprehensive Plan Committee, was also the TMAPC liaison for District 9. Discussion followed between Mr. Paddock and Pat Connelly, Department of City Development (DCD) as to the matter of sanitary sewer items on the CIP and the possibility of a sanitary sewer improvement district in the area between East 101st Street to East 121st Street, and West of South Memorial to the Arkansas River.

Mr. VanFossen advised the Comprehensive Plan Committee had met twice on the FY 88 CIP and the TMAPC's responsibility was to acknowledge compliance with the Comprehensive Plan. Mr. VanFossen complimented Ms. Matthews and Staff for providing the additional input and suggestions. Based on the Comprehensive Plan Committee's review, Mr. VanFossen moved that the TMAPC acknowledge that all projects of the 1987 CIP projects were in accordance with the Comprehensive Plan of the City of Tulsa, noting that the I-44 Brookside Drainage Project and the Fred Creek projects had been removed from the list.

### 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 **1987 Capital Improvements Program projects**, as modified and recommended by Staff and the Comprehensive Plan Committee, as having met the Comprehensive Plan.

## PUBLIC HEARING:

PUBLIC HEARING ON AN AMENDMENT TO THE SUBDIVISION REGULATIONS PERTAINING TO REQUIREMENTS FOR FINAL CONSTRUCTION PLANS FOR ONSITE DRAINAGE AND PROVIDING FOR AN EXCEPTION.

### Comments & Discussion:

Mr. Gardner explained that this came as an outgrowth of the Building Permit Task Force in order to expedite processing of permits. He reviewed Section 2.4, Final Construction Plans, of the Subdivision Regulations, and the addition of paragraph 5, to satisfy Department of Stormwater Management (DSM) concerns, as follows:

- 2.4 **FINAL CONSTRUCTION PLANS:** Subdivider shall submit final construction plans for proposed improvements prior to or simultaneous with the application for final plat. The plans shall be submitted to the following departments and/or agencies as applicable, and in form and content as required by that agency and/or department.
1. City Engineer (where the plat is in his jurisdiction) reviews and approves the final construction plans for improvements regarding drainage, storm sewers, streets, sidewalks and pedestrian ways in accordance with adopted standards.
  2. County Engineer (where the plat is in his jurisdiction) reviews and approves the final construction plans for improvements regarding drainage, storm sewers, streets, sidewalks and pedestrian ways in accordance with adopted standards.
  3. City Water and Sewer Department and/or appropriate water and sewer authority reviews and approves sanitary sewer and water improvement plans in accordance with adopted standards.
  4. City/County Health Department reviews and approves final plans for improvements if the subdivision is to be served by private water or sewage disposal systems in accordance with adopted standards.
  5. **Exceptions:** The TMAPC may, with concurrence of the appropriate City/County Department, delay the requirement for approval of final construction plans relating to onsite drainage improvements as a conditions of final approval and release of a subdivision plat, provided that:
    - a. The proposed subdivision does not contain a major water course.
    - b. The restrictive covenants include a specific provision for requiring that final drainage plans be approved by the appropriate regulatory authority prior to the issuance of a building permit.

Public Hearing - Cont'd

Mr. Gardner advised DSM had submitted their suggestions (in a memo dated 2/4/87) to the modify the wording in 5.a to read "the proposed subdivision is not located within a designated floodplain", and paragraph 5.b would provide further protection for DSM. Mr. Gardner stated DSM had also suggested modification of paragraph #3 by adding "DSM reviews and recommends approval of final construction plans for improvements regarding drainage and storm sewers". He asked Legal if the notice was broad enough to incorporate these changes, which were submitted after the notice was published. Mr. Linker advised that the notice was too narrow and limited and he stated that the DSM suggested addition to paragraph #3 was not the paragraph where the change was needed, but it should be to paragraph #1. Discussion followed as to paragraph #1 and #3 modifications. Mr. Linker stated he had a problem with the suggested wording for 5.a (proposed subdivision "does not contain" versus "is not located within"), as he did not feel the interpretation would be the same.

Due to the discrepancies in the wording, Chairman Parmele suggested this matter might need to be continued for further consideration. Mr. Paddock pointed out the Rules & Regulations Committee (R & R) considered the original draft, without the DSM modifications, and made their recommendations on that basis. In view of what has been brought up, Mr. Paddock agreed it would be appropriate to continue this matter so that the new suggested language could be discussed at an R & R meeting, before readvertising for a public hearing. Therefore, he moved that this be stricken from today's agenda and be referred to the R & R Committee for a decision on the language and readvertising for a future public hearing.

Mr. Draughon inquired as to the wording "major water course" in the original draft, as he was not aware of any definition of this terminology. In reply to Mr. Draughon, Mr. Gardner explained that the language referencing City/County departments or agencies was structured so as to allow flexibility and to avoid constant changing of the Subdivision Regulations. Mr. Paddock suggested Mr. Draughon and Mr. Linker attend the R & R Committee meeting on February 11th to discuss this matter.

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 **STRIKE** the Public Hearing on an Amendment to the Subdivision Regulations as relates to Section 2.4, Final Construction Plans from this Agenda, and **READVERTISE** for a March 4, 1987 Public Hearing, and to **SET** a Rules & Regulations Committee for February 11, 1987 to reconsider this issue.

## SUBDIVISIONS:

PRELIMINARY PLAT:

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

This plat had been reviewed as a "PUD Review" by the TAC on 9/11/86 and a number of comments and/or conditions made at that time for consideration when the preliminary plat was submitted. It had been scheduled for preliminary approval review by TAC on 1/15/87, but was continued two weeks without further discussion at the request of the Developer's Engineer. Primary reason for the continuance was to allow time for the Developer to work with the City regarding the amount of right-of-way needed on South Peoria. A copy of the minutes of the previous PUD review was provided for the TAC. The following paragraphs are an excerpt from those PUD review minutes on 9/11/86:

"Traffic Engineering stated for the record, that 33rd Street should be vacated in its entirety to the west line of Peoria. Stormwater Management advised that onsite detention will be required unless no downstream impact can be clearly shown. Water and Sewer Department advised that some additional sewer lines may be required. The 2" water line existing is to be replaced by a larger line.

Considerable discussion took place regarding the additional right-of-way needed on Peoria. Since dedication would take some parking spaces this was critical. It was suggested that right-of-way be dedicated then a "Reverse Parking Agreement" be obtained from the City to continue existing parking that would become part of the right-of-way. Mr. Norman advised that this would be a problem in financing the front building because the parking could be eliminated on demand when the City needed the right-of-way for street improvements. Phil Smith suggested that an additional 5' be dedicated plus 5' for sidewalk to allow for future improvements. Traffic Engineering and Stormwater Management both indicated that if changes are made in the drainage channel, the bridge would probably have to be widened, then right-of-way would be needed. It was suggested that applicants and Traffic Engineering and City Engineers make further study of the right-of-way needs on Peoria at this location, and try to work out a mutually satisfactory solution before the plat is filed for processing.

In general, there were no objections to the concept of the project."

The Staff presented the plat with the applicant represented by Charles Norman, Adrian Smith, and Phil Smith.

Since the only concern on this plat is the amount of right-of-way on South Peoria, there was little discussion on the other conditions because they will be met or are already in progress. Mr. Charles Norman explained that the applicant would dedicate an additional 10' of right-of-way on Peoria

**Preliminary Plat: Crow Creek Office Park - Cont'd**

(measured parallel to the center line). They were able to do this by relocation and reconstruction of the existing parking in front of the building. However, they would request a waiver of the Subdivision Regulations requiring conformance with the Street Plan to permit a 35' total dedication instead of 50' total. Dedication of any more right-of-way would eliminate needed parking spaces approved in accordance with the PUD.

The Engineering Department advised that they recommended that the plat meet the Street Plan requirement of 50' from centerline. Consistent with past policy they did not favor a waiver of this requirement. Engineering further advised that South Peoria in this area is being considered as a Capital Improvements street widening project, and the additional right-of-way would have to be purchased if not obtained by dedication on this plat.

Further discussion took place as to how to forward this plat to the Planning Commission, since the only area of disagreement was related to the right-of-way dedication on Peoria. It was finally agreed to recommend approval on all conditions except the right-of-way question on which applicant is seeking waiver.

The TAC voted to recommend **approval** of the PRELIMINARY PLAT of Crow Creek Office Park, subject to the conditions as listed noting that applicant is requesting waiver of condition #1 and further noting that waiver of that condition was not recommended by the Engineering Department for the reasons stated in the discussion of the plat this date.

1. Additional right-of-way requirement on South Peoria is 25' in addition to the 25' that is presently dedicated. If full amount is not dedicated, waiver of Street Plan requirements of the Subdivision Regulations is necessary. (Applicant's request. See comments above or specific comments from applicant and Engineering Department.)
2. Show closure ordinance number and/or District Court Case number applicable to 33rd Street. (Retained as "General Utility Easement" on face of plat.) Also make sure that no right-of-way is vacated within 50' of the centerline of South Peoria.
3. If any existing utilities need to be relocated, said relocation shall meet the approval of applicable utilities, including Water and Sewer Department.
4. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements should be tied to or related to property lines and/or lot lines.
5. 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.

Preliminary Plat: Crow Creek Office Park - Cont'd

6. 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).
7. A request for creation of a Sewer Improvement District shall be submitted to the Water and Sewer Department prior to release of final plat.
8. 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 required. Check Master Drainage Plan for compliance with any projected improvements for Crow Creek.) Drainage easements as shown on plat shall meet the approval of Stormwater Management.
9. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer.
10. Make sure that all existing easements can be plotted and/or located. Provide adequate dimensions and/or bearings.
11. Covenants:  
Section III., A. 4., line 3: Add: \*existing building only.  
A. 9: Revise to read: "Outside trash containers and mechanical equipment areas shall be screened... etc ..."  
A. 8: Add: "All signs subject to detail sign plan review and approval by TMAPC prior to installation."
12. All conditions of PUD 422 shall be met prior to release of final plat, including any applicable provisions in the covenants or on the face of the plat. Include PUD approval date and references to Section 1100-1170 of the Zoning Code, in the covenants.
13. Limits of Access or (LNA) as applicable shall be shown on the plat as approved by Traffic Engineer.
14. 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.)
15. 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.
16. 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.
17. All (other) Subdivision Regulations shall be met prior to release of final plat.



**Preliminary Plat: Crow Creek Office Park - Cont'd**

Applicant's Comments:

Mr. Charles Norman, representing Woolman Properties, briefed the Commission as to the history of this application, as relates to commercial development and right-of-way widths of the other commercial establishments in the area. He pointed out the businesses and residential buildings that would have to be taken along Peoria should the full 50' of right-of-way be enforced. Mr. Norman commented that the granting of an additional 10' would provide adequate right-of-way for widening the street to 44' or 48', but he doubted that the City would ever widen Peoria to six lanes. Mr. Norman reviewed the presentation to the Technical Advisory Committee, and stated the applicant has complied with all the requests of Traffic Engineering, DSM or the utilities, and they have provided for additional easements along Crow Creek. Pointing out that the project would suffer major damage without the waiver of the Subdivision Regulations, Mr. Norman requested approval.

Mr. Carnes stated agreement with Mr. Norman, as it appeared the applicant had gone beyond what was expected, and he also felt that the widening of Peoria was not probable. Therefore, he moved for approval of the Preliminary Plat and waiver of the Subdivision Regulations, subject to the applicant's offer to dedicate 35' of right-of-way from the centerline of Peoria. Mr. Linker advised that, should this be approved, it would be necessary to instruct Staff to make it clear to the City Commission that the TMAPC was not following the recommendation of the City Engineer. The City would be giving up the right to require dedication in this case, as the TAC minutes indicate the City would have to possibly purchase the right-of-way if it was not required to be dedicated at this time. Mr. Carnes reiterated that it was an almost improbable or impossible act to ever occur.

Referring to the map submitted by Mr. Norman, Mr. Paddock pointed out that it appeared that, along the length of Peoria, the building setback distance from centerline varied from 25' - 35', and he confirmed with Mr. Norman that the applicant was offering to dedicate up to 35' from the centerline on this project. Mr. VanFossen commented that he could go along with 40', which seemed to be a standard in this area. He suggested the applicant consider moving the parking to the back of the proposed building, and he would be voting against the motion if not set at 40'. Mr. Doherty referring to the 25' right-of-way between 31st Place and 32nd Street, inquired how close to the existing structure the street could come without having to purchase the structure. Chairman Parmele stated that if it was too close to the structure, it would be considered damage to the structure and would have to be purchased anyway. Mr. VanFossen stated this was not the situation on this application. Mr. Doherty commented that what was under discussion was what was reasonable and what was likely to occur as to any future widening of Peoria.

**Preliminary Plat: Crow Creek Office Park - Cont'd**

Mr. Paddock stated that the applicant's proposal for 35' seemed to be an equitable solution to the problem, as those properties across the street have 35'. Going on the basis that the PUD was approved by the City Commission, Mr. Paddock commented that it seemed unfair to require dedication that would force the applicant to make certain changes in the approved PUD. Therefore, he felt the motion as made, was the proper one. Chairman Parmele agreed with Mr. Paddock's comments.

Mr. Draughon asked if moving the parking to the rear was possible. Mr. Norman replied that it could be placed in the rear, but it would cause the loss of a building in the back and would be changing the entire concept that was approved earlier.

Comments & Discussion:

Mr. Linker stated that it should be considered that, if approved as recommended by Mr. Norman, and should Engineering be correct that this right-of-way would be required in the future, then the TMAPC might be approving a new development that they know might not have adequate parking, should additional street right-of-way be taken. Mr. Paddock stated he did not believe that Traffic Engineering would ever greatly widen Peoria through this area, unless they intended to take down the buildings, which was also not likely to happen. He felt that this was a kind of dream, and the Commission needed to face reality. Chairman Parmele agreed the Commission should face reality and accept the fact that it would require the taking of all of the Brookside improvements if Peoria were widened. He, too, did not feel this would ever happen. Mr. Linker again suggested this be brought to the attention of the City Commission when the plat was presented. Commissioner Rice suggested directing Staff that, if the motion was approved, to forward a reminder that it was a waiver of the Major Street and Highway Plan and the purchase of right-of-way would be necessary, should Peoria ever be widened in this area.

TMAPC ACTION: 9 members present

On **MOTION** of **CARNES**, the Planning Commission voted **7-2-0** (Carnes, Doherty, Paddock, Parmele, Rice, Wilson, Woodard, "aye"; Draughon, VanFossen, "nay"; no "abstentions"; (Kempe, Crawford, "absent")) to **APPROVE** the Preliminary Plat for Crow Creek Office Park, subject to the conditions as recommended by the TAC and Staff, **EXCEPT** that a waiver of the Subdivision Regulations be granted requiring only a 35' total dedication of street right-of-way from the centerline of South Peoria;\* and to **DIRECT** Staff to advise the City Commission that this action was in conflict with the City Engineer.

*\* Amended per TMAPC 2/25/87*

\* \* \* \* \*

Burning Tree Duplexes (PUD 112-15)(183)

East 65th & South 83rd East Avenue

This plat is to provide for separate ownership of existing duplexes. No new structures are planned and all duplexes have been surveyed and the party wall located. An amendment to permit the separate ownership of each unit is also scheduled for hearing by TMAPC 2/4/87. Some minor encroachments on building lines will also be included in the amendment, so the plat should show building lines as approved on the minor amendment.

Note: Maintenance agreements covering common walls, etc. should be included in the documentation by separate instrument and/or Home Owners Association. Whatever document this information is included in is not a requirement of approval of the plat. However, a copy of said documentation should be furnished for the permanent subdivision file prior to release of final plat. Also, the PUD amendment will probably require certification from the Building Inspector that the common walls meet the applicable fire codes. Any conditions required by the PUD amendment are included in overall condition #1 below.

There was some discussion with applicant regarding language that changes some of the previous restrictions filed by plat. These were not of great concern to the TAC, but are mentioned for the record. (Applicant is to work out any problems with legal counsel prior to final plat approval.)

Department of Stormwater Management advised that a Class "A" Watershed Development Permit (minimum impact) is required, but DSM will support a waiver of public notice since no new construction is planned.

The TAC voted to recommend **approval** of the PRELIMINARY PLAT of Burning Tree Duplexes, subject to the following conditions:

1. All conditions of PUD 112-15 as approved in the minor amendment, applicable to the plat, shall be met prior to release of final plat.
2. Covenants:
  - (a) Staff suggests that on final draft, the section numbers be switched as follows:  
Section I: Streets, Utilities, and Easements.  
Section II: Water and Sanitary Sewer Service  
Section III: Restrictions
  - (b) Section I-A: add "Cable TV" to this paragraph.
  - (c) Section II (as submitted) beginning with line 4 should read: "...Unit Development No. 112 was approved by the TMAPC, and subsequently amended on 2/4/87 as PUD 112-15." (Note: No ordinance was required or City Commission approval required on the original PUD. Omit those references.)
  - (d) Same section as (c) above, 5th paragraph, A: add: ... "2/4/87, as PUD 112-15".
  - (e) Under Section I: Add a paragraph with Access Limitation language as per Traffic Engineer.

**Preliminary Plat & Minor Amendment: Burning Tree Duplexes - Cont'd**

3. Utility easements shall meet the approval of the utilities. Show additional easements if required. Show standard width easements where no encroachment would result from the increased widths. (Amounts to about 2-1/2' additional easement.)
4. Update location map with new subdivisions.
5. 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. Although this subdivision is already built, these forms are required by the Subdivision Regulations on all plats.
6. All Subdivision Regulations shall be met prior to release of final plat.

Comments & Discussion:

Staff advised that the Minor Amendment for PUD 112-15 to allow the splitting of existing duplexes should also be heard with this application.

Staff Recommendation: Minor Amendment - PUD 112-15

The subject tract is 5.8 acres in size and is part of a 202 ± acre development that was approved in 1971. The subject tract contains 17 duplex dwellings and the applicant is now requesting a minor amendment to allow the splitting along the common party wall to allow for individual ownership. The applicant has submitted a preliminary plat and as built survey of the property. The applicant has also submitted new Deeds of Dedication for the property.

The applicant is also requesting an amendment to the approved setback lines on two of the new lots to allow for an existing encroachment. Notice of the application has been given to abutting property owners of the duplexes.

Review of the applicant's plans and proposal indicates the requests are minor in nature and consistent with the original PUD. There should be no change in the exterior appearance and Staff would note this type request is common.

Therefore, Staff recommends **APPROVAL** of the requested minor amendment to split the existing duplexes and vary the building setback line on the proposed Lots 9 and 10, Block 2, subject to the following conditions:

1. Subject to the applicant's submitted Preliminary Plat and "As Built" survey.
2. Subject to the TMAPC and City Commission approval of the final plat and it's being filed of record.
3. Subject to the review and approval of the Deeds of Dedication by the City of Tulsa Legal Department and subsequent filing of these instruments.

**Preliminary Plat & Minor Amendment: Burning Tree Duplexes - Cont'd**

4. Subject to a maintenance agreement being approved and filed for the common wall, and the construction of said wall meeting all requirements of the Building Code, including but not necessarily limited to firewalls.
5. Subject to meeting all comments and conditions as recommended by the Technical Advisory Committee and approved by the TMAPC.

**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 **Preliminary Plat for Burning Tree Duplexes** and **APPROVE** the **Minor Amendment to Allow the Splitting of Existing Duplexes for PUD 112-15**, as recommended by Staff.

EXTENSION OF APPROVAL: (One year recommended)

**8800 Quebec Extended (1683)** 87th & South Pittsburg (RS-3)

**Quail Ridge Amended (PUD 221)(2894)** East 44th & South 131st East Ave. (RS-3)

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 **One Year Extension for 8800 Quebec Extended and Quail Ridge Amended**, as recommended by Staff.

CHANGE OF ACCESS:

**Chimney Hills South Extended (1483)** East of the NE/c of 91st & Sheridan (CS)

Staff advised the purpose of the request for access change was to add two access points for a Braum's Ice Cream Store.

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 **Change of Access for Chimney Hills South Extended**, as recommended by Staff.

REQUEST FOR WAIVER (Section 260):

**Z-6129 Lee Dell (PUD 423)(1993)**

1317 East 37th Street

(RM-0)

This is a request to waive plat on Lot 5, Block 1 of the above addition. The tract contains an existing duplex which will be remodeled into a triplex, under the development controls of a PUD. (Zoning will allow four units, but owner is restricting development to three units.) The Water and Sewer Department has advised that a sewer main extension will be required since this lot does not abut a public sewer. Grading and drainage plan requirements will be subject to approval of DSM in the permit process. Since the property is already platted, TAC and Staff had no objection to the request. PUD conditions and covenants will be filed by separate instrument.

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

- a) Sewer main extension.
- b) Grading and drainage plan approval by Stormwater Management through the permit process (applicant for permit required).
- c) PUD conditions to be filed by separate instrument.

**TMAPC ACTION: 9 members present**

On **MOTION** of **DOHERTY**, 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 **Waiver Request for Z-6129 Lee Dell**, subject to the conditions as recommended by the TAC and Staff.

**LOT SPLITS:**

LOT SPLIT FOR WAIVER:

**L-16802 Wilson (2903)** North of the NW/c of Woodrow Pl. & Delaware Ave. (RS-3)

This is a request to split a 167.5' x 162.53' tract into two equal lots with the dimensions of 83.75' x 162.53'. Each newly created lot contains an existing residence. This lot split will require a variance from the City Board of Adjustment because the West lot has no frontage on a dedicated street, (private roadway easement) and the Eastern lot has only 20 feet of frontage on Delaware Avenue (30' is the minimum allowed, Section 207).

**L-16802 Wilson - Cont'd**

Staff notes that the proposed lot sizes meet or exceed all the other criteria for the RS-3 zoning district other than the above mentioned variances, and therefore recommend **APPROVAL** subject to the following conditions:

- (1) Approval from the City Board of Adjustment for the above mentioned variances.
- (2) Approval from the City Water and Sewer Department for all applicable extensions or easements that may be necessary for service.
- (3) Staff requires a copy of the roadway easement agreement between the two lots for our files.

For the record, the TAC advised that the extension of Delaware Avenue would require dedication of 25' off the east lot, plus 25' from the unplatted tract to the east. (Not a requirement, since an east-west connection between the ends of Delaware and Delaware Place would be more desirable.) Additional requirements were discussed and made a part of the motion for approval.

The TAC voted to recommend **APPROVAL** of L-16802, subject to the following conditions:

- (a) Board of Adjustment approval as per Staff.
- (b) Applicant should assure that all utility meters and connections are on the lot to be served. If not "mutual access and/or maintenance agreement should be created, with a copy for Staff files.
- (c) Class "B" Watershed Development Permit (minimum impact) required by Department of Stormwater Management.
- (d) Easements required: The south 30' of both tracts and west 5' of west tract.

**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 **Lot Split Waiver for L-16802 Wilson**, subject to the conditions as recommended by the TAC and Staff.

\* \* \* \* \*

**L-16795 Gilbert (1794)** N of the NE/Corner of 23rd Street & Garnett Rd. (CS,OL)

This is a request to split off the West 116 feet from a backward "L" shaped tract. Both lots contain a one story office building. Staff notes that a variance will be required from the City Board of Adjustment because the lot frontages are below the minimum allowed in the OL and CS zoning districts.

**L-16795 Gilbert - Cont'd**

Based on the facts that both lot frontages were existing prior to the lot split, and that there will be very little change other than ownership of the two lots, the Staff recommends **APPROVAL** subject to the following conditions:

- (1) Approval from the City Water and Sewer Department by having all utility extensions and/or utility easements in place. Additional 10' utility easement required on Garnett. Sewer extension required for east tract.
- (2) That both lots meet or exceed the off-street parking requirements applicable to the use of the property.
- (3) Approval from the City Board of Adjustment for the above mentioned variances.
- (4) Class "B" Watershed Development Permit (minimum impact) required.

The TAC voted to recommend **APPROVAL** of L-16795 subject to the conditions outlined by Staff and TAC.

**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 **Lot Split Waiver for L-16795 Gilbert**, subject to the conditions as recommended by the TAC and Staff.

\* \* \* \* \*

**L-16803 Hall (3303)** NE/c of Haskell Street & North Quebec Avenue (RS-3)

This is a request to split a 150'x 100' tract into two lots. There is an existing structure on the west half of this tract. Because of the location of the existing utilities, an "L" shaped lot configuration is being proposed. A variance of the Bulk and Area requirements will be required from the City Board of Adjustment because of the lot sizes and the rear yard setback on the existing structure. Staff notes that additional right of way will be required and if that right-of-way would not be required, the lot sizes would be adequate for the RS-3 zoning district.

The Staff recommends **APPROVAL**, subject to the following conditions:

- (1) Approval of the Water and Sewer Department for access and utility easements needed for development. Expand 10' utility easement to 11' standard width.
- (2) Approval from the City Board of Adjustment for the variances needed in order to permit this lot split.



L-16803 Hall - Cont'd

- (3) That an additional five feet on the south and west sides of the subject tract be dedicated to the City of Tulsa for street right-of-way, as per minimums on the Street Plan.
- (4) A Class "B" Watershed Development Permit is required.

The TAC voted to recommend **APPROVAL** of L-16803, subject to the conditions outlined by Staff.

Comments & Discussion:

Mr. Doherty inquired as to why they did not grant an easement for utilities. Mr. Wilmoth advised the Water and Sewer Department has a policy that each lot must abut the actual main that serves the lot, and this was one way of meeting their requirements. Mr. Paddock, in regard to Mr. Wilmoth's comments on the configuration, inquired as to what extent the Staff feels it can exercise its judgement on an application such as this. Mr. Wilmoth commented that Staff has reviewed this piece of property several times over the years, and no one has done anything with this as it would require extending the sewer line over to one lot and the water line over the other. He added that the general location of the property and the size of the lot prohibit this, as it would not be economically feasible.

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 **Lot Split Waiver for L-16803 Hall**, subject to the conditions as recommended by the TAC and Staff.

LOT SPLITS FOR DISCUSSION:

L-16806 Woolman (1893) West of the NW/c of East 27th & South Yorktown (RS-1)

In the opinion of the Staff, the lot split meets the Subdivision and Zoning Regulations, but since the lot is irregular in shape, notice has been given to the abutting owner(s). Approval is recommended.

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 **Lot Split for L-16806 Woolman**, as recommended by the TAC and Staff.

\* \* \* \* \*

L-16808-11 Collegiate Square (PUD 127)(683) N & E of 67th & Utica (RS-3)

In the opinion of the Staff, the lot split meets the Subdivision and Zoning Regulations, but since the lot is irregular in shape, notice has been given to the abutting owner(s). Approval is recommended.

TMAPC ACTION: 9 members present

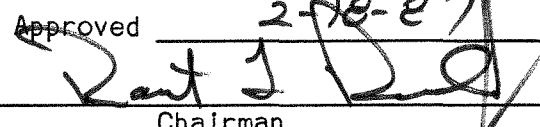
On **MOTION** of **WOODARD**, the Planning Commission voted **9-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, Rice, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Kempe, Crawford, "absent") to **APPROVE** the **Lot Split** for **L-16808-11 Collegiate Square**, as recommended by the TAC and Staff.

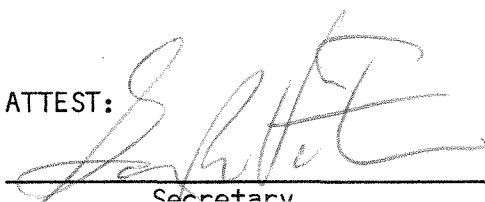
**LOT SPLITS FOR RATIFICATION OF PRIOR APPROVAL:**

- |                               |                                     |
|-------------------------------|-------------------------------------|
| L-16791 (1393) Sharp/Tennison | L-16806 (1893) Woolman              |
| L-16793 (1894) Griffin        | L-16807 (1993) Thomas/Winders       |
| L-16801 (1323) Stivers/Just   | L-16808-11 ( 683) Collegiate Square |
| L-16804 (2690) Lewis/Cain     | L-16814 (3393) Clampitt             |
| L-16805 (2813) Hood/Kelley    | L-16815 ( 303) Industries for Tulsa |

On **MOTION** of **DOHERTY**, 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 above listed Lot Splits for Ratification of Prior Approval, as recommended by Staff.

There being no further business, the Chairman declared the meeting adjourned at 2:52 p.m.

Date Approved 2-18-87  
  
Chairman

ATTEST:   
Secretary