

**TULSA METROPOLITAN AREA PLANNING COMMISSION**

Minutes of Meeting No. 1648

Wednesday, **May 6, 1987**, 1:30 p.m.

City Commission Room, Plaza Level, Tulsa Civic Center

**MEMBERS PRESENT**

Carnes  
Draughon  
Kempe  
Paddock, 1st Vice-  
Chairman  
Parmele, Chairman  
Selph (Designee)  
VanFossen, Secretary  
Wilson  
Woodard

**MEMBERS ABSENT**

Crawford  
Doherty  
Rice

**STAFF PRESENT**

Frank  
Gardner  
Setters

**OTHERS PRESENT**

Linker, Legal  
Counsel

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, May 5, 1987 at 10:30 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 1:31 p.m.

**MINUTES:**

**Approval of Minutes of April 15, 1987, Meeting #1646:**

On **MOTION** of **WOODARD**, the Planning Commission voted **6-0-0** (Draughon, Paddock, Parmele, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Carnes, Doherty, Kempe, Selph, Crawford, "absent") to **APPROVE** the **Minutes of April 15, 1987**, Meeting No. 1646.

**Approval of Minutes of April 22, 1987, Meeting #1647:**

On **MOTION** of **VANFOSSEN**, the Planning Commission voted **7-0-0** (Carnes, Draughon, Paddock, Parmele, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Doherty, Kempe, Selph, Crawford, "absent") to **APPROVE** the **Minutes of April 22, 1987**, Meeting No. 1647.

## REPORTS:

### Chairman's Report:

Chairman Parmele reminded the Commissioners of the Oklahoma Chapter APA Spring Conference on May 15th - 16th, and requested their attendance at the Planning Commission Workshop to be held on Saturday, May 16th.

### Committee Reports:

Mr. Paddock announced the **Rules & Regulations Committee** was meeting this date to further consider the Historical Preservation (HP) Zoning Ordinance as presented by the Neighborhood Conservation Commission. He advised the R & R Committee had previously voted to recommend to the TMAPC that the public hearing on this matter be continued to May 20, 1987.

### TMAPC ACTION: 7 members present

On **MOTION** of **PADDOCK**, the Planning Commission voted **7-0-0** (Carnes, Draughon, Paddock, Parmele, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Doherty, Kempe, Rice, Selph, Crawford, "absent") to **CONTINUE Consideration of the Public Hearing to Amend the City of Tulsa Zoning Code to Include Establishment of a Historic Preservation (HP) Zoning District and Related Matters** until Wednesday, **May 20, 1987** at 1:30 p.m. In the City Commission Room, City Hall, Tulsa Civic Center.

### Director's Report:

Mr. Jerry Lasker distributed and reviewed INCOG's Work Program and Budget for Fiscal Year 1987-88. He advised the City would be decreasing their contribution by 5% and the County by 10%. Mr. Lasker outlined six areas where he felt reductions could be made as well as areas where revenues might be increased. In reply to Mr. VanFossen, Mr. Lasker stated this presentation was the total budget without the City and County cuts. Mr. Lasker welcomed comments and suggestions from the TMAPC members as to the budget and work program.

Chairman Parmele appointed a TMAPC Budget Subcommittee to meet with Mr. Lasker to review the various items so as to obtain a more detailed analysis. The Budget Subcommittee members appointed were Bob Parmele, Cherry Kempe and Marilyn Wilson.

Mr. Lasker advised the State Department of Transportation approved a contract with group of firms, headed by Barnard, Dunkelberg & Co. of Tulsa, to do the Environmental Impact Statement (EIS) for the Creek Expressway. The firms appointed to do the various studies were:

Director's Report - Cont'd

Noise & Air Quality.....Mestre, Greve Assoc., Newport Beach, CA  
Finance & Economics.....Real Estate Research Corp., Chicago, IL  
Public Participation/Social Analysis.....Urban Environmental Assoc.,  
Dallas, TX  
Engineering, Soils, Water Quality, Hydrology & Geology.....  
URS Engineers, Denver, CO

In reply to Mr. Carnes, Mr. Lasker advised that the monies for this project were allocated and issued by the State Department of Transportation, who also handled the selection of the firms for the EIS. Mr. Lasker reiterated that a Tulsa firm was heading this project and this firm issued the subcontracts for the various studies. Ms. Wilson confirmed that the time frame for the EIS was still projected at 18 - 24 months.

SUBDIVISIONS:

PRELIMINARY PLAT APPROVAL:

River Port & Z-6070 Valley Bend (783) SE/c of 71st St. & Riverside Dr. (CS)

NOTE: This plat and a plat waiver request on Z-6070 are companion items, along with a "prior approval" lot split (#16850). The plat waiver (on the corner lot, #1 only) and lot split are being processed at the same time to expedite obtaining a building permit on the corner. It will be platted and is included in the preliminary plat submitted. Staff has no objection to this procedure since a plat is working on the entire parcel and the lot is shown as requested. Staff advised that instead of a panhandle out to 71st Street, the area east of Lot 1 will be platted as a third lot. The frontage is less than 150' and will require Board of Adjustment approval. (See conditions listed below).

In discussion, Miller (ONG) advised that some gas and possibly other utilities were located on the corner of Lot 1 which will require some additional easements. Other easements needed were specified by other TAC members, including 17-1/2' utility easement parallel to Riverside Drive, 20-1/2' utility easement along the south line, reserving 3' for fencing, and increasing the north easement to 17-1/2' (including existing sanitary sewer easement.)

The TAC voted unanimously to recommend **approval** of the PRELIMINARY plat of River Port, **including waiver of plat on Lot 1**, subject to the following conditions:

River Port & Z-6070 Valley Bend - Cont'd

1. Lot 3 will require Board of Adjustment approval for less than 150' frontage. Final plat shall not be released until the necessary variance is received from Board of Adjustment.
2. Access points shall meet the approval of Traffic Engineering (right turn only).
3. Show Book/Page dedications for adjacent rights-of-way on both 71st and Riverside Drive. Also, for reference, show a tie dimension to the section corner (NW corner 7-18-13).
4. Covenants:
  - Page 2: Change number of lots and blocks in 2nd paragraph to fit plat.
  - Page 3: Paragraph 1, refers to fencing area. Show these areas on plat if applicable. (Fencing is not required between commercial district lots.)
  - Page 4 or 5: Part of Water and Sewer Department details left out of this section.
  - Page 6: Development standards are not required on ordinary CS Zoning. Omit this section, as the Zoning Code will prevail without having this on plat.
  - Page 7: Omit all references to the City or TMAPC as beneficiary of these covenants in this section. This is not a PUD or Corridor District and this part is unnecessary.
5. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required, and as discussed with TAC this date.
6. Include correct language in covenants for water and sewer. See #4 above, reference page 4/5.
7. Pavement or landscape repair within restricted water line, sewer line or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owner(s) of the lot(s).
8. A request for creation of a Sewer Improvement District shall be submitted to the Water and Sewer Department prior to release of final plat.
9. 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.
10. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer.
11. A topo map shall be submitted for review by the Technical Advisory Committee (Subdivision Regulations). Submit with drainage plans as directed.

River Port & Z-6070 Valley Bend - Cont'd

12. 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.
13. The key or location map shall be complete (update newer subdivisions).
14. 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.
15. 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.
16. 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, Draughon, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Doherty, Kempe, Rice, Crawford, "absent") to **APPROVE** the **Preliminary Plat & L-16850 for River Port and the related Waiver Request for Z-6070 Valley Bend**, subject to the conditions as recommended by the TAC and Staff.

\* \* \* \* \*

**Kensington Pointe (PUD 128A)(783)** East 74th Place & South Trenton (RM-1)

This is a resubdivision of part of Block 3 and all of Block 6 of Kensington II Amended. No street right-of-way is being changed. However, some side/lot easements in Block 6 are affected. (See specific condition below). There have been numerous amendments to this PUD. It does appear that the allowed densities are within the limits of the PUD. However, in Block 1 of the new plat, it is not clear which lots are to be duplex and which may be single-family. Both are allowed by the PUD. This needs to be clarified on the plat. A minor amendment to the PUD may be necessary in order to permit the 60' lots. (PUD 128A indicates an 80' minimum width.) If a minor amendment is required, it is suggested that the amendment application be filed and the plat and PUD amendment processed together. (See "Staff Note" at the end of the TAC conditions.)

The Staff presented the plat with the applicant represented by Jack Hubbard. Mr. Hubbard indicated that all lots are single-family; the covenants will reflect same.

Kensington Pointe - Cont'd

The TAC voted unanimously to recommend **approval** of the PRELIMINARY plat of Kensington Pointe, subject to the following conditions:

1. All conditions of PUD 128A shall be met prior to release of final plat. Should a minor amendment be required, plat shall not be released until both plat and PUD requirements agree.
2. Existing side lot easements in Block 6 shall be properly vacated if they are not to be utilized on this plat. (Subject to review and approval through the closing procedure via Engineering and City Commission.) Some additional easements are required as per TAC discussion this date.
3. Covenants:
  - (a) Page 2, paragraph 4; Omit references to limited access. None shown or required on this plat.
  - (b) Page 2, last paragraph, next to last line. Change date to October 10, 1979, instead of November 10th (which was a Saturday.)
  - (c) Page 3, paragraph "A", check 8/23/72 date. PUD has been amended several times.
  - (d) Page 3, paragraph "B-1", Lot 1 was left out. What is it's use? Also if it is known that all structures will be single-family, indicate same.
  - (e) Page 3, paragraph "B-2", if Block 2 is all single-family and there are only 22 lots, then the maximum number of units would be 22.
  - (f) Page 3, paragraph "C", conflicts with "B-1" which says "single-family or duplex"
  - (g) Page 4, paragraph "E", 4th line; add: "... except where easements are greater."
  - (h) Pages 4 & 5, Section "L"; Include Cable TV or "communications" where applicable.
  - (i) Page 5; paragraph "M"; portion of this was left out; check with Water and Sewer Department.
4. Utility easements shall meet the approval of the utilities. (Also see #2 above.)
5. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owner(s) of the lot(s).
6. A request for creation of a Sewer Improvement District shall be submitted to the Water and Sewer Department prior to release of final plat (if required).
7. 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.

**Kensington Pointe - Cont'd**

8. A topo map shall be submitted for review by the Technical Advisory Committee (Subdivision Regulations). Submit with drainage plans as directed.
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 (other) Subdivision Regulations shall be met prior to release of final plat.

Staff note: Further research of the PUD files indicates that an amendment to PUD 128A was approved on August 20, 1980, permitting the smaller 60' lots. Therefore, previous Staff comments concerning a minor amendment are not applicable and this plat will not require another minor amendment.

**TMAPC ACTION: 8 members present**

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

\* \* \* \* \*

**Garnett Village (PUD 428)(2094)**

S & W of 31st & South 121st East Avenue  
(AG to RS-3 pending)

This is a part of a 40 acre site which presently contains a church and related facilities. The church was not required to plat since it was approved by the Board of Adjustment prior to a platting requirement. Therefore, this tract under review now will be the only part of the 40 acres "subject to a plat" because a new zoning and PUD application is being processed. Existing church property is not subject to platting. Since the zoning and PUD hearing is not until 4/22/87 (Z-6156), Staff has no objection to a review by TAC at this time, but plat should be held until the PUD and zoning have been approved by both TMAPC and City Commission.

Staff Inquired if access to East 32nd Street will be permitted, or will "LNA" need to be shown on plat? If required, include applicable language in covenants. Traffic Engineer recommended no access to 32nd Street so "LNA" will be required.

## Garnett Village - Cont'd

The TAC voted unanimously to recommend **approval** of the PRELIMINARY plat of Garnett Village, subject to the following conditions:

1. Show "LNA" at 32nd Street and include applicable language in covenants.
2. Since there is only one point of access into the housing proposed, access shall be approved by Fire Department. Make sure that fire trucks and other service vehicles can adequately turn around in the area provided by the site plan.
3. All conditions of PUD 428 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.
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 shall 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.
6. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility 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 & Sewer Department prior to release of final plat.
8. 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.
9. A topo map shall be submitted for review by the Technical Advisory Committee (Subdivision Regulations). Submit with drainage plans as directed.
10. 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.)
11. 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.

## Garnett Village - Cont'd

12. 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.
13. The Zoning Application Z-6156 shall be approved and the ordinance or resolution therefore published before final plat is released. Plat shall conform to the applicable zoning approved.
14. Covenants:
  - Section I-A, page 2; Reference made to public streets. Omit; these are private.
  - Section II-A, page 5; Add additional PUD details to this section when available.
15. 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.
16. All (other) Subdivision Regulations shall be met prior to release of final plat.

### Comments & Discussion:

Chairman Parmele confirmed with Staff that the TMAPC had required an access point to the west at the zoning/PUD application hearing. Mr. Wilmoth commented that this could be added to the conditions for approval. Ms. Wilson confirmed that the City Commission would not be hearing the zoning and PUD applications until May 12th. Discussion followed among the TMAPC members as to how best to proceed, with Legal advising that the TMAPC should not be approving the plat until after the City had reviewed and/or approved the zoning and PUD applications.

Mr. Henry Daubert, representing the applicant, stated he had no problem with a continuance, but pointed out that this was only a preliminary approval and the City would have acted before the TMAPC would have the final plat to review.

Ms. Wilson moved for a one week continuance. Mr. Paddock stated support of the motion on the grounds that approval of the preliminary was more important than approval of the final, and he agreed with Mr. Linker that it was procedurally appropriate to wait for the City's action on the zoning/PUD.

### TMAPC ACTION: 9 members present

On **MOTION** of **WILSON**, the Planning Commission voted **9-0-0** (Carnes, Draughon, Kempe, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Doherty, Rice, Crawford, "absent") to **CONTINUE Consideration of the Preliminary Plat for Garnett Village** until Wednesday, **May 13, 1987** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

FINAL PLAT APPROVAL & RELEASE:

Victory Christian Center (783) West side of South Lewis, 7700 Block (OM, OL)

Silverstone Commercial I (1694) North of the NE/c of 31st Street and South  
129th East Avenue (CS)

On **MOTION** of **WILSON**, the Planning Commission voted **9-0-0** (Carnes, Draughon, Kempe, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Doherty, Rice, Crawford, "absent") to **APPROVE** the **Final Plat(s)** for **Victory Christian Center** and **Silverstone Commercial I** and release same as having met all conditions of approval.

REQUEST FOR WAIVER (Section 260):

BOA 14410 (Unplatted)(2683) SW of 106th Street & South Memorial Drive (AG)

This is a request to waive plat on approximately 22-1/2 acres on the west side of South Memorial at 106th Street. The proposed use is a golf driving range and learning center. The zoning remains Agriculture (AG), the existing house will be utilized as the clubhouse and the existing septic system is to be used, subject to approval of the Health Department. Development will require a parking lot and landscaping of the greens and driving ranges. Storm water detention and irrigation is to be provided from the existing pond on the property. Although this tract far exceeds the guidelines for recommending a plat waiver which is a 2-1/2 acre minimum, Staff realizes that this is an Interim use until full development would occur for some other uses in the future. Therefore, noting that this would be the exception to the rule and we do not feel that we are setting precedence, we would recommend approval of the request because of the use of existing facilities and the "open space" nature of the use. Certain requirements will be applicable however, which include:

- (a) Grading and drainage plan approval by Department of Stormwater Management including detention and/or necessary easements.
- (b) Approval of existing septic system or as modified by City-County Health Department.
- (c) Approval of utilities, including water, and any necessary easements, extensions, and/or agreements.
- (d) Approval of access points by Traffic Engineering and State Highway Department as necessary.

Further note that should this property be rezoned, or the use change to a more intense category, or any development other than this open space oriented project, it will be recommended that the property be platted in the usual manner, subject to all regulations pertaining to platting.

Water and Sewer Department requested a utility easement across the low area for future sanitary sewer. Mr. Perkins was reluctant to grant an actual easement at this time, but had no objection to documenting an agreement to grant an easement if it is needed prior to platting or a change in use or zoning. This would be a satisfactory compromise and Water and Sewer Department and applicant would work out the exact details. Frank Cobb from Water and Sewer Department, advised that applicants were working with them for water service. ONG (Miller) advised caution in doing any grading because they had lines in the area.

The TAC voted unanimously to recommend **approval** of the waiver of plat on BOA 14410, subject to the conditions outlined by Staff, noting that agreement for future sewer easement is included in item "c" above.

Comments & Discussion:

Mr. Wilmoth commented that item "c" regarding easements was discussed by the TAC to include any future sewer easements, as needed. In reply to Chairman Parmele, the applicant stated agreement to the listed conditions.

TMAPC ACTION: 9 members present

On **MOTION** of **CARNES**, the Planning Commission voted **9-0-0** (Carnes, Draughon, Kempe, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Doherty, Rice, Crawford, "absent") to **APPROVE** the **Waiver Request for BOA 14410**, subject to the conditions as recommended by the TAC and Staff.

\* \* \* \* \*

Z-6148 Regency Plaza Amended (PUD 425) (2593) W of the NW/c of East 48th St.  
and South Mingo Rd. (IL)

This was reviewed by TAC on 2/26/87 as a "PUD Review". Conditions were outlined as if this was also a plat waiver request. No formal application was made at that time, so this is the formal request to waive plat. A copy of the conditions were provided for reference.

There was no further discussion and/or requirements. TAC noting that the motion to approve and the list of conditions remains unchanged from the review on 2/26/87. The conditions included:

- (a) Correct legal description should be provided.
- (b) Grading and drainage plan approval through the permit process, as per Case Review date 2/20/87. Watershed Development permit specific drainage plans required.
- (c) Provide additional utility easement to total 15' on east side of lot and to total 11 feet on north side of lot.

**Z-6148 Regency Plaza Amended - Cont'd**

TAC, in discussion, also added the requirement for a 17-1/2' utility easement on the south, parallel to the street, and to include landscaping repair or replacement in the restrictive covenants, using language ordinarily used in the platting process.

The TAC voted unanimously to **approve** the REQUEST AS SUBMITTED, subject to conditions a, b, and c, plus the additional easement and restrictive covenants language as recommended.

Comments & Discussion:

Mr. Wilmoth advised condition "a" had been met. In reply to Chairman Parmele, the applicant stated agreement to the listed conditions.

TMAPC ACTION: 9 members present

On **MOTION** of **VANFOSSEN**, the Planning Commission voted **9-0-0** (Carnes, Draughon, Kempe, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Doherty, Rice, Crawford, "absent") to **APPROVE** the **Waiver Request for Z-6148 Regency Plaza Amended**, subject to the conditions "b" and "c" as recommended by the TAC and Staff.

\* \* \* \* \*

Woodlake Village & PUD 108-A (2393) East 32nd & South 73rd East Avenue (RD)

This item was continued from the last TAC meeting since there were problems with landscaping and sight distances, as well as the applicant not being at the meeting. The applicant has contacted the various departments and is working out the items that were a problem. A copy of the minutes of the last meeting was provided.

Traffic Engineering was satisfied with the sight distances, noting that about a 10' or 12' gap in the planting at the corner should be left clear. This was agreeable with all.

The TAC voted unanimously to recommend **approval** of the waiver of plat on PUD 108-A, noting Section 260 will be met upon completion of the following conditions:

- (a) Grading and/or drainage plan approval by Department of Stormwater Management, including PFPI if required, as well as Water Shed Development Permit.
- (b) PUD restrictions and conditions to be filed by separate instrument, including language for landscape repair and access to utility easements. (To be worked out with Staff for specific language.)

Staff Recommendation: Approval of the Restrictive Covenants Agreement

The subject tract has an area of 1.5 acres and is located southeast of the intersection of East 31st Street and South 73rd East Avenue. PUD 108-A was approved by the TMAPC and City Commission for a church parking lot with no overnight storage of church vehicles (buses in particular) of any type. The PUD received Detail Landscape Plan approval by the TMAPC on 4/15/87. The applicant is now requesting approval of the Restrictive Covenants for PUD 108-A.

Review of the submitted documents shows the use being limited to the uses approved under PUD 108-A and makes the City of Tulsa a beneficiary to the development.

Therefore, Staff recommends APPROVAL of the Restrictive Covenants for PUD 108-A, subject to approval of the submitted Agreement by City Legal Staff and filing of said documents of record in the County Clerk's office.

Interested Parties:

Mr. Ray McCollum (3135 South 76th East Avenue), as president of Whitney Community Homeowners Association, stated objection to this application because the homeowners wanted to stop any further development in this area until the watershed problems were corrected and the creek was improved.

Mr. VanFossen informed the protestant that the concept had already been approved and the TMAPC was merely approving a plat waiver. Mr. McCollum reiterated that the homeowners objected to action of any kind until the creek was improved. Mr. VanFossen stated his concern was that the people understood the procedure and that Department of Stormwater Management (DSM) would be reviewing this to assure that there would be no more run-off than presently exists.

Mr. Henry Daubert advised that the plans for the detention area had already been approved by DSM. In reply to Mr. Draughon, Mr. Daubert confirmed there were problems in the Audobon Creek area, but this project, whether or not developed, had no impact on this situation.

TMAPC ACTION: 9 members present

On MOTION of CARNES, the Planning Commission voted 8-1-0 (Carnes, Kempe, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; Draughon, "nay"; no "abstentions"; (Doherty, Rice, Crawford, "absent")) to APPROVE the Waiver Request for Woodlake Village and the Restrictive Covenants for PUD 108-A, subject to the conditions as recommended by the TAC and Staff.

CORRECTION TO PLAT OF RECORD (Corrected Plat):

Heritage Park (3602)

East Oklahoma & North Greenwood

(RM-1)

The surveyor/engineer made an error in the east/west dimension on this plat by showing an additional 10' width of the right-of-way on North Hartford Avenue. The plat was described as "all of Block 5, Greenwood Addition" which showed on 25' of right-of-way on Hartford. A correction is being made by the surveyor and/or engineer by a "corrected plat". Staff recommends APPROVAL of a new final plat.

TMAPC ACTION: 9 members present

On **MOTION** of **CARNES**, the Planning Commission voted **8-0-1** (Carnes, Draughon, Kempe, Paddock, Parmele, Selph, VanFossen, Wilson, "aye"; no "nays"; Woodard, "abstaining"; (Doherty, Rice, Crawford, "absent") to **APPROVE** the **Correction to the Plat of Record for Heritage Park**, as recommended by Staff.

LOT SPLITS FOR WAIVER:

L-16845 Roland & Associates (684)

11114 East 68th Street

(RS-3)

(Rehearing as Directed by Legal)

Mr. Wilmoth reviewed the TMAPC minutes of 4/15/87 where approval was granted, and the ruling by City Legal on 4/22/87 advising this action was void due to an incorrect property address on the agenda. He advised that this has been to the BOA for the required variance, as noted in the TAC conditions of approval. Staff upheld their previous recommendation for APPROVAL of the lot split waiver.

Interested Parties:

Ms. Hilda Zimbler (11108 East 68th Street) stated objection to any development on this lot as she contends the covenants indicated the lot to be for retention/detention. She also objected strongly to the proposed road which would front the backyards of some of the homeowners. Ms. Zimbler stated she submitted a petition to the BOA with 32 signatures opposing this lot split.

Chairman Parmele advised that, according to the the information provided to the TMAPC, this lot was not shown as being reserved for retention or detention; only drainageway and drainage easements were indicated on the eastern portion of the lot. Mr. Draughon requested Legal comment as to the restrictive covenants issue. Mr. Linker advised he had not seen the exact wording of these particular covenants, but it might be possible for a covenant to restrict a piece of property to open space, park, etc. However, if that had been done in these covenants, it would have been noticed and pointed out by Staff. Mr. Gardner clarified that there was no language on the plat referencing this tract as a reserve/retention area.

As requested by Mr. VanFossen, the applicant submitted a copy of the covenants. Mr. VanFossen clarified that Item G of the covenants stated that the drainage easement was to be kept clear, but it did not indicate the entire lot be kept clear. In response to Ms. Zimbler, Mr. Linker stated that reserve areas were often left out of covenants to be addressed at a later time. He reiterated that the covenants would have to specifically state that this tract was for open space and was not to be developed upon. Ms. Zimbler continued to state protest to any development on this tract.

Applicant's Comments:

Mr. Phil Roland (PO Box 660, Coweta) stated agreement to the conditions as approved at the previous TMAPC hearing. In reply to Chairman Parmele, Mr. Roland advised there would be a 20' driveway on the 30' frontage, whether one or two houses were built, and the houses would be constructed so that the back yards would abut the back yards of the existing residences.

Comments & Discussion:

Chairman Parmele asked Staff what made this case different than a routine approval, i.e. shape of lot, street frontage, etc. Mr. Wilmoth commented that, with two lots there would only be about 15' of access width for each lot, which was less than the 30' requirement; therefore, the need for BOA approval of a variance. In regard to the proposed driveway, Ms. Wilson inquired if this would be similar to a public street. Mr. Wilmoth clarified that it was a private driveway to serve the two homes.

TMAPC ACTION: 9 members present

On **MOTION** of **VANFOSSEN**, the Planning Commission voted **6-3-0** (Carnes, Kempe, Parmele, Selph, VanFossen, Woodard, "aye"; Draughon, Paddock, Wilson, "nay"; no "abstentions"; (Doherty, Rice, Crawford, "absent") to **APPROVE** the **Lot Split Waiver for L-16845 Roland**, subject to the conditions as recommended by the TAC and Staff.

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

L-16851 (1793) Warren/Sack	L-16854 (1082) Bradshaw
L-16852 (2482) Scott/Oakley	L-16855 ( 102) Hurt/Guffy
L-16853 ( 393) Gilger/Johnson	L-16857 (1292) Wheatly/Moskowitz

TMAPC ACTION: 8 members present

On **MOTION** of **KEMPE**, the Planning Commission voted **8-0-0** (Draughon, Kempe, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Carnes, Doherty, Rice, Crawford, "absent") to **APPROVE** the **Above Listed Lot Splits for Ratification of Prior Approval**, as recommended by Staff.

OTHER BUSINESS:

**PUD 347-1:** S & E of the SE/c of West 61st Street & South 27th West Avenue

Staff Recommendation: Minor Amendment to Decrease Density and Vary Lot Size

PUD 347 is 28.9 acres in size and is located south of West 61st Street South at South 27th West Avenue. The subject tract has an underlying zoning of RS-3 and RM-T and has been approved for 175 dwelling units consisting of patio homes and duplexes and townhomes at an average density of 6.1 dwelling units per acre. The applicant is now requesting a minor amendment to decrease the number of dwelling units to 132 and develop the subdivision as a typical detached single-family subdivision. The applicant is also requesting an amendment to increase the lot size. A preliminary plat, "Fairway Park", has been filed and will be heard by the Technical Advisory Committee on May 14th. Notice of the Minor Amendment was given to abutting property owners.

Review of the applicant's submitted plans shows that the proposal utilizes existing infrastructure (streets, utilities, etc.) for the subdivision. The main internal streets are standard public streets, while the cul-de-sacs are to be private. Staff expresses concern that the preliminary layout indicates several lots will be unbuildable unless combined with abutting lots, or require minor amendments, approved by the TMAPC, as plot plans become available. A 50' wide utility easement is located in the center section and along part of the west boundary of Golf Estates II Amended Addition. Staff finds the request to be minor in nature and consistent with both the original PUD and existing development in the area.

Therefore, Staff recommends **APPROVAL** of Minor Amendment PUD 347-1 with the following conditions:

- 1) That the applicant's Outline Development Plan and Plat exhibit be made a condition of approval, unless modified herein.
- 2) Development Standards:

Land Area (Gross):	28.9 acres
(Net):	23.5 acres
Permitted Uses:	Detached single-family residences
Maximum No. of Dwelling Units:	132
Land Area Per Dwelling Unit:	9,537 sf average
Minimum Lot Area:	3,500 sf
Minimum Lot Width:	50'
Minimum Lot Depth:	90'
Minimum Yard Sizes:	
Side Yard	5' one side; 5' other side
Front Yard Abutting Public Street	20'
Front Yard Abutting Private Street	15' no garage; 20' w/garage
Rear Yard	15'

PUD 347-1 Minor Amendment - Cont'd

Minimum Livability Space per DU: 4,000 sf average

Maximum Building Height: 35' \*

\* Applicant proposed 26 feet, but Staff recommends 35 feet which is consistent with RS-3 standards and consistent with a recent amendment to the Zoning Code for measuring building height.

- 3) That signs shall meet the requirements of Section 420.2(d) (2) of the Zoning Code. Approval of a Detail Sign Plan by the TMAPC shall be required prior to construction of any signs.
- 4) Subject to review and approval of conditions, as recommended by the Technical Advisory Committee.
- 5) That a Homeowner's Association be created to provide for the upkeep and maintenance of private streets and common areas, as applicable.
- 6) That no Building Permit shall be issued until the requirements of Section 260 of the Zoning Code has 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 a beneficiary to said covenants.
- 7) Approval of the Final Plat shall satisfy the requirement for Detail Site Plan approval by the TMAPC unless the entrances to the development will be marked with signs, decorative walls, or landscaped areas. In those cases Detail Site Plan and Detail Landscape Plan approval shall be required by the TMAPC prior to construction of said facilities.

It should be noted that the applicant has submitted standards for dwelling sizes and garage requirements. Staff finds the minimums to be consistent with area development, but does not make them a condition of approval herein.

Applicant's Comments:

Mr. Scott Morgan (815 East 1st Place) stated he was basically in agreement with the Staff recommendation, but the applicant was attempting to dedicate the private streets to the City which would eliminate the need for a homeowners association. He added that, should the applicant stay with private streets, they had no objection to this condition.

Comments & Discussion:

Mr. Frank stated the condition requiring a homeowners association would only be necessary if there were private streets. Mr. Paddock inquired if the decrease in intensity conformed with RS-3, why not just delete the RM-T as underlying zoning and just have RS-3. Mr. Frank stated there was no harm done by the RM-T zoning, and to delete it would require a public hearing process. Mr. Gardner pointed out that, while difficult to see on the map, only a small portion of this development was actually zoned RM-T. Ms. Wilson commented she felt was a well suited development for this particular area, which was adjacent to the Page Belcher Golf Course.

TMAPC ACTION: 8 members present

On **MOTION** of **KEMPE**, the Planning Commission voted **8-0-0** (Draughon, Kempe, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Carnes, Doherty, Rice, Crawford, "absent") to **APPROVE** the **Minor Amendment to PUD 347-1**, as recommended by Staff.

\* \* \* \* \*

**PUD 411-1/Z-5842-SP-1:** NE/c of East 98th Street South & South Memorial Drive

Staff Recommendation: **Minor Amendment of Sign Height & Size, Detail Sign Plan**

The subject tract is 4.2 acres in size and received Detail Site Plan approval for automobile and light truck sales and service by the TMAPC on June 18, 1986. The applicant is now requesting a minor amendment to the conditions of approval of the Detail Site Plan to allow for increased sign height and square footage. The applicant is also requesting Detail Sign Plan approval for this portion of the development.

**MINOR AMENDMENT:** Review of the applicant's plot plan and sign elevation shows one pole sign 27' 6-1/2" in height with a display surface area of 167.88 square feet. Maximum height permitted by the Detail Site Plan is 25 feet and maximum display surface area is 160 square feet. The proposed location of the pole sign, 90 feet from centerline, exceeds the City required 60 feet. Staff finds the request to be minor in nature and consistent with the original site plan approval.

Therefore, Staff recommends **APPROVAL** of the minor amendment of sign height from 25' to 27' 6-1/2" and permitted display surface area from 160 square feet to 167.88 square feet, per applicant's submitted plot plan and elevations.

**DETAIL SIGN PLAN:** The submitted plot plan and pole sign information will be consistent with PUD 411-1 if approved by the TMAPC. The plot plan shows a wall sign, but based on Staff conversation with the applicant, the wall sign is not being considered under this application.

Therefore, Staff recommends **APPROVAL** of the Detail Sign Plan for the pole sign only, subject to the applicant's submitted plot plan and elevation and subject to TMAPC approval of PUD 411-1/Z-5842-SP-1.

TMAPC ACTION: 7 members present

On **MOTION** of **WILSON**, the Planning Commission voted **7-0-0** (Draughon, Kempe, Paddock, Parmele, Selph, VanFossen, Wilson, "aye"; no "nays"; no "abstentions"; (Carnes, Doherty, Rice, Woodard, Crawford, "absent") to **APPROVE** the **Minor Amendment and Detail Sign Plan for PUD 411/Z-5842-SP-1**, as recommended by Staff.

\* \* \* \* \*

**PUD 166-1:** NW/c of South 68th East Avenue and East 95th Street South

**Staff Recommendation: Minor Amendment of the required 20' rear yard to 10'**

The subject tract is located on the interior of a residential single-family subdivision with RS-3 underlying zoning. The lot, as are most of the lots in the subdivision, is larger than the typical 6,900 square foot RS-3 lot. The applicant is requesting a minor amendment to the required 20 foot rear yard to 10 feet to allow for a patio cover. Notice to the abutting property owners of the minor amendment has been given.

The subject tract is a corner lot with a 25' building line on two sides. Review of the applicant's plat of survey shows the location of the proposed structure to be on an existing easement containing telephone and electric cables. Any approval granted by the TMAPC should be contingent upon the appropriate utility company approval. Staff finds the request to be minor in nature and consistent with the original PUD; the requested setback will still require twice the setback that would be permitted if the subject dwelling unit had a side-to-side relationship with the abutting lot and house.

Therefore, Staff recommends **APPROVAL** of the minor amendment to PUD 166-1 to construct an unenclosed patio cover per plat of survey submitted and subject to the appropriate utility company approval regarding the easement.

**Comments & Discussion:**

Mr. VanFossen commented he had a problem with the requirement that the patio remain unenclosed due to future owners possibly not being aware of this condition, and he also felt the condition was overly restrictive. Therefore, Mr. VanFossen moved for approval of the request, deleting the condition that the patio cover remain unenclosed.

**TMAPC ACTION: 8 members present**

On **MOTION** of **VANFOSSEN**, the Planning Commission voted **7-0-1** (Kempe, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; Draughon, "abstaining"; (Carnes, Doherty, Rice, Crawford, "absent") to **APPROVE** the **Minor Amendment to PUD 166-1**, deleting the condition that the patio cover remain unenclosed.

\* \* \* \* \*

**PUD 379-A:** 6800 South Memorial Drive

**Staff Recommendation: Detail Site Plan & Detail Landscape Plan**

PUD 379 is approximately 5.2 acres in size located at 6800 South Memorial Drive and is part of The Village at Woodland Hills, a 33 acre PUD. The applicant is requesting approval of Detail Site Plan and Landscape Plan for Lot 4, Block 2.

Review of the site plan indicates utilization of 9,500 square feet of floor area of the assigned 52,500 square feet. The proposed restaurant, a permitted use, will occupy 3,500 square feet and the proposed retail shops, a permitted use, will occupy 6,000 square feet of the site. The site plan meets the conceptual plan and is well within the approved minimum and maximum requirements. The exterior elevations indicate consistent building materials used on all four sides of the building. The service area is screened from public view. Therefore, Staff recommends **APPROVAL** of the Detail Site Plan for Lot 4, Block 2.

The Detail Landscape Plan is consistent with the conceptual landscape plan in terms of quantity, location and type of plant materials. Therefore, Staff recommends **APPROVAL** of the Detail Landscape Plan for Lot 4, Block 2.

**TMAPC ACTION: 8 members present**

On **MOTION** of **WILSON**, the Planning Commission voted **8-0-0** (Draughon, Kempe, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Carnes, Doherty, Rice, Crawford, "absent") to **APPROVE** the **Detail Site Plan and Detail Landscape Plan for PUD 379-A**, as recommended by Staff.

There being no further business, the Chairman declared the meeting adjourned at 2:43 p.m.

Date Approved 5-20-87  
[Signature]  
Chairman

ATTEST: [Signature]  
Secretary