

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1696
Wednesday, **May 11, 1988**, 1:30 p.m.
City Commission Room, Plaza Level, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, May 10, 1988 at 11:35 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, First Vice-Chairman Parmele called the meeting to order at 1:36 p.m.

MINUTES:

Approval of the Minutes of April 27, 1988, Meeting #1694:

On **MOTION** of **WOODARD**, the TMAPC voted **7-0-0** (Carnes, Draughon, Harris, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Coutant, Doherty, Kempe, Randle, "absent") to **APPROVE** the **Minutes of April 27, 1988, Meeting #1694**.

REPORTS:

Committee Reports:

Mr. Paddock advised the **Rules & Regulations Committee** had scheduled a meeting for Wednesday, May 18th, to continue review and discussion on the Zoning Code amendments relating to manufactured housing.

Mr. Parmele announced the **Budget & Work Program Committee** would be meeting this date, upon adjournment of the TMAPC meeting.

Director's Report:

Mr. Jerry Lasker commented on Senate Bill 602 which, if passed would delete the requirement for deed approval for deeds recorded for more than five years. Mr. Lasker stated, for example, that any instrument filed with the Clerk that did not have proper approval, and after a five year span, there would be no recourse for obtaining right-of-way, or easement or compliance with other regulations. This bill is amended so as to have lot splits, subdivisions and other items under the TMAPC's responsibility inserted in the bill, and also reduces the time limit from ten years to five years. Ms. Wilson inquired as to whose duty it was to seek out and find these documents that have been filed at the County Courthouse that do not have the approval of the proper agencies. Mr. Lasker answered that the problems were discovered when an action such as a building permit, rezoning, etc. was being requested. Mr. Linker advised that this bill, if passed, would not require lot split approval in order to be valid after a deed has been of record for five years. Mr. Paddock inquired as to what has happened that motivated this bill. Mr. Linker commented that, in his opinion, it was done as a part of the Title Curative Statutes. Mr. Lasker remarked that, should the TMAPC decide to take a position for or against this bill, he would be glad to transmit that position to the legislature.

In reply to Mr. Carnes, Mr. Linker advised that a TMAPC position could not be discussed for action at this time as the item was not listed on the TMAPC agenda. Discussion followed among the Commission members as to difficulty interpreting the Open Meeting Law and what they could and could not discuss as part of the TMAPC business. Mr. Linker stated that the items, technically, should be listed on the agenda, even those items under the Director's Report. A final consensus was to place consideration of the Open Meeting Law on the upcoming Rules & Regulations Committee agenda in order to obtain a clearer understanding of this Law as it relates to the TMAPC.

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Mr. Lasker introduced consultants from the firm of Parsons, Brinckerhoff, Quade and Douglas, Inc. who briefed the Commission on the "Fixed Guideway Transportation Study" which focused on the two main urban areas of the state, Tulsa and Oklahoma. Mr. Mike Schneider, Project Leader, advised this feasibility study was sponsored by the Oklahoma Department of Transportation, which was largely funded with dollars from the Urban Mass Transit Administration of the US Department of Transportation. Mr. Schneider submitted a handout showing the timetable for the various phases of this study, and answered general questions from the Commission members. He pointed out that the TMAPC involvement would be greater in Phase II of this task. A consensus of the Commission was to have Parsons, Brinckerhoff come back in November to provide an update on this study.

CONTINUANCE(S):

TMAPC ACTION: 8 members present

On **MOTION** of **PADDOCK**, the TMAPC voted **8-0-0** (Carnes, Coutant, Draughon, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Doherty, Harris, Randle, "absent") to **CONTINUE Consideration of the Public Hearing regarding amendments to Title 42, Tulsa Revised Ordinances (Tulsa Zoning Code) and the Tulsa County Zoning Code, more specifically Section 750 pertaining to Regulation of sexually-oriented businesses, until Wednesday, May 25, 1988 at 1:30 p.m. In the City Commission Room, City Hall, Tulsa Civic Center.**

SUBDIVISIONS:

LOT SPLITS FOR WAIVER: (TMAPC RECONSIDERATION)

L-17015 Morgan (1793)

2450 East 24th Street

(RS-2)

The following is from the TAC minutes of 4/14/88:

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 turnaround, which would make a redesign necessary. A drainage plan will be required by Stormwater Management.

L-17015 Morgan - Cont'd

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.

The applicant was not present at the 4/20/88 TMAPC hearing, so the Commission continued the application for two weeks to 5/4/88. In the meantime, the Board of Adjustment DID hear the application since the applicant WAS present as well as protestants. The Board of Adjustment approved the variances, conditioned upon returning to the Board 5/5/88 with specific guidelines for the development of the tract. The applicant was present at the TAC meeting 4/28/88, represented by Jack Arnold. A revised plot plan was submitted at the TAC meeting that date.

Staff inquired of Traffic Engineering if the turnaround was to be dedicated or private. Traffic Engineering had no problem with turnaround as shown as long as there were written or recorded provision it was a mutual access and the public could use it to turn around. (It would not have to be a standard dedicated cul-de-sac.)

In discussion there was no objection to the concept, but it would be subject to certain restrictions as listed in the motion.

The TAC voted unanimously to recommend **approval** of the L-17015 on 4/28/88, subject to the following conditions:

1. Water and sewer line extensions required (6" water line). Easements 20' in width for water line or as recommended by Water and Sewer Department.)
2. Provisions for access, as well as utility use, to be included in the development standards required by the Board of Adjustment.
3. Release letters will be required from each department or agency prior to release of deeds.

NOTE: THIS ITEM WAS DENIED BY THE TMAPC ON 5/4/88 IN A 8-1-0 VOTE, AND HAS BEEN REQUESTED TO BE PLACED ON THIS AGENDA FOR RECONSIDERATION.

Comments & Discussion:

Mr. Parmele moved to have the TMAPC reconsider L-17015 and, as part of the motion, that the hearing be conducted in accordance with the TMAPC Public Hearing Rules and not as a Public Meeting. Mr. Parmele commented the purpose for this motion was that he felt some of the interested parties at last week's meeting were not given a chance to be heard.

Reconsideration of L-17015 - Cont'd

TMAPC ACTION: 8 members present

On **MOTION** of **PARMELE**, the TMAPC voted **8-0-0** (Carnes, Coutant, Draughon, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Doherty, Harris, Randle, "absent") to **RECONSIDER the 5/4/88 TMAPC vote on L-17015 Morgan** for the purpose of receiving additional input from interested parties.

Mr. Linker stated that he has been advised that the attorney representing the protestants on this application had an objection to this reconsideration, and would like to address the TMAPC regarding their reconsideration.

Mr. Bob Nichols, attorney for the protestants, inquired if this TMAPC reconsideration reversed the vote taken on 5/4/88. Chairman Kempe explained that the reconsideration temporarily puts the issue in abeyance, as the TMAPC was considering their previous vote, and may wish to keep that vote or it could very well be a different vote. Mr. Linker stated that the vote to reconsider was just that, and it did not revoke the previous vote. Therefore, Mr. Nichols submitted his objection to the reconsideration of the previous vote for denial. Mr. Parmele obtained Legal Counsel's confirmation that the TMAPC actions were in accordance with **Robert's Rules of Order**. In reply to Mr. Coutant, Chairman Kempe stated that the primary purpose of the reconsideration was to hear from those who did not speak at last week's meeting, but once the matter was open for reconsideration, the Commission could, in order to receive new information, call on others who wished to speak.

Mr. Wilmoth advised that Staff did not have any additional comments as the information in the packet was the same as that presented at the 5/4/88 TMAPC meeting.

Interested Parties:

Address:

Mr. John Woolman	2109 East 25th Street	74114
Mr. Dean B. Collins	2448 East 24th Street	
Ms. Terri Plummer	2448 East 24th Street	
Mr. Bob Sober	2420 East 24th Street	
Ms. Sandra Sober	2420 East 24th Street	
Ms. Earlene Morgan	2450 East 24th Street	
Ms. Tamara Hawkinson	2405 East 24th Street	
Mr. Bob Nichols, Attorney	111 West Fifth Street	
Ms. Hannah Robson	2425 East 24th Street	
Ms. Kay Starkwrather	2445 East 24th Street	
Mr. George Starkwrather	2445 East 24th Street	
Ms. Norma Rutherford	2419 East 24th Street	
Mr. Morton Rutherford	2419 East 24th Street	
Mr. Joe Robson	2425 East 24th Street	

Mr. John Woolman, developer of the project, did not have anything new to add, but advised he would be available should the Commission have any questions.

Reconsideration of L-17015 - Cont'd

Mr. Dean B. Collins stated he felt that the homeowners in the area were fortunate that Mr. Woolman's firm (Design Properties) was the developer for this project. He commented that he had personally checked Mr. Woolman's other properties and was impressed by their quality. He stated a preference for a four house development, and requested the Commission approve this lot split waiver as he felt this project would have a positive impact on the neighborhood.

Ms. Terry Plummer spoke on the negative impact of the previous house on this tract which was now vacant, and she felt Mr. Woolman's proposal would be a considerable improvement. Ms. Plummer stated that, as an interior designer and member of the Tulsa Home Builders, she supported the four lot proposal as she felt this would be compatible with the neighborhood.

Mr. Bob Sober advised he was representing residents at 2440, 2439 and 2410 East 24th Street who also supported the proposed development. Mr. Sober submitted and reviewed a map of the neighborhood which indicated the homeowners in favor of this project, and he pointed out that there were numerous lots in the area which were 70' wide or less. Mr. Sober commented that he felt this development also addressed the issues of economic, visual, and traffic impact to the neighborhood in a positive way. Therefore, he requested the TMAPC vote in favor of the applicant's request.

Ms. Sandra Sober commented that her primary concern was one of property values and she agreed that the four homes built by Mr. Woolman would significantly increase the property values in this neighborhood.

Ms. Earlene Morgan, owner of the subject tract, remarked that the land area south of this property was a 3/4 acre tract that was formerly part of the subject tract. She advised this 3/4 acre had been sold, subdivided and now holds three houses. Ms. Morgan stated the proposed development would be similar in that it involved a full acre with four houses.

Ms. Tamara Hawkinson stated she felt there would be a significant improvement to the neighborhood with the proposed development, i.e. an additional fire hydrant, increased water pressure, etc. Ms. Hawkinson advised the developer had been very open with the residents and had worked out several issues in neighborhood meetings, and she submitted a copy of the restrictive covenants, as agreed to by Mr. Woolman. Ms. Hawkinson echoed comments in favor of the lot split and proposed development.

Mr. Nichols advised he was representing six clients who were in attendance and wished to address the Commission as to their reasons for protesting this development. Chairman Kempe advised receipt of two letters on this application; one requesting a reconsideration, the other objecting to the proposed development due to the increased density.

Reconsideration of L-17015 - Cont'd

Ms. Hannah Robson stated concern that there were no guarantees that the development would comply with any of the agreed upon items, as there was no PUD being submitted that would offer a guarantee.

Ms. Kay Starkwrather commented she had concerns with the four lot proposal, and would prefer three homes on the tract to avoid a patio home type setting.

Mr. George Starkwrather agreed with the concerns expressed that the four lot proposal could result in a patio home appearance. He stated concern with the covenants as the neighborhood, not the City, would be responsible for pursuing the issue if the developer did not conform to the covenants.

Ms. Norma Rutherford advised she has been a long time resident in this area, and she felt that an increase in density would have a detrimental effect on the quality of the neighborhood.

Mr. Morton Rutherford commented as to the shortage of required square footage, and added that he felt this was a classic example of spot zoning. Mr. Rutherford echoed the comments made in protest to this development.

Mr. Joe Robson stated that he had previously submitted a site plan proposing a three lot development. He stated his concern was that this application was a "back door approach" to getting RS-3 zoning. Therefore, he requested denial of the lot split waiver.

Mr. Nichols stated the subjective comments made by those in support of this development as to the developer's reputation, visual impact, economic hardship, etc. should be separated from the land use issues of the Zoning Code. He added that under a PUD application, issues such as landscaping then become objective; however, there was no PUD under consideration here. Mr. Nichols pointed out that, without a PUD, the covenants could not be enforced by the City, but would be the burden of the property owners should the developer not meet the covenants. Mr. Nichols reiterated the small and/or narrow lot sizes proposed for this development, and his concern with the increase in density without a rezoning application.

Mr. Paddock stated concern with the wide variation of numbers in the square footage figures, i.e. Staff indicates a shortfall of 240 square feet; and the protestants indicate 4,000 square feet. Mr. Nichols confirmed that Staff's presentation was accurate as to the 240 square foot shortage. He reviewed each lot size and commented that he was not familiar with any other application where three out of four lots were short on required square footage.

Mr. Woolman addressed the economic factors associated with a PUD filing, and based on his last PUD filing (Crow Creek Office Park), he was not prepared to spend \$28,000 in legal and engineering fees for a four lot subdivision. Mr. Woolman commented that, if driving through the Utica

Reconsideration of L-17015 - Cont'd

Square area, it would be very difficult to observe which lots were 70', 85' or 50', and even though these lots may not meet RS-2 zoning, they were all zoned RS-2. He pointed out that he has agreed to meet the development standards that currently exist in the neighborhood. As to the timetable for development, Mr. Woolman stated that he wanted the property owners to understand he could not guarantee completion of this project in one year.

Mr. Carnes commented that, should this lot split not be approved today, he would suggest the applicant's fees be applied to a PUD application. Mr. Woolman stated that he preferred to not pursue a PUD due to the time element and costs involved. In response to Mr. Paddock, Mr. Woolman compared the costs of the Kennebunkport project and the Crow Creek Office Park. He confirmed, for Mr. Paddock, that he currently had the subject property under contract, and he felt the Commission should consider the property owner's interest as well. Mr. Woolman commented that this was not a situation where the developer was taking a tract of land and making it 25% smaller than the rest of the neighborhood, but this was a project where they were doing the best job possible to create the lots at a reasonable price in order to continue to have in-fill projects.

In reply to Mr. Draughon, Mr. Gardner clarified that in order to develop this tract the applicant would still need a BOA variance for the frontage. Mr. Woolman commented for Mr. Draughon that it would, obviously, cost less to build three houses, but the same land and development costs would be increased to the purchaser.

Review Session:

Mr. Parmele inquired of Legal Counsel as to the proper course the TMAPC should now take with the reconsideration. Mr. Linker confirmed that the Commission could vote to affirm the TMAPC action of last week, even though it would not be required, as last week's vote would stand if no action was taken. Chairman Kempe stated that she would prefer that a motion for action be made.

Mr. Parmele commented that he was not doubting Mr. Woolman's reputation, but the remarks made by those in favor of the the project would most probably be a condition of a PUD. He added that it has been his belief that, if a person could do by right in the Zoning Code without TMAPC review, then that person had the right to develop the land as they see fit. However, when an application is made for four lots, when perhaps three would work better, then he felt the TMAPC had the right to impose conditions under a PUD for the protection of the neighborhood. Therefore, he moved to affirm the previous vote of the TMAPC for denial of this lot split waiver.

Commissioner Harris inquired if he should participate in this motion as he was not at last week's meeting, Chairman Kempe interjected that according to **Robert's Rules**, when a motion was open for reconsideration of the vote, those then in attendance had the option of voting or abstaining due to the fact that, had that person previously attended and voted, it could have been with the prevailing side. Mr. Linker confirmed this to be correct and stated Commissioner Harris had the option.

Reconsideration of L-17015 - Cont'd

Mr. Paddock stated that it was his view that the issue was not properly before the BOA at the time of their action. Further, it was his opinion that it was at least questionable as to whether the previous action of the BOA was effective or legal. However, as he would not be voting to approve this lot split, it may not be an issue at this time.

TMAPC ACTION: 9 members present

On **MOTION** of **PARMELE**, the TMAPC voted **9-0-0** (Carnes, Coutant, Draughon, Harris, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Doherty, Randle, "absent") to **AFFIRM** the **5/4/88 TMAPC vote for Denial of L-17015 Morgan.**

ZONING PUBLIC HEARING:

Application No.: **Z-6196** Present Zoning: **AG**
Applicant: **Breedlove (LEC Limited)** Proposed Zoning: **RS-2**
Location: **East of the NE/c of South Joplin Avenue & East 91st Street**
Date of Hearing: **May 11, 1988**
Presentation to TMAPC by: **Mr. Gary Breedlove, 2217 East Skelly Dr. (749-1637)**

Relationship to the Comprehensive Plan:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity - No Specific Land Use.

According to the Zoning Matrix the requested RS-2 District is in **accordance** with the Plan Map.

Staff Recommendation:

Site Analysis: The subject tract is approximately 9.8 acres in size and is located east of the northeast corner of South Joplin Avenue and East 91st Street South. It is wooded, steeply sloping, contains a single-family dwelling and is zoned AG.

Surrounding Area Analysis: The tract is abutted on the north and west by a developing large lot single-family subdivision zoned RS-1; on the east by a developing large lot single-family subdivision zoned RS-2; and on the south, across East 91st Street South, by a fire station and public park zoned AG.

Zoning and BOA Historical Summary: RS-2 and RS-1 zoning has been approved abutting the subject tract.

Conclusion: Based on the Comprehensive Plan and existing development in the area, the requested RS-2 zoning is compatible with existing zoning patterns and land use. Staff would note that there may be some development constraints due to topography; further, a street has been stubbed into the subject tract from South Lakewood to provide access.

Z-6196 Breedlove (LEC Limited) - Cont'd

Therefore, Staff recommends **APPROVAL** of RS-2 zoning.

Comments & Discussion:

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

TMAPC ACTION: 9 members present

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Carnes, Coutant, Draughon, Harris, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Doherty, Randle, "absent") to **APPROVE Z-6196 Breedlove (LEC Limited) for RS-2**, as recommended by Staff.

Legal Description:

The W/2 of the E/2 of the south 1,293.92' of the W/2 of the SE/4 of Section 15, T-18-N, R-13-E, City and County of Tulsa, Oklahoma.

OTHER BUSINESS:

Z-5498-SP-1-E (Stokely): Amended Corridor Sign Plan
NW/c of East 81st Street & South Lewis

TMAPC ACTION: 9 members present

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Carnes, Coutant, Draughon, Harris, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Doherty, Randle, "absent") to **CONTINUE Consideration of Z-5498-SP-1-E (Stokely)** until Wednesday, **May 18, 1988** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

There being no further business, the Chairman declared the meeting adjourned at 3:18 p.m.

Date Approved May 25, 1988
Cherry Kempe
Chairman

ATTEST:
Kevin C. Coutant
Secretary