

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1693
Wednesday, **April 20, 1988**, 1:30 p.m.
City Commission Room, Plaza Level, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, April 19, 1988 at 10:35 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Kempe called the meeting to order at 1:35 p.m.

MINUTES:

Approval of Minutes of April 6, 1988, Meeting #1691:

On **MOTION** of **WOODARD**, the TMAPC voted **8-0-0** (Coutant, Doherty, Draughon, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Crawford, Harris, "absent") to **APPROVE** the **Minutes of April 6, 1988, Meeting #1691**.

REPORTS:

Committee Reports:

Mr. Paddock advised the **Rules & Regulations Committee (R&R)** had met this date to consider amendments to the TMAPC Rules of Procedures to incorporate the Budget & Work Program Committee (BWP) as a standing Committee of the TMAPC, and had voted unanimously for this recommendation; therefore, he moved for approval. In reply to Mr. Draughon, Mr. Paddock confirmed the TMAPC Chairman would appoint additional members to the BWP, in accordance with the Rules of Procedure. Ms. Wilson spoke in support of motion.

On **MOTION** of **PADDOCK**, the TMAPC voted **7-0-1** (Coutant, Draughon, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; Doherty, "abstaining"; Carnes, Crawford, Harris, "absent") to **APPROVE** the Amendments to the TMAPC Rules of Procedure as relates to the Budget & Work Program Committee.

REPORTS: Committee - Cont'd

Mr. Paddock also advised the R&R had scheduled a meeting for Wednesday, April 27th, to start a number of work sessions on the proposed Zoning Code amendments relating to manufactured housing.

Chairman Kempe appointed the Chairman of Rules & Regulations Committee (Mr. Paddock) and the Chairman of the Comprehensive Plan Committee (Mr. Carnes) to the **Budget & Work Program Committee**, thereby giving the BWP a total of five members. Mr. Parmele, Chairman of the BWP, announced a work session had been scheduled for Wednesday, May 4th, upon adjournment of the regular TMAPC meeting. He suggested inviting the Chairmen of the City and County Boards of Adjustment to this work session, as well as the other members of the TMAPC.

Director's Report:

Mr. Jerry Lasker, INCOG, stated a packet of information with a breakdown of the budget and work program would be mailed to the full Commission, and he reiterated Mr. Parmele's comments encouraging the TMAPC members to come prepared to add to the work program on issues they feel the TMAPC should be addressing. Mr. Lasker commented that position papers on the Goals for Tomorrow Program had also been mailed out. He suggested a briefing by the Staff at the Commission's convenience, sometime before the May 11th Citizen's Congress. After discussion, Chairman Kempe suggested Staff place this item on next week's agenda. In reply to Mr. Draughon, Mr. Lasker clarified that INCOG has been the staff for the TMAPC since the 1980 merger of INCOG and TMAPC; prior to 1980, the TMAPC had their own staff.

SUBDIVISIONS:

PRELIMINARY PLAT APPROVAL:

Owasso Assembly of God (2114)

S of the SE/c of East 96th Street North and
North 129th East Avenue (AG)

Staff records show that this tract was approved for church use by County Board of Adjustment Case #207 on 6/18/82. Since special exceptions are void after three years if no building permit is issued, this application has expired. A new application will need to be made to the County Board of Adjustment, including copies of the proposed plot plan. Staff has no objection to review of the plat submitted, but final plat will not be released until the Board of Adjustment has approved the new application.

The Staff presented the plat to the TAC with the applicant represented by Jerry Ledford.

Owasso Assembly of God - Cont'd

The TAC voted unanimously to recommend **approval** of the PRELIMINARY plat of Owasso Assembly of God, subject to the following conditions:

1. Final plat shall not be released until County Board of Adjustment approves the use. Any conditions imposed by the County Board of Adjustment applicable to the plat shall be included as required.
2. Since this plat is to be sewered in conjunction with extensions for the Episcopal Church to the south, review is based upon sewer service. Sewer plans shall be approved by the City of Owasso and/or the City-County Health Department in accordance with the standard procedures. Release letter is required from the City of Owasso.
3. Water plans shall be approved by the City of Owasso prior to release of final plat.
4. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. (Show ONG easement as directed.)
5. Paving and drainage plans shall be approved by the County Engineer, including storm drainage and detention design (and other permits where applicable), subject to criteria approved by the County Commission.
6. A plot plan will be required for County Board of Adjustment approval, and should show access points. Access points shall be shown on the plat as recommended by the County Engineer.
7. Covenants:
 - (a) Section II-B should be specific and with references to the County Engineer.
 - (b) Include the following paragraph in Section II, titled "Landscaping: THE OWNER SHALL BE RESPONSIBLE FOR THE REPAIR AND REPLACEMENT OF ANY LANDSCAPING AND PAVING LOCATED WITHIN THE UTILITY EASEMENTS IN THE EVENT IT IS NECESSARY TO REPAIR ANY UNDERGROUND WATER OR SEWER MAINS, ELECTRIC, NATURAL GAS, COMMUNICATIONS OR TELEPHONE SERVICE."
 - (c) Section III-A should be rewritten to refer to the utilities in Section I and II, with references to the proper agencies. (County Engineer, City of Owasso, TMAPC, etc.)
8. It is recommended that the developer coordinate with County 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.)
9. Street lighting in this Subdivision shall be subject to the approval of the County Engineer and adopted policies as specified in Appendix C of the Subdivision Regulations.
10. 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.

Owasso Assembly of God - Cont'd

11. The method of sewage disposal and plans therefore, shall be approved by the City-County Health Department. Percolation tests required prior to preliminary approval. *
12. 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.
13. The method of water supply and plans therefore, shall be approved by City-County Health Department.
14. The key or location map shall be complete. Show Owasso City Limits.
15. 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.
16. This plat has been referred to Owasso because of its location near or inside a "fence line" of that municipality. Additional requirements may be made by the applicable municipality. Otherwise only the conditions listed apply.
17. 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.
18. All (other) Subdivision Regulations shall be met prior to release of final plat.

* Plat to be served by sanitary sewer. Conditions 11, 12 and 13 only apply if not connected to sewer

Comments & Discussion:

Mr. Wilmoth reviewed the above conditions of the TAC minutes and the site plan. In reply to Mr. Doherty, he clarified this was a nine acre tract and the entire property was intended for church use.

TMAPC ACTION: 8 members present

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-0** (Coutant, Doherty, Draughton, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Crawford, Harris, "absent") to **APPROVE** the **Preliminary Plat for Owasso Assembly of God**, subject to the conditions as recommended by the TAC and Staff.

All Saints Anglican Church (2183) S/side of E. 91st, W of S. Quebec Ave. (AG)

The Staff presented the plat to the TAC with the applicant represented by Ted Sack.

The TAC voted unanimously to recommend **approval** of the PRELIMINARY plat of All Saints Anglican Church, 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. (Show 17.5' perimeter easements, if needed, as per utilities.)
2. 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).

Note: In connection with #2 above, Paragraphs 1.1.4, 1.2.3, and 1.3.5. in the covenants could be combined into one separate paragraph as follows: "THE OWNER SHALL BE RESPONSIBLE FOR THE REPAIR AND REPLACEMENT OF ANY LANDSCAPING AND PAVING LOCATED WITHIN THE UTILITY EASEMENTS IN THE EVENT IT IS NECESSARY TO REPAIR ANY UNDERGROUND WATER OR SEWER MAINS, ELECTRIC, NATURAL GAS, COMMUNICATIONS OR TELEPHONE SERVICE."

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/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. (Option for fee in lieu as per letter dated 3/25/88.)
5. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer (if required).
6. Limits of Access or (LNA) as applicable shall be shown on the plat as approved by City Traffic Engineer, including approval of sight distances and relationship to the school driveway.
7. 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.
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.

All Saints Anglican Church - Cont'd

9. 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.
10. All (other) Subdivision Regulations shall be met prior to release of final plat.

TMAPC ACTION: 8 members present

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-0** (Coutant, Doherty, Draughon, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Crawford, Harris, "absent") to **APPROVE** the **Preliminary Plat for All Saints Anglican Church**, subject to the conditions as recommended by the TAC and Staff.

EXTENSION OF APPROVAL:

South Point (3483) East 115th & South Hudson Avenue (RS-2)

Staff advised this was the first extension after reinstatement 4/15/87, and a one year extension was recommended.

TMAPC ACTION: 8 members present

On **MOTION** of **PARMELE**, the TMAPC voted **8-0-0** (Coutant, Doherty, Draughon, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Crawford, Harris, "absent") to **APPROVE** the **One Year Extension for South Point**, as recommended by Staff.

REQUEST FOR WAIVER (Section 260):

Z-5224 Kendall View (493) SW/c of East 4th Place & South Yale (OL)

This is a request to waive plat on Lot 1 and the north 95.7' of Lot 2, Block 1, of the above platted subdivision. The property was platted in the 1920's and only provided 25' of right-of-way on both Yale and 4th Place. Present Street Plan requirements are 60' of right-of-way on Yale (from centerline) and 30' of right-of-way on East 4th Place (from centerline). The property contains a convenience store, although it is zoned OL (office), and has contained a service station/store prior to zoning requirements. The plat requirement on this tract was because of zoning application Z-5224 approved by the City Commission on 3/23/79, Ordinance #14402.

Z-5224 Kendall View - Cont'd

In addition to approving the OL zoning, the BOA has approved variances and/or exceptions permitting removal of the existing building and replacement with a more up-to-date structure, modifications of the screening, variance of the setback from an R District from 10' to 5'; variance of the setbacks from centerline of Yale from 110' to 87.8' and from centerline of 4th Place from 55' to 52' and a variance of the sign requirements (Case #10433, 4/26/79). More recently, the BOA approved a variance of the setback for a new canopy from 60' from centerline of Yale to 30' (Case #14656, 11/5/87). Since all the improvements are in place on the lot, and have been allowed through the variances and exceptions by the Board, the applicant is requesting waiver of the plat requirement under the zoning application approved 3/23/79. Although permits had been granted for various remodeling, etc., no request had ever been made to waive the plat requirement. The applicant is also requesting waiver of the dedication requirements of the Major Street Plan, inasmuch as existing improvements including the canopy, pump islands, and underground storage tanks are all within the Major Street Plan setback, but have been allowed by previous actions of the City and/or Board of Adjustment.

Consistent with previous recommendations on other applications related to waiver of the Street Plan requirements, the TAC would not recommend waiver of the Plan, noting the applicant would be requesting the Planning Commission to grant the waiver.

The Traffic Engineering Department recommended that an additional 5' of right-of-way be dedicated on 4th Place, with a 30' property line radius at the corner. City Engineering recommended a full dedication on South Yale as it is not their policy to support waiver of Major Street Plan.

Water and Sewer Department advised there is a sewer line across the tract, and the location should be verified. Provide easement if not already of record.

The applicant was represented by Roy Johnsen who reviewed the past history of the tract, including recent Board of Adjustment approvals. He would be asking the Planning Commission for waiver of the Street Plan requirements, since facilities have already been allowed to encroach by the Board of Adjustment.

The TAC voted unanimously to recommend **approval** of the waiver of plat on Z-5224 except for the comments regarding the Street Plan waiver, including, the following:

1. Dedication of 5' of right-of-way on East 4th Place, with a 30' property line radius;
2. Full dedication on South Yale to meet Major Street Plan requirement of 60' from centerline;
3. Utility easement for existing sewer if not already of record.

Comments & Discussion:

Mr. Roy Johnsen, representing the applicant, reiterated the information provided at the TAC meeting as to the zoning and BOA history of this tract over the past 30 years. Mr. Johnsen commented that the TAC had made their "normal academic recommendation" in regard to waiver of the Major Street and Highway Plan for dedication of right-of-way. Mr. Johnsen pointed out that the right-of-way, both north and south on Yale, had a dedication of 50' total, thereby establishing a precedent since the structures were built prior to the current ordinance requirements. He added that the applicant's building was not in any proposed right-of-way as it was located 90' from the centerline.

Mr. Parmele obtained confirmation that none of the adjoining properties had 60' dedication. Mr. Paddock pointed out that this case was a good example of the number of instances in the City where the Major Street and Highway Plan street designations were not consistent with the acquired right-of-way, and he felt the designations in this area along Yale were totally unrealistic.

In reply to Mr. Doherty, Mr. Johnsen explained that no structure was proposed to cross the 60' dedication line; however, the canopy and the gas pumps did cross the line, and have been in place for the last 20 years. Mr. Doherty concurred that it would be unrealistic to require the applicant to dedicate extra right-of-way when it has not been required on abutting properties. Mr. Johnsen explained that, should the City require the 60' right-of-way, the applicant would have to remove the canopy and gas pumps in this area and would not even be able to use it for parking. In response to Mr. Doherty, Mr. Johnsen confirmed he was objecting to conditions 1 and 2 of the TAC recommendation. Mr. Parmele moved for approval of the waiver request, subject only to condition #3 of the TAC recommendation.

TMAPC ACTION: 8 members present

On **MOTION** of **PARMELE**, the TMAPC voted **8-0-0** (Coutant, Doherty, Draughon, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Crawford, Harris, "absent") to **APPROVE** the **Waiver Request for Z-5224 Kendall**, subject only to the utility easement for existing sewer, if not already of record.

LOT SPLITS FOR WAIVER:

L-17012 Federal National Mortgage (493)

East of the NE/c of 7th Street
and Harvard Avenue (RS-3)

This is a request to split two 50' wide lots into a 60' and a 40' lot in order to provide separate ownership of the two existing houses. The resulting lots will contain 6,475 sq. ft. in the 60' lot, and 5,525 sq. ft. in the 40' lot. It should also be noted that this is far below the 6,900 sq. ft. required by an RS-3 District. However, in this particular area ALL the lots have been platted along the south side of 7th Street (across from this split) as 50' x 90' lots containing 4,500 sq. ft. each. Therefore, since the lots being created by this split do not create any more density and exceed the area of the lots across the street, Staff recommended approval, subject to the following:

1. Approval of the City Board of Adjustment to permit the square footages and lot widths as applied for.
2. An additional 5' of right-of-way on 7th Street to meet the minimum 50' required by the Street Plan. (Deducting the square footage of the right-of-way will still leave the lots with more area than the platted lots across the street.)
3. Additional easements including Water and Sewer Department request for a 5' utility easement along the west side and 11' along the north side.

(Not a condition of approval, but ONG recommended verifying location of service lines to each house to make sure service line is on the lot it serves.)

The TAC voted unanimously to recommend **approval** of the L-17012 subject to the conditions recommended by TAC and Staff.

Comments & Discussion:

In reply to Mr. Paddock, Mr. Wilmoth advised that most of these lots were platted long before 1970 and met the requirements at that time. Based on an inquiry by Mr. Doherty, discussion followed as to this area possibly being within the Tulsa University Special District, and the width of the open space buffer, east of Harvard, in this general area.

TMAPC ACTION: 8 members present

On **MOTION** of **PADDOCK**, the TMAPC voted **7-1-0** (Coutant, Draughon, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; Doherty, "nay"; no "abstentions"; Carnes, Crawford, Harris, "absent") to **APPROVE L-17012 Federal National Mortgage Association**, subject to the conditions as recommended by the TAC and Staff.

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L-17015 Morgan (1793)

2450 East 24th Street

(RS-2)

This is a request to split a 200' x 210' tract into four separate lots. While all the proposed lots exceed the minimum lot area required in the RS-2 District, the north three lots are below the minimum land area requirements and only the south lot has frontage on a dedicated street (24th Street). This lot split will require several variances from the City Board of Adjustment, including land area, lot width, and frontage.

The Staff advised that this approval would be subject to the following conditions:

1. Approval from the Water and Sewer Department for extension of water and sewer lines (6" water line required).
2. Any additional utility easements that may be required for the extensions.
3. That a mutual access and utility easement be filed of record at the Courthouse and a copy of that document kept in the lot split file.
4. Approval from the City Board of Adjustment for Case #14801 on 4/21/88.

Staff advised also that should the applicant reduce the total proposed lots to three instead of four, he probably could meet all of the zoning requirements except one, that being the frontage requirement. If a redesign is submitted, the TAC may want to look at it prior to submission to the Planning Commission.

Traffic Engineering recommended a dedicated turn-a-round, which would make a redesign necessary. A drainage plan will be required by Stormwater Management.

Since the applicant was not represented, and the recommended changes will require a redesign, the TAC felt this item should be tabled until the developer can study the recommendation and make the necessary changes.

Mr. H. Dickson was present as a neighbor and interested party.

The TAC voted unanimously to **TABLE** L-17015, pending design changes as recommended.

Comments & Discussion:

Mr. Wilmoth recommended the TMAPC continue this two weeks, based on the TAC's vote to table their hearing pending the design changes.

TMAPC ACTION: 8 members present

On **MOTION** of **PARMELE**, the TMAPC voted **8-0-0** (Coutant, Doherty, Draughon, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Crawford, Harris, "absent") to **CONTINUE Consideration of L-17015 Morgan, et al** until Wednesday, **May 4, 1988** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

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L-17018 Preaus (3293)

East of the NE/c of East 55th Place and
South Atlanta Place (RS-2)

This is a request to split a 117' x 330' tract into two separate lots. The proposed split will make the south lot 155' x 102' and the north lot is to be 117' x 150' with a 15' x 155' handle down the west side of the lot out to 55th Place for access to both the road and utilities. This lot split will require a variance of the frontage requirement in the residential district from 30' to 15' from the Board of Adjustment.

The Staff recommended that this lot split be subject to the following conditions:

1. Approval from the Water and Sewer Department, including an 11' utility easement across the front.
2. The south 25' of the subject tract be dedicated, if not already done, to the City of Tulsa for road right-of-way. (Verify right-of-way width.)
3. Drainage plan approval required through the permit process.
4. Approval from the City Board of Adjustment for case #14800 on 4/21/88.
5. That a mutual access and utility easement that covers the west 30' of the south 155' of the subject tract be filed of record and a copy of that instrument kept in the lot split file.

The TAC voted unanimously to recommend **approval** of L-17018, subject to the conditions as outlined by Staff and TAC.

TMAPC ACTION: 8 members present

On **MOTION** of **PARMELE**, the TMAPC voted **8-0-0** (Coutant, Doherty, Draughon, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Crawford, Harris, "absent") to **APPROVE L-17018 Preaus**, subject to the conditions as recommended by the TAC and Staff.

LOT SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-16563-A (1293)	Lloyd	L-17025 (3413)	Mansur
L-17022 (3503)	Tipton	L-17026 (1293)	Cook
L-17023 (794)	Carney	L-17027 (2092)	Patterson
L-17024 (1083)	Brown-Crews	L-17028 (3194)	Ford

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-0** (Coutant, Doherty, Draughon, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Crawford, Harris, "absent") to **APPROVE** the Above Listed Lots Splits for Ratification of Prior Approval, as recommended by Staff.

CONTINUED ZONING PUBLIC HEARING:

Z-6180 Jones SE/c of the proposed Riverside Pkwy & East 91st St. (OL to CS)

Z-6178 & PUD 306-B Jones (Grupe Development) NE/c & SE/c of East 95th Street
and South Delaware (RS-3 to CS)

Z-6185 Norman (Elson Oil Co.) NW/c of South Delaware & East 95th Street
(Jenks Bridge) AG to CS

On **MOTION** of **PARMELE**, the TMAPC voted **8-0-0** (Coutant, Doherty, Draughon, Kempe, Parmele, Paddock, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Crawford, Harris, "absent") to **CONTINUE Consideration of the Above Listed Zoning/PUD Applications** until Wednesday, **May 4, 1988** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

ZONING PUBLIC HEARING:

Application No.: **Z-6195** Present Zoning: RS-3
Applicant: **Johnsen (Tulsa Heart Center)** Proposed Zoning: P
Location: East of the SE/c and NE/c of East 14th Place and South Utica Avenue
Date of Hearing: April 20, 1988
Presentation to TMAPC by: Mr. Roy Johnsen, 324 Main Mall (585-5641)

Relationship to the Comprehensive Plan:

The District 6 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity - Residential, Area D.

According to the Zoning Matrix the requested P District may be found in accordance with the Plan Map.

Staff Recommendation:

Site Analysis: The subject tract is approximately .14 acres in size and is located east of the southeast and northeast corners of East 14th Place South and South Utica Avenue. It is nonwooded, flat, is part of two residential single-family lots, and is zoned RS-3.

Surrounding Area Analysis: The subject property is located east of the southeast corner and northeast corner of East 14th Place South and South Utica Avenue. It is abutted to the north by a single-family dwelling zoned RS-3; to the south by an office building zoned OL; to the west by an office building zoned OL, CS and proposed PUD 437/Z-6193; to the east by single-family dwellings zoned RS-3.

Zoning and BOA Historical Summary: At the previous hearing for the subject development, the TMAPC recommended approval of OL zoning per PUD 437 on the west 25' of property abutting the subject tract to the west, being part of PUD 437, and supported "P" Parking on the subject tracts to act as a buffer and barrier between the residential and non-residential zonings. (The notice requirement was not broad enough to consider the "P" designation at the last hearing.)

Conclusion: Staff supports the requested rezoning and would note that the rezoning would serve as the necessary buffer against further non-residential zoning into the single-family neighborhood. PUD 437 controls will further protect the residential neighborhood which abuts the subject tracts on the east.

Therefore, Staff recommends **APPROVAL** of the requested "P" Parking rezoning for Z-6195.

Comments & Discussion:

In reply to Chairman Kempe, the applicant stated agreement with the Staff recommendation.

TMAPC ACTION: 8 members present

On **MOTION** of **WILSON**, the TMAPC voted **7-0-1** (Coutant, Doherty, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; Draughon, "abstaining"; Carnes, Crawford, Harris, "absent") to **APPROVE Z-6195 Johnsen (Tulsa Heart Center)**, as recommended by Staff.

Legal Description:

East 25' of Lot 8, Block 3, and the east 25' of Lot 24, Block 2, a Subdivision of Part of Block 5, TERRACE DRIVE ADDITION to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

* * * * *

Application No.: **Z-4789-SP-1 (Corridor Site Plan)** Present Zoning: CO
Applicant: **Donelson** Proposed Zoning: Unchanged
Location: South of the SW/c of East 71st Street and South Garnett Road
Date of Hearing: April 20, 1988
Presentation to TMAPC by: Mr. Joe Donelson, c/o 3601 East 51st (747-9617)

Staff Recommendation: **Z-4789-SP-1**

The subject tract is zoned CO Corridor and is a portion of an 80 acre tract located south of the southwest corner of East 71st Street and South Garnett Road. The west 10 acres has been sold for right-of-way for the Mingo Valley Expressway, and the 10 acres at the northeast corner (abutting Garnett) has been transferred to the City of Tulsa for a stormwater detention facility. The remaining 60.6 acres is being platted into 257 lots for a single-family residential subdivision to be named Southbrook V. Access to the subdivision will be from Garnett via East 75th Place and East 76th Street. The tract to the south of the proposed addition is being developed for the Union Intermediate High School complex.

The applicant is requesting that the building setback line on certain corner lots be not more than 15' where the lots would establish a back-to-back relationship and also an 80' setback from the centerline of Garnett Road. Staff is supportive of the proposed 15' side yard setback on corner lots per the submitted Corridor Site Plan; provided that if the garage fronts that side, a 20' minimum setback be required. The applicant has been advised that the 80' setback from the centerline of Garnett Road would require approval from the Board of Adjustment. An 85' setback would be required from the centerline of Garnett by the Major Street and Highway Plan. As proposed, the Corridor Site Plan for Southbrook V would meet all other bulk and area requirements for the RS-3 District.

Staff review of the proposed Corridor Site Plan for Southbrook V finds that it is:

- 1) Consistent with the Comprehensive Plan;
- 2) In harmony with the existing and expected development of surrounding areas;
- 3) A unified treatment of the development possibilities of the site;
- 4) Inclusive of provisions for proper accessibility, circulation, and functional relationships of uses; and
- 5) Consistent with the stated purposes and standards of the CO Corridor Chapter of the City of Tulsa Zoning Code.

Therefore, Staff recommends **APPROVAL** of Z-4789-SP-1 Corridor Site Plan for the Southbrook V Addition subject to the following conditions:

- 1) That the submitted Corridor Site Plan and Text be made a condition of approval, unless modified herein.

Southbrook V (Corridor Site Plan) - Cont'd

2) Development Standards:

Land Area (Net): 60.5585 acres
Permitted Uses: Principal and accessory uses as permitted by right in an RS-3 District.
Maximum Number of Units: 257
Minimum Building Setbacks: Minimum building setbacks shall be as shown on the Corridor Site Plan, except that as shown on certain corner lots, a 15' side yard (setback) is permitted; provided however, that if the garage fronts that side, a 20' minimum setback is required. The house shall face the 25' building setback line. All other Bulk and Area requirements shall be as required in the RS-3 District except as provided above.

- 3) Subject to TMAPC review and approval of conditions, as recommended by the Technical Advisory Committee.
- 4) That no Building Permit shall be issued until the requirements of Section 850.5 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 CO Corridor conditions of approval, making the City of Tulsa beneficiary to said Covenants.
- 5) The following language be conspicuously printed on the face of the plat:
"NOTICE: A freeway is shown on the Tulsa City-County Major Street and Highway Plan as passing through or adjacent to property in this subdivision. Information as to the status of this planned freeway may be obtained from the Tulsa Metropolitan Area Planning Commission."

NOTE: The TAC review of the Preliminary Plat for Southbrook V was presented in conjunction with the Corridor Site Plan for Z-4789-SP-1, as follows:

This plat has a sketch plat approval by TAC on 12/10/87 subject to a number of conditions. As of 3/7/88 a Corridor District Site Plan had not been filed for processing. Staff had no objection to TAC review of the plat, but it should not be forwarded to the Planning Commission until site plan review is scheduled, as the plat will serve as the "site plan." A copy of the previous TAC review, with Staff comments in the margin was provided for the TAC.

The Staff presented the plat with the applicant represented by Mr. Jones, developer, Chick Lansford and Joe Donelson, engineers.

Southbrook V (Preliminary Plat) - Cont'd

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

- 1) Building lines: The applicant proposes 25' building lines. Staff further proposes that corner lots may have 15' building lines as long as there is no conflict with adjacent lots, and the buildings must face a 25' building line. Building lines along Garnett should be 35' in compliance with the zoning code, unless modified by Corridor Site Plan Review (requesting 30').
- 2) All conditions of CO District 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.
- 3) 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. A 17.5' utility easement also requested parallel to Garnett (increase existing 10' to 17.5').
- 4) 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.
- 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.
- 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. (Also subject to review of County Engineer since they maintain Garnett.)
- 8) A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer.
- 9) Street names shall be approved by City Engineer and shown on plat.
- 10) Covenants have the basic information, but would be more uniform with other CO and PUD's if they were divided into three sections, such as:
Section I Easement/Utility Dedications, Access Limitations and Storm Drainage;
Section II Corridor District references;
Section III Private Deed Restrictions.
Also add this to Section I: "THE OWNER SHALL BE RESPONSIBLE FOR THE REPAIR AND REPLACEMENT OF ANY LANDSCAPING AND PAVING LOCATED WITHIN THE UTILITY EASEMENTS IN THE EVENT IT IS NECESSARY TO REPAIR ANY UNDERGROUND WATER OR SEWER MAINS, ELECTRIC, NATURAL GAS, COMMUNICATIONS OR TELEPHONE SERVICE."

Southbrook V (Preliminary Plat) - Cont'd

- 11) Final plat shall not be released until "site plan" approval has been made by TMAPC and the City Commission.
- 12) Check with PSO regarding additional easements and/or changes along the KAMO right-of-way.
- 13) 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.
- 14) All (other) Subdivision Regulations shall be met prior to release of final plat.

Comments & Discussion:

In response to Mr. Parmele, Mr. Joe Donelson reviewed the developer's proposed detention for this project. Mr. Donelson confirmed his agreement to the listed conditions of the Staff recommendation and the TAC conditions for the Preliminary Plat.

TMAPC ACTION: 8 members present

On **MOTION** of **PARMELE**, the TMAPC voted **8-0-0** (Coutant, Doherty, Draughon, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Crawford, Harris, "absent") to **APPROVE** the **Preliminary Plat for Southbrook V Addition and the Corridor Site Plan for Z-4789-SP-1 Donelson**, subject to the conditions as recommended by the TAC and Staff.

Legal Description:

Z-4789-SP-1: A tract of land situated in the S/2 of the NE/4 of Section 7, T-18-N, R-14-E, Tulsa County, Oklahoma according to the US Government Survey thereof and being more particularly described as follows, to-wit: Beginning at the SE corner of said S/2 of the NE/4; thence N 89°40'54" W and along the south line for 2,319.87' to a point, 318.72' east from the SW corner; thence N 0°07'42" W for 1,322.08' to a point on the north line, said point being 311.94' S 89°43'32" E from the NW corner thereof; thence S 89°43'32" E and along the north line for 1,761.69' to a point 564.98' west from the NE corner thereof; thence S 0°19'06" W for 769.39'; thence S 89°40'54" E for 567.02' to a point on the east line; thence S 0°10'00" W and along the east line for 554.00' to the POB and containing 60.5585 acres, more or less.

PUBLIC HEARING:

**TO AMEND THE TULSA METROPOLITAN AREA
SUBDIVISION REGULATIONS AS RELATES
TO SEWAGE DISPOSAL AND WATER SUPPLY**

Chairman Kempe reviewed the agenda posting the public hearing for the amendments to the Subdivision Regulations also listed the following:

- Specific requirements for utilization of individual septic tank sewage disposal systems for subdivisions;
- Provisions for internal sanitary sewer collection systems, including use of individual septic systems until public sanitary sewer system is available;
- Use of central treatment plant on a temporary basis;
- Amendments to the language relating to lot splits utilizing individual septic systems;
- Amendments to Appendix A to provide language in restrictive covenants relating to subdivisions utilizing individual septic systems;
- Discussion and/or recommendation on Ordinance changes relating to hook-up to sanitary sewer system; and
- Discussion of the status of plats in process relating to the effective date of the proposed changes.

Mr. Murrell Wilmoth presented and reviewed a chronological summary of events and/or meetings with the INCOG Staff, Rules & Regulations Committee, various City agencies, developers, etc. regarding the septic systems study which began in July 1986. Mr. Wilmoth presented, for the record, a packet of information which included:

1. A list of subdivisions plats processed in the study area, plus others in the City of Tulsa on septic systems, and advised of the dates of receipt of these plats.
2. A letter in support of the new subdivision regulations from the Tulsa City-County Health Department (dated 4/19/88).
3. A letter from the Tulsa City-County Health Department as to their position against support of a grandfather clause (dated 4/19/88).
4. A letter in support of the amendments from the Water & Sewer Department to the Utility Board (dated 3/2/87).
5. A copy of the Health Department's 8/26/86 correspondence to TMAPC/INCOG setting forth basic recommendations for residential subdivisions.

Staff Recommendation: Septic Systems Study & Subdivision Regulations

As a result of numerous work sessions, the Staff has prepared a draft of proposed changes in the Subdivision Regulations relating to development of subdivisions utilizing individual septic systems on each lot. A draft copy has been circulated to numerous agencies and/or departments for review and comment. This draft has been developed by joint cooperation with the Staffs of the TMAPC, Tulsa City-County Health Department (Health Dept.) and the Water & Sewer Department (W/S Dept.), legal counsels for the Health Dept. and TMAPC, together with input from the private sector, including developers, builders and engineers.

PUBLIC HEARING: Subdivision Regulations - Cont'd

All interested parties have been asked to advise the Staff in writing, and preferably in advance of the meetings, if they have any suggested changes. The Rules & Regulations Committee (R&R) met on March 23, 1988 and no new information and/or comments were presented at that time. There was some discussion regarding three plats working in the study area and how they would be processed regarding sewer and/or septic systems. It is the Staff's understanding that one of those plats will be connected to the sewer system, another could go either way, and the third plat may expire (again) soon if not renewed. There was also some discussion regarding the language in the Ordinance amendments. This may be clarified prior to or at the public hearing on April 20th.

The Staff notes that, in the period of time this study has been in progress, several developments have proceeded and have been approved through the platting process, using the criteria being set up by the proposed amendments to the Subdivision Regulations. Through the procedures used in processing those plats during the study, we have made several "trial runs", so the amendments being proposed have already been tested. Some developments have worked with the W/S Dept. and the Health Dept., and have been able to obtain sanitary sewer when it could be made available. Options such as lift stations and/or force mains are subject to review and approval of the W/S Dept under current policies administered by that department. The Staff encourages developers to continue to work with the W/S Dept. and Health Dept. as has been done during this interim period. Staff feels that the present proposal represents a great deal of work from all concerned, and that the proposal is fair and equitable.

Therefore, Staff recommends APPROVAL of the amendments to the Subdivision Regulations as submitted and reviewed.

Mr. Wilmoth also submitted and reviewed a SUMMARY OF AMENDMENTS TO THE SUBDIVISION REGULATIONS:

- A. Subdivisions In the Unincorporated Areas of Tulsa County: No changes in procedures. Subdivisions still to be allowed with septic systems. Language has been revised and clarified.
- B. Subdivisions within the Corporate Limits of the City of Tulsa: Provides that each subdivision connect to a sanitary sewer system. Where public sewer is not available, two options are available:
 1. A temporary treatment plant; or
 2. Development initially on septic systems, with the developer being required to install a sewer collection system in the subdivision, with provisions to disconnect septic systems and tie into the public sewer when it is available.

NOTE: Other options such as lift stations and/or force mains are subject to review and approval of the W/S Dept. under current policies administered by that department.

(A waiver process is built into the Regulations at the present time and no changes are made in that section. Some parties were concerned about this, so Staff mentions this for information purposes.)

PUBLIC HEARING: Subdivision Regulations - Cont'd

- C. Lot Splits: Basically unchanged. Language consolidated and simplified.
- D. Appendix A to the Subdivision Regulations: Much of the present information in Appendix A has been moved to the body of the Subdivision Regulations. The Appendix will contain sample language and other information to be required on each plat.
- E. City Ordinances: Two sections added regarding construction over lateral lines and require hook-up to public sanitary sewer system. (This is a City Commission function, and not part of the actual Subdivision Regulations, but does relate to TMAPC action on this Study.)

Comments & Discussion:

Mr. Doherty complimented Staff for the number of hours put into this project. Mr. Paddock concurred and acknowledged the input provided by other City and County agencies for a job well done.

Mr. John Wheat (5238 South Marion Avenue) stated concerns as to the newspaper's reference to this being a "compromise", and what effect this would have on the environment as to ground water in south Tulsa. Staff clarified these amendments to the Subdivision Regulations would apply to all areas within the corporate limits of the City of Tulsa. In regard to a concern raised by Mr. Wheat as to minimum lot sizes, Mr. Wilmoth advised the lot sizes listed in the Regulations were based on State standards, and there were no changes proposed to minimum lot sizes.

Mr. Sid Smart, Tulsa City-County Health Department, commented that the proposed amendments were, in a sense, a compromise, as the Health Dept. had originally proposed that no septic be allowed in the study area, but that could bring development to a standstill. He added that the Health Dept. realized there would be an approximate three year interim period before the main sewer collection system was in place in south Tulsa. Mr. Smart pointed out there were septic system problems in some subdivisions that would not be able to be solved until such time that sanitary sewer was built. Therefore, if the Health Dept. had to make somewhat of a compromise to get this moving, their ultimate aim was to get all of this area sewerred.

Mr. Monte Hannon, Water & Sewer Department, in regard to questions regarding the bond funds, advised these funds have been temporarily held up due to a pending lawsuit; however, the W/S Dept. was proceeding with the engineering design on the southeast interceptor utilizing enterprise sewer funds. In response to Mr. Wheat, Mr. Hannon clarified that the bond issue included funds to install sewers into the subdivisions, and established a revolving fund where the property owners would reimburse that fund as they connected to the sewer.

PUBLIC HEARING: Subdivision Regulations - Cont'd

In regard to further questions on the bond issue lawsuit, Mr. Russell Linker advised this lawsuit was still pending, and the City Legal Department felt optimistic about the outcome. He commented that, should the lawsuit be successful, then it would invalidate the bond election; however, it was Legal's opinion that there was a slim chance of this occurring.

Staff, Health Dept. and W/S Dept. representatives answered general questions raised by Mr. Wheat, who admitted he had just recently become aware of this study.

Mr. E.O. Sumner (8173 East 31st Place), representing the developers of Barrington Woods and Barrington Place Additions, requested that these amendments not affect plats that have previously been heard by the TMAPC. Mr. Sumner reviewed the plat of Barrington Woods, and advised they had received approval for their septic tank system from the Health Dept., subject to certain conditions. Mr. Sumner also submitted the sketch plat for Barrington Place, and reviewed the sanitary sewer provision which established payment by the lot owners should the City extend the collection line of a public sanitary sewerage system to Barrington Place. Mr. Sumner pointed out another development of theirs in the area called Forest Park South 2nd, which would have a sanitary sewer. He commented that he felt if the same restrictions that were placed on Barrington Place were also placed on Barrington Woods, then the City of Tulsa would be protected should a sanitary sewer ever be installed in the area. Mr. Sumner pointed out that their plat provided easements and the sanitary sewer provision stating the costs would be passed on to the lot owners; two benefits not offered by some of the south Tulsa subdivisions in this septic study.

Mr. Linker commented that a practical problem could exist in that, once the septic systems were in place in these subdivisions, it was very unlikely that the subdivisions would ever be torn up and disrupted for installation of a sewer line. Additionally, the provision would give the City the right to foreclose on property owners, which he did not feel would be politically feasible or acceptable by the City Commissioners.

Mr. Roy Hinkle (1515 East 71st Street) stated he was not objecting to the proposed amendments, but he did have concerns with an addition that he had under way prior to the time (Barrington Woods) which he felt should be grandfathered in. He added that the lots in Barrington Woods had percolated and they had approval from the Health Dept., and he reiterated Mr. Sumner's request to have the same treatment as Barrington Place as to the sanitary sewer provision. Mr. Hinkle stated that he did not feel they should be required, at the present time, to install a collector system on Barrington Woods, considering the progress on the project so far. He stated that if the developer was required to invest an additional \$140,000 for a collector systems, he did not think the development could be continued. Further, there was no guarantee that the collector system would ever be used.

PUBLIC HEARING: Subdivision Regulations - Cont'd

Mr. Parmele asked Staff if Barrington Woods was the only subdivision that offered concern. Mr. Wilmoth stated that the only other development was South Point, which came in before August 1986, which was long before the Barrington Woods subdivision. In reply to Mr. Paddock, Mr. Hinkle stated their option on the Barrington Woods development would expire 4/21/88, and he answered general questions as to number of lots, pricing, etc. on the development.

Mr. Roy Johnsen (324 Main Mall) requested grandfathering of the South Point subdivision, a 44 lot project, which was one of the two subdivisions pending as indicated by Staff. He pointed out this subdivision had just been granted an Extension of Approval this date, but already had Preliminary Plat approval. Mr. Johnsen advised the developer of South Point obtained approval in 1978, contemplating septic tank development. In reply to Ms. Wilson, Mr. Johnsen reviewed the technical aspect of the septic installation for this development.

Additional Comments & Discussion:

In reply to Mr. Draughon, Mr. Smart commented that the Health Dept. felt there would be continued problems in south Tulsa, if septic tanks systems were permitted on a continued basis. Mr. Smart commented further that he felt there were two issues: (1) the passage of the Subdivision Regulations as they were; and (2) consideration of grandfathering certain subdivisions. He added that all the parties involved on these draft amendments supported the suggested changes.

Mr. Wilmoth referred to the table showing the plats working or completed in the special study area, and suggested the key might be the dates first received for processing, i.e. sketch plat or preliminary plat. Mr. Wilmoth agreed with Mr. Smart's suggestion to separate the issue of "grandfathering" from the issue of approval of the amendments, and answered general questions from the Commission in this regard. The Commission members discussed the issue of grandfathering South Point and Barrington Woods, which involved only 99 lots in the study area. It was noted that South Point had received preliminary plat approval; while Barrington Woods was in the sketch plat process, but only South Point had initiated the process before August 1986. The granting of a waiver to the Regulations was mentioned as an alternative to grandfathering. Mr. Linker advised this decision would be up to the Commission, but added that, even though the Health Dept. could not say for sure what the outcome would be, he felt the basic question was, would this cause a health hazard.

Mr. Draughon made a motion to accept the Staff recommendation for approval of the amendments as submitted and reviewed. Mr. Parmele inquired as to amending this motion so as to include a grandfathering provision. Discussion followed on how best to proceed, with suggestions to exclude plats initiating the sketch plat process prior to a specific date. Legal Counsel suggested that, if the TMAPC were going to grandfather plats, they should make the effective date the date that the Subdivision Regulations are approved, i.e. this date (4/20/88).

PUBLIC HEARING: Subdivision Regulations - Cont'd

After discussion, Mr. Parmele moved to amend Mr. Draughton's motion to approve the amendments to the Subdivision Regulations as submitted by Staff provided, however, that the effective date of such regulations shall be 4/20/88 as to all subdivisions not having received sketch plat approval prior to 4/20/88. In reply to the Health Dept. Mr. Hannon advised that W/S Dept. only had one project pending on the list of plats working, and that was Forest Park South 2nd, which had indicated a connection to sewer.

Mr. Coutant commented that he was having trouble with the concept of grandfathering. He stated that, in regard to Barrington Woods, when the property was placed under contract, there was a public awareness of the fact there were serious considerations in regard to septic tanks. Further, he felt the developers of Barrington Woods have chosen to take the risk, considering they were aware of these amendments to the Regulations. In fairness to the plats that have been approved, it must be recognized that there was serious persuasion by the technical staff that effected the installation of the sewer systems that might, otherwise, not have been acquired. Therefore, he did not feel economics should be a factor, as there have already been developers who have committed the extra dollars. Mr. Coutant stated he felt the Subdivision Regulations should be approved as proposed, and would not be in favor of a prior effective date, grandfathering or otherwise.

Mr. Paddock commented that he, too, had a problem approving with a retroactive date. In reply to Mr. Paddock, Mr. Linker commented that the Commission has only heard from a developer's viewpoint, but there were also property owners who could make the same argument. Therefore, he felt that, from a legal point of view, that we may be forced to live with the date that the Subdivisions Regulations are adopted. Mr. Linker reiterated his concern that the main consideration was the health factor, and acknowledged that it was not as simple as just an effective date. In reply to Mr. Parmele, Mr. Linker stated that a developer would have the right to ask the TMAPC for a waiver, but the Commission was still in the position of deciding if they would grant a waiver without Health Dept. approval.

Mr. Parmele remarked that he saw the problem, not with the septic tanks, but with the distribution system; whether it be in place at the developer's expense or in place at the property owner's expense. Mr. Linker stated, if this was strictly the problem, then he felt the effective date should be the date of approval of the Regulations, However, on the other hand, if there was a health problem by permitting these developers to proceed, then this was another issue. Mr. Coutant commented that, if the TMAPC felt there was a health problem, then they should not be adopting the amendments to begin with, as there was no remedy other than to suggest that septic tanks were still permitted with certain additional obligations.

PUBLIC HEARING: Subdivision Regulations - Cont'd

Chairman Kempe repeated the motion, as made by Mr. Draughon, was to approve the Subdivision Regulations amendments as submitted by Staff, effective this date. Staff clarified that the vote on this motion did not address the two subdivisions mentioned as to a grandfathering provision. Mr. Draughon confirmed this was the intent of his motion.

TMAPC ACTION: 7 members present

On **MOTION** of **DRAUGHON**, the TMAPC voted **7-0-0** (Coutant, Draughon, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Crawford, Doherty, Harris, "absent") to **APPROVE** the **Amendments to the Subdivision Regulations relating to sewage disposal and water supply**, as recommended and presented by Staff.

Mr. Paddock moved to recommend to the City the adoption of the proposed amendments to the City Ordinance as relates to sanitary sewer, septic systems, etc.

TMAPC ACTION: 7 members present

On **MOTION** of **PADDOCK**, the TMAPC voted **7-0-0** (Coutant, Draughon, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Crawford, Doherty, Harris, "absent") to **APPROVE** the Recommendation to the City the adoption of the proposed amendments to the City Ordinance as relates to sanitary sewer, septic systems, etc.

Mr. Paddock inquired as to the grandfathering/waiver issue now that the amendments have been approved. Mr. Gardner pointed out that this was an item on the agenda, but was not a part of the proposed amendments to the Regulations. Mr. Coutant offered an explanation to clear confusion. He agreed that the action just taken modifies the Subdivision Regulations effective today, and that as of this moment, a plat cannot be approved unless it conforms with what was just adopted, unless a waiver request was submitted. Mr. Linker stated there was still a problem, in that there was the question of were they to be grandfathered in because they started in the platting process prior to the adoption date of the Regulations. The TMAPC could try to clarify this by offering a motion or proviso to clear this up. In response to Mr. Coutant, Mr. Linker stated he still had a question as to the possibility of these plats being grandfathered in since they were started in the subdivision process, and he compared this to other permitting processes such as Building Permits. Should the TMAPC decide their own course of action on this, then it would clarify Legal Counsel's duty to determine the legal position.

Mr. Paddock, as an attorney, stated that he felt that when an application for a sketch/preliminary plat was filed, then the process was started. Should the Commission propose to exclude any that were "working" prior to these amendments, then he felt it might be better to move to specifically exclude the two developments discussed by the Commission. Mr. Draughon suggested a motion that the plats which were being processed prior to the TMAPC adoption of these amendments today, be processed according to the regulations at the time of application. Chairman Kempe commented that these would have to be named specifically, and inquired if Legal saw a

PUBLIC HEARING: Subdivision Regulations - Cont'd

problem with this action. Mr. Linker restated his feeling of just giving an effective date as to plats in process, i.e. if it was clearly not the Commission's intent to affect plats in process. Mr. Coutant reiterated his reluctance to dealing with an effective date.

Chairman Kempe commented that, on one hand consideration was being given to effective dates, and on the other hand health, safety and welfare were the issues. The question being, where does one negate the other. Mr. Draughon suggested amending his motion to just speak to the two specific plats. (It was noted there was still no second to Mr. Draughon's motion.)

Mr. Paddock requested input from Mr. Wilmoth, who stated that in 1978 there were numerous Subdivision Regulations adopted, and at that time the plats in process during this period were processed under the old Subdivision Regulations. Mr. Parmele inquired if a motion could be made stating the intent to process the applications preceding 4/20/88 under the old Regulations. Chairman Kempe confirmed that any plat at any stage could apply for a waiver, which would provide an opportunity for input from the Health Dept. Mr. Paddock stated he was inclined to do this on an individual basis, and not under a "blanket" exemption.

OTHER BUSINESS:

PUD 243-7: NW/c of East 59th Street South and South Knoxville Avenue,
being Lot 31, Glenoaks Addition

Staff Recommendation: Minor Amendment of Rear Yard & Detail Site Plan

PUD 243 is a 14 acre development containing 51 lots and an open space reserve area (Lot B) with an underlying zoning of RS-2. The Glenoak Addition is located on the northeast corner of East 59th Street South and South Harvard Avenue. The PUD has received several minor amendments. PUD 243-6 modified the rear yards on Lots 23-43 (lots abutting the open area) and required Detail Site Plan approval prior to issuance of a Building Permit on these lots. The applicant is requesting approval of a minor amendment to permit a 7' rear yard and Detail Site Plan approval for Lot 31 which is an irregularly shaped corner lot.

Review of the submitted plans show the request to be minor in nature and in substantial compliance with the original PUD. Therefore, Staff recommends **APPROVAL** of PUD 243-7 and the Detail Site Plan for Lot 31.

TMAPC ACTION: 7 members present

On **MOTION** of **PARMELE**, the TMAPC voted **7-0-0** (Coutant, Draughon, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Crawford, Doherty, Harris, "absent") to **APPROVE** the **Minor Amendment and Detail Site Plan for PUD 243-7**, as recommended by Staff.

* * * * *

PUD 435: East of South Yale and north of East 66th Street South

Staff Recommendation: Partial Declaration of Covenants

The proposed partial Declaration of Covenants is submitted for that portion of PUD 435 located east of South Yale and north of East 66th Street, being the Warren Medical Center. Staff recommends APPROVAL of the proposed Declaration of Covenants subject to approval of the Legal Department.

TMAPC ACTION: 7 members present

On **MOTION** of **PARMELE**, the TMAPC voted **7-0-0** (Coutant, Draughon, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Crawford, Doherty, Harris, "absent") to **APPROVE** the **Partial Declaration of Covenants for PUD 435**, as recommended by Staff.

* * * * *

PUD 435: East of South Yale and north of East 66th Street

Staff Recommendation: Detail Site Plan for Phase I Parking Structure

PUD 435 has underlying zoning of OM, OL and RS-3 and is located east of South Yale north and south of East 66th Street. The uses approved per PUD 435 include expansion of existing facilities for the Warren Medical Center/Saint Francis Hospital, a psychiatric hospital, and various medical/office related uses. Detail Site Plan approval is being requested for Phase I construction of a parking structure (Building No. 14 on the Outline Development Plan) which will include 384 parking spaces. The structure is located generally east and south of the Kelly Building and is also west of a private street running north and south along the east boundary of PUD 435.

Basement level access will be from the south, with first level access available from the southeast, west and north, and second level access from the private street on the east. The structure will include a total of four levels with a fifth level planned in the future. The tallest elevation of the fourth level will be only slightly higher (approximately 5') than the same elevation as the private road on the east at the northeast corner of the parking structure. The parking structure is designed to be open on the east elevation which must be screened by either building materials or landscaping to keep light from spilling over into residential areas to the east.

Staff review of the proposed Detail Site Plan indicates that it is in compliance with the Development Standards and conditions of approval for PUD 435. Therefore, Staff recommends APPROVAL of the Detail Site Plan for the Phase I Parking Structure (Building No. 14 of the Outline Development Plan) subject to the following conditions:

- 1) That the submitted Plans and Elevations be conditions of approval unless modified herein.
- 2) Future Level 5 of the Parking Structure and any expansions to the proposed structure be subject to Detail Site Plan review and approval, by the TMAPC. In no case shall the Parking Structure exceed five levels above grade.
- 3) Other Development Standards for the overall Warren Medical Center shall be as approved per PUD 435.
- 4) Landscaped open space shall include internal and external landscaped open areas, parking lot islands and buffers, but shall exclude pedestrian walkways and parking areas designed solely for circulation.
- 5) That all trash, mechanical and equipment areas (including roof mounted equipment) shall be screened from public view.
- 6) That all parking lot lighting shall be directed downward and away from adjacent residential areas. Light standards on the open deck of the parking garage shall be limited to a maximum height of 8'. The east elevation of the parking structure shall be screened such that interior lighting is not permitted to spill over into adjacent residential areas. The character of the screening shall be consistent with screening presently in place for similar parking structures for Saint Francis Hospital and the extent of the screening will be determined at the time of submission of a Detail Site Plan and Detail Landscape Plan.
- 7) All signs shall be subject to Detail Sign Plan review and approval by the TMAPC prior to installation and in accordance with Section 1130.2.B of the PUD Chapter of the Zoning Code and as further limited herein.
- 8) That a Detail Landscape Plan for each development area shall be submitted to the TMAPC for review and approval and installed prior to issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed as a continued condition of the granting of an Occupancy Permit. In the absence of enclosing the east elevation, screening shall be accomplished by landscaping and directional lighting.
- 9) That a Detail Site Plan, including building and parking garage elevations elevations, shall be submitted to and approved by the TMAPC prior to issuance of a Building Permit, to include specific requirements for exterior building finish as stated in the Area A Development Standards (earthtone exterior finishes).
- 10) 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 City of Tulsa beneficiary to said Covenants.

PUD 435 Johnsen - Cont'd

- 11) Unused floor area allocation is permitted to be transferred within the various Development Areas, except no unused floor area from the Warren Medical Center, Area B, or Area C is permitted to be transferred into Area A.

TMAPC ACTION: 7 members present

On **MOTION** of **PARMELE**, the TMAPC voted **7-0-0** (Coutant, Draughon, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Crawford, Doherty, Harris, "absent") to **APPROVE** the **Partial Detail Site Plan for PUD 435**, as recommended by Staff.

There being no further business, the Chairman declared the meeting adjourned at 4:46 p.m.

Date Approved

May 4, 1988

Cherry Kempe
Chairman

ATTEST:

Lynne C. Coutant
Secretary