

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1705
Wednesday, July 20, 1988, 1:30 p.m.
City Commission Room, Plaza Level, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, July 19, 1988 at 8:35 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 1:33 p.m.

MINUTES:

Approval of the Minutes of July 6, 1988, Meeting #1703:

On **MOTION** of **WOODARD**, the TMAPC voted **8-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Paddock, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Parmele, Randle, "absent") to **APPROVE** the **Minutes of July 6, 1988, Meeting #1703.**

REPORTS:

Report of Receipts & Deposits for the Month Ended June 30, 1988:

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Paddock, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Parmele, Randle, "absent") to **APPROVE** the **Report of Receipts & Deposits for the Month Ended June 30, 1988.**

Committee Reports:

Mr. Paddock advised the **Rules & Regulations Committee (R&R)** would be meeting on August 3, 1988 to review the final draft of the Zoning Code amendments pertaining to manufactured housing and other items presented with these changes. He also announced that at a Committee meeting this date, the R&R discussed amendments to the Tulsa County Zoning Code relating to wild and exotic animals, and had recommended unanimously to set a public hearing on this matter for August 24th. A unanimous recommendation was also made to set a public hearing on August 24th to consider amendments to Chapter 16 of the City of Tulsa Zoning Code regarding powers of the Board of Adjustment as relates to Use Variances.

Director's Report:

In regard to the District 1 Plan update, Mr. Jerry Lasker advised that, even though this update for the downtown area was still in a preliminary stage, input was being requested on proposed amendments to the Plan. He suggested placing this item on the August 3rd TMAPC agenda in order to brief the Commissioners and obtain their comments.

Mr. Lasker stated that a request to brief the Commission on the status of the Tulsa Trails study had been submitted, and he suggested the August 10th agenda for this purpose.

Hearing no objection from the Commission, Chairman Kempe asked that these items be placed on the TMAPC agendas as requested.

SUBDIVISIONS:

SKETCH PLAT APPROVAL:

Scot Industries (103) N & W of East 56th St. North & North Mingo Rd. (IM)
(Waiver of Street Plan Requirements)

This plat is a concept plan for a large one lot, one block plat in conjunction with rezoning to IM (CZ-169). Research by staff indicates that in the revisions to the Major Street Plan the East 56th Street North/Mohawk Boulevard arterial was not amended in the last review. The Plan shows 56th Street extending along the section line approximately 1.25 miles west of Mingo. If built this would require five bridges across Bird Creek. However, the actual improved and traveled road is in place just to the south, crossing Bird Creek only once and intersecting Mingo as Mohawk Boulevard about 600' south of the section corner. (This was formerly US Highway 169 and is improved to two lanes.) This will be an amendment as a "housekeeping item" when the Street Plan is again updated. In the meantime, since the developer may wish to proceed with his plat before a change in the Street Plan Map, a waiver of the Subdivision Regulations requiring conformance with the Street Plan would be required, and is recommended per condition #1 below.

The Staff presented the plat with the applicant represented by Ted Sack, Engineer and Mr. Walsh with Scot Industries.

In discussion the TAC would have no objection to processing the preliminary and final plat(s) in separate phases. Mr. Walsh briefly described the proposed facilities to be built on the property. Fire Department advised of requirements for sprinkler systems for certain types of industry and buildings.

The TAC voted unanimously to recommend **APPROVAL** of the **sketch plat** of Scot Industries, subject to the following conditions:

1. Waiver of right-of-way requirement on East 56th Street North is recommended. Identify as 16.5' Statutory Easement (and utility easement as required by utilities). On North Mingo north of the curve to the east, dedicated right-of-way may be omitted and only the 16.5' statutory easement shown if desired. This part of Mingo is not on the Street Plan since it curves to the east and north to cross Bird Creek and the Street Plan follows that alignment.
2. On face of plat show:
 - a. Mohawk Blvd./Mingo Road intersection in dashed lines for reference;
 - b. 50' building line along North Mingo Road;
 - c. A graphic scale; and
 - d. The adjacent land as "unplatted".
3. On preliminary and/or final plat(s) show access points on North Mingo Road as recommended by County Engineer. This may be subject to changes as approved by County Engineer upon determination of uses for the tract.

Scot Industries - Cont'd

4. On preliminary and/or final plat(s) show the dimensions and/or bearings on the drainage easement for Bird Creek as recommended by County Engineer.
5. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines (17.5' parallel to North Mingo Road).
6. 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.)
7. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owner(s) of the lot(s).
8. A request for creation of a Sewer Improvement District shall be submitted to the Water and Sewer Department prior to release of final plat.
9. Paving and 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.
10. All curve data, including corner radii, shall be shown on final plat as applicable.
11. 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.
12. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
13. 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.)
14. The restrictive covenants and deed of dedication shall be submitted for review with the preliminary plat. (Include subsurface provisions, dedications for storm water facilities, and PUD information as applicable.)
15. The zoning application (CZ-169) shall be approved and the ordinance or resolution therefor published before final plat is released. (Plat shall conform to the applicable zoning approved.) NOTE: On 7/11/88 the County Commission approved IM zoning as requested, except leaving a 75' buffer of AG in the southeast portion of the tract.

Scot Industries - Cont'd

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

TMAPC ACTION: 8 members present

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Paddock, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Parmele, Randle, "absent") to **APPROVE** the **Sketch Plat for Scot Industries**, including waiver of Major Street Plan requirements, and subject to the other conditions as recommended by the TAC and Staff.

PRELIMINARY PLAT:

Golf Estates II Amended, Resub Blk. 3 (382) & PUD 313-4 (Minor Amendment)

West 64th & South 28th West Avenue

(RMT)

This plat is being filed to reduce the number of lots in this block by two which will provide a larger building area for each home. All restrictions in the previous plat will still apply. Staff notes that there is a conflict in the plat as presently filed (and as filed before) between the PUD conditions and the face of the plat. The PUD conditions should prevail, but since this is being filed as a new plat, the correct building lines should be shown as indicated in the recommendation.

The Staff presented the plat with the applicant represented by Howard Kelsey and Ed Nickle.

The TAC voted unanimously to recommend **approval** of the PRELIMINARY plat of Golf Estates II Amended, Resub. Block 3, subject to the following conditions:

1. All conditions of PUD 313-4 shall be met prior to release of final plat.
2. Although all other portions of the previous plat shall apply, paragraph 6 of the filed plat is in error and should be amended by this new application.
3. Show building line and utility easement along South 28th West Avenue as follows:
 - 15' utility easement
 - 18' building line/garages/carports
 - 25' building line/structure
4. Increase rear easement to 17.5' as per Water Department.

Golf Estates II Amended & PUD 313-4 - Cont'd

5. Show minimum floor elevation for sanitary sewer on Lot 2 or as directed by Water & Sewer Department (reference previous plat).
6. Any relocation of utility pedestals and/or services shall be subject to arrangement and approval of the applicable utilities. (Relocate fire hydrant.)
7. Waiver of scale recommended, due to small size of plat.
8. All (other) Subdivision Regulations shall be met prior to release of final plat.

Related PUD 313-4: Minor Amendment to Reduce Density

Staff Recommendation:

PUD 313-4 is located east of South 28th West Avenue and West 64th Place. The subject tract has an area of 1.8 acres, underlying zoning of RM-T, and is presently platted for 15 lots. The subject tract was initially platted as Lots 2 - 16, Block 3, Amended Golf Estates II; the applicant has filed a preliminary plat to resubdivide this tract into 13 lots. A typical lot in the resubdivision will be 44' wide and 130' deep (5,720 square feet) and most lots will have a rectangular shape. Typical lots being resubdivided are only 39' wide.

The proposed plan indicates that 15' front building lines are requested; the approved plat only indicates that buildings shall not be located nearer to the front lot line than the minimum building setback lines (15') shown on the recorded plat. PUD 313 requires that the minimum setback lines for zero lot-line lots (which includes the subject tract) are as follows:

Front yard	25'*
One side yard	0'
Other side yard	5'
Rear yard	20'

- * If a two car, double wide drive is provided, which allows two off-street parking spaces side by side, the front yard can be reduced to 18'.

Staff is supportive of the above setbacks being continued conditions of approval with some modifications and would note that the language of the approved PUD should control when conflicts between it and language on the face of the plat take place. If PUD 313-4 is developed as an RS-3 development, then RS-3 standards should control.

Therefore, Staff recommends **APPROVAL** of PUD 313-4, being a Resubdivision of Lots 2-16, Block 3, Amended Golf Estates II, subject to the proposed plans except as follows:

Golf Estates II Amended & PUD 313-4 - Cont'd

- 1) Total number of Dwelling Units 13
 - 2) Minimum Building Setbacks:
 - RS-3 Lots Per RS-3 Standards
 - Zero Lot-Line Lots
 - Front yard 25' *
 - One side yard 0' **
 - Other side yard 5'
 - Rear yard 20'
- * If a two car, double wide drive is provided which allows two off-street parking spaces side by side, the front yard can be reduced to 18'.
- ** Zero foot side yards may be permitted, but there must be a minimum of 5' between residences on adjacent lots. Zero lot line construction shall be in accordance with all applicable codes and regulations of the City of Tulsa, including, but not limited to the Building Code as it addresses requirements for fire rated zero lot line exterior building walls where applicable.
- 3) All other development standards and conditions of PUD 313 shall remain in full force and effect unless specifically modified herein.
 - 4) Subject to TMAPC review and approval of conditions on the preliminary and final plat as recommended by the Technical Advisory Committee.

TMAPC Comments & Discussion:

In reply to Mr. Carnes, Mr. Wilmoth clarified that the first house could be set on a zero lot line with the next house built setting over 5', and he reviewed the fire wall provisions.

Mr. Paddock inquired as to Staff's reference to conflicts on the face of the plat and the PUD wording. Mr. Frank explained that some older plats did, indeed, contain errors and show lines that were not in accordance with the official TMAPC record and minutes. Therefore, according to advice from Legal Counsel, Staff inserted the wording to serve as an administrative basis, and determined that TMAPC minutes would take precedence over information on the face of the plat.

Mr. Howard Kelsey (5815 South 94th East Place), the applicant, confirmed agreement with the TAC and Staff recommendations for the preliminary plat and the minor amendment.

TMAPC ACTION: 8 members present

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Paddock, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Parmele, Randle, "absent") to **APPROVE** the **Preliminary Plat for Golf Estates II Amended, Resub Block 3, and the Minor Amendment to PUD 313-4**, subject to the conditions as recommended by the TAC and Staff, including waiver of scale.

CHANGE OF ACCESS:

Eastpoint (1894) N/side of East 31st Street at South 108th East Avenue (CS)

The purpose of the requested access change is to move one access point 10' east and add one 30' access, as approved by the Traffic Engineering Department. Staff also recommends APPROVAL of the request.

TMAPC ACTION: 8 members present

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Paddock, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Parmele, Randle, "absent") to **APPROVE** the **Change of Access for Eastpoint**, as recommended by Staff and the Traffic Engineer.

CBOA-831 (Unplatted) (172)

715 East 131st Street South

(AG)

This is a request to waive plat on approximately 1.5 acres on the north side of 131st Street South between Elgin and Peoria. It contains an existing building formerly used as a landscaping business. The present applicant has leased approximately 1.5 acres of a ten acre tract which includes the existing building, its parking, septic system and other improvements. The new use will be a church as its temporary location until a permanent location is obtained to build a new building. No expansion of the existing building will be needed and the sanctuary area will only include 2,500 square feet of the 5,000 square feet building. Since this is only a lease of less than 2.5 acres and the building and improvements are already in place, Staff sees no objection to a waiver, subject to the following:

1. Dedication (by present owner) of right-of-way along 131st Street to meet the Street Plan.
2. Utility easements if required by utilities.
3. Approval of existing septic system by the City-County Health Department. (Ref: Percolation test #84-189 dated 6/8/84. Permit #4833, installed by Gibson Prefab.)
4. Approval of County Engineer if any grading and/or drainage is necessary in the event the parking and/or driveway is expanded.

The applicant was represented by Bob Debolt.

The County Engineer advised they would request that the fence be moved back to conform with the new right-of-way line. Tulsa City-County Health Department will require recalculation of the septic system requirements since the use has changed.

The TAC voted unanimously to recommend **approval** of the **WAIVER OF PLAT** on CBOA-831, subject to the conditions outlined by Staff and TAC.

CBOA-831 (Unplatted) - Cont'd

Comments & Discussion:

Mr. Wilmoth advised that condition #2 could be deleted as the utility agencies had indicated that no easements would be required.

TMAPC ACTION: 8 members present

On **MOTION** of **PADDOCK**, the TMAPC voted **8-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Paddock, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Parmele, Randle, "absent") to **APPROVE** the **Waiver Request for CBOA-831 (Unplatted)**, subject to conditions 1, 3 and 4 as recommended by the TAC and Staff.

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Z-6186 (Unplatted)(1503)

5603 East 36th Street North

(CS)

This zoning application was submitted originally for an IL classification as the applicant informed the TMAPC that he intended to put a trucking company and repair shop at this location. Minutes of the TMAPC meeting indicate a concern for the IL/commercial uses at this location which is adjacent to an entry to Mohawk Park. A CS zoning was eventually approved by both TMAPC and the City Commission. (A Board of Adjustment application would be required for related automotive business by special exception.)

The applicant was advised of the TAC policy regarding the approval of plat waivers on unplatted land over 2.5 acres (this tract is 2.52 acres). The applicant was also advised that in the event the waiver request was denied, he must start over with a plat application, losing approximately one month in the process.

Review of applicant's plot plan reveals that it does not agree or fit the legal description and dimensions on the survey. Further, Staff notes that the following requirements would be made as part of this review:

1. Dedication of right-of-way on East 36th Street North will be required to meet the Street Plan requirement of 50' from centerline.
2. Utility easements as needed (17.5' parallel to 36th Street North).
3. Access control agreement and driveway locations subject to approval of Traffic Engineering.
4. Grading and drainage plan approval subject to approval of Department of Stormwater Management. (West end of this tract is in floodplain. See Department of Stormwater Management Case review dated 1/22/88 done in conjunction with the zoning application.)
5. Approval of septic system(s) subject to City-County Health Department review.
6. Extension of utilities as needed.

Z-6186 (Unplatted) - Cont'd

Based upon the above facts, and further, based on the requirements for a plat just east of this application (Rebel Run), Staff and TAC are of the opinion that it is in the best interest of the City (public) to meet these requirements through the platting process. This is also consistent with the requirement to plat Rebel Run and the fact that the tract is slightly over 2.5 acres.

The Tulsa City-County Health Department informed applicant no septic system will be allowed, and sewer must be extended.

PSO advised they have a "blanket easement" over the whole tract. If it is reduced, the north 50' should remain clear as a specific easement.

The applicant was represented by Joe Hill. The reasons for recommending denial were explained to applicant, as indicated above.

The TAC voted unanimously to recommend **DENIAL** of the WAIVER OF PLAT ON Z-6186 for the reasons set forth above, noting that applicant had also been advised of the policies and procedures when the application was filed, and that the best interest of the public would be served by meeting all the requirements by platting.

Comments & Discussion:

In reply to Mr. Paddock, Mr. Wilmoth stated that the survey indicated 40', so an additional 10' of right-of-way would be required for a total of 50' from centerline to property line.

The applicant was not present at the time of TMAPC review of this case, but Staff advised the applicant was aware of the TAC and Staff recommendation for denial. Therefore, on motion of Mr. Carnes, the TMAPC voted unanimously for denial. However, the applicant re-entered the room and on motion of Mr. Carnes the TMAPC voted unanimously to reconsider their previous vote for denial.

Mr. Joe Hill, applicant, commented he did not wish to have this property platted and, in response to Ms. Wilson, stated the time and expense involved were considerations for not wanting to plat.

Mr. Carnes commented that since the TAC and Staff recommended denial, he suggested the applicant make known his intended use; otherwise, there was no basis but to deny this request. Mr. Hill had no further comments.

Mr. Gardner pointed out that the applicant did desire to have this property rezoned and developed. However, the applicant was just not desiring to meet all the requirements of the ordinance, i.e. platting.

TMAPC ACTION: 8 members present

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Paddock, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Parmele, Randle, "absent") to **DENY** the **Waiver Request for Z-6186 Unplatted**, as recommended by the TAC and Staff.

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BOA-14850 (Unplatted)(3102)

North of 65th West Avenue & West Edison Street
(Osage County) (AG)

This is a request to waive plat on a parcel of land 1.86 acres in area that is within the SW/4, SE/4 of Section 31, 20-12 in Osage County, but within the city limits of Tulsa. This lies adjacent to but is not part of Ahava, an inactive plat for a large campus-like church and related uses project. It has no connection with that project. It is also adjacent to, but not included in, an approved lot split separating the south 164' from a 3.48 acre tract (#14218, 9/20/78). A north-south arterial street would be provided in the Ahava project in accord with the Street Plan, so this tract is not affected by any required right-of-way.

The use proposed is for a private school in an existing home, using all existing facilities. The Board of Adjustment approved the use as temporary for a three year period; the applicant indicated that two years was proposed. The applicant does not own the property and the temporary use will be on a lease basis. The tract falls within the "under 2.5 acres" size on unplatted land as a plat waiver. Staff and TAC had no objection to the request inasmuch as the use is temporary and in existing facilities, with no new construction. Upon termination of the lease and expiration of the three year Board approval, the property would again be limited to residential and agricultural uses.

Conditions required for this waiver include:

1. Utility easements if needed for extension of services in the future. (None required)
2. City-County Health Department approval of existing septic system. (Recalculate for new use.)
3. Verification of water service. (Applicant indicated that water meter is on West Edison; temporary service verified by Water and Sewer Department.)
4. Verification of access for ingress and egress. (Nothing shown in legal or on drawings submitted.)
5. Note that this is not a lot split application; if it were, applicable requirements would be made, similar to the above.
6. This waiver would be affective only for the use proposed and in the event the use changes and/or requires a plat under Section 260 for a new application, it should again be reviewed by TAC for determination of plat requirements.
7. Approval of the waiver does not require a permit from Department of Stormwater Management. However, any development will be required to obtain a Watershed Permit.

Note: Information and drawings were submitted by applicant. Any property exchange or similar information is not part of the application nor applicable at this time.

BOA-14850 (Unplatted) - Cont'd

The applicant was represented by Mr. Phillips, et al.

The TAC voted unanimously to recommend **approval** of the WAIVER OF PLAT on BOA-14850, subject to the conditions outlined by Staff and TAC.

Comments & Discussion:

Mr. Wilmoth reviewed the TAC's recommendation and advised that conditions 1 - 5 had been met and were no longer needed; therefore, only conditions 6 and 7 remained applicable.

Mr. Wilmoth and Mr. Gardner clarified that the BOA action taken was for an Exception relating to use and a Variance relating to access.

TMAPC ACTION: 8 members present

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Paddock, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Parmele, Randle, "absent") to **APPROVE** the **Waiver Request for BOA 14850 Unplatted**, subject to conditions 6 and 7, as recommended by the TAC and Staff.

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BOA-13934 Wilshire Subdivision (2402)	3249 North Madison Avenue	(RS-3)
BOA-14856 Maywood Addition (793)	2116-18 East 15th Street	(OL)
BOA-14861 Corrie Lynn Estates (2193)	4012 East 35th Street	(RS-3)
BOA-14867 Comanche Park (1803)	3806 North Quaker Avenue	(RM-1)

All four of the above listed Board of Adjustment cases have been approved for day care centers in existing buildings and/or facilities. No exterior changes are to be made. It is recommended that all four applications be APPROVED as submitted.

TMAPC ACTION: 8 members present

On **MOTION** of **WILSON**, the TMAPC voted **8-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Paddock, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Parmele, Randle, "absent") to **APPROVE** the Above Listed Waiver Requests, as recommended by Staff.

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Z-5860 Ozarka Place Addition (593)

2727 East Admiral Place

(CS)

This is a request to waive plat on Lots 19, 20 and 21 of the above subdivision. Improvements are in place and rights-of-way meet the Street Plan requirements. Old structures on these lots are (or will be) removed to provide space for a new parts store building, as per plot plan submitted. Staff and TAC had no objection to the request since the property is already platted and Section 260 will be met by the existing plat of record. The following shall apply:

1. Grading and drainage plan approval by Department of Stormwater Management through the permit process.
2. Location of driveway subject to approval of Traffic Engineering. Access agreement is required.
3. Provide 10' utility easement across rear of lots. Make sure private pole light is not in the easement.

The applicant was represented by Ray Frogge.

The TAC voted unanimously to recommend **approval** of the WAIVER OF PLAT on Z-5860 subject to the conditions outlined by Staff and TAC.

TMAPC ACTION: 8 members present

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Paddock, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Parmele, Randle, "absent") to **APPROVE** the **Waiver Request for Z-5860 Ozarka Place**, subject to the conditions as recommended by the TAC and Staff.

LOT SPLITS FOR WAIVER:

L-17069 Adams (1993) NW/c of East 41st Street & South Lewis Avenue (RS-1)
(Waiver of Additional Right-of-Way)

Request to split a 4.87 acre tract into two separate lots. The west lot contains a large single-family residence and accessory buildings and the east lot is vacant. The reason for the unusual lot split line was to divide as equally as possible the many mature trees on the property. The applicant has also indicated that he requests a waiver of the Subdivision Regulations as they apply to compliance to the Major Street Plan for additional right-of-way dedication for East 41st Street, (25' existing, 50' required) and South Lewis Avenue (35' existing, 58' required).

Staff advised that the additional right-of-way on Lewis conforms to the new intersection criteria, providing for a right turn lane.

The applicant was represented by Ken Smith and Ted Sack.

Consistent with previous recommendations regarding waiver of the Subdivision Regulations requiring conformance with the Street Plan, the TAC (in particular City agencies) will not recommend waiver of the Plan.

For the record, Traffic Engineering recommended a mutual access provision for the development of the east tract (B) to eliminate or reduce access points onto the arterial streets.

The applicants advised they will request waiver of additional right-of-way requirements.

The TAC voted unanimously to recommend **approval** of L-17069, subject to the following conditions:

1. Dedication of right-of-way on Lewis and 41st Street to meet the Street Plan. (Applicant requests waiver of this condition.)
2. A 17.5' utility easement parallel to 41st Street and Lewis to provide room for utilities to move to when the streets are widened.
3. Grading and drainage plan approval by Department of Stormwater Management for any new construction.
4. Development of Tract B (the east tract) will require Tulsa City-County Health Department approval of septic system or extension of sanitary sewer.

Comments & Discussion:

In reply to Mr. Paddock, Mr. Wilmoth reviewed and clarified the existing right-of-way dedication at the 41st Street and Lewis Avenue intersection. Mr. Gardner commented there were basically two issues, and he did not feel it was as much an issue of meeting the Major Street and Highway Plan at today's standards for the additional turn lane as it was the 40' to 50' dedication issue. Mr. Wilmoth pointed out that the two radii on the northeast and northwest corners, which were taken in 1930, would more than meet the 30' radius required under today's standards.

Mr. Paddock stated concern with equal treatment of the property owners of the vacant land which might at some time in the future desire a lot split. He added that he felt there was a good deal to be said for requiring additional right-of-way on both 41st and Lewis equivalent to what had been done on the southeast and southwest sides of the intersection. Mr. Carnes questioned if it was really fair to ask for more dedication to accommodate right turn lanes of these property owners when it had not been done for the other property owners.

Mr. Ken Smith (PO Box 1046, Tulsa 74101), representing the owner(s), explained he was representing a bank which had been authorized by the owner of both Tract A and B to request this lot split application. He reviewed the history of the bank's involvement on these tract. Mr. Smith requested the requirement for dedication be waived for Tract A only, as he could agree to a dedication for Tract B since this tract was vacant.

In reply to Mr. Coutant, Mr. Smith clarified access on the subject tracts. Ms. Wilson commented she felt comfortable with the applicant's proposal for the waiver for Tract A only.

Additional Comments & Discussion:

Mr. Gardner clarified the applicant was willing to dedicate up to 50' and not 58'. Discussion continued among Staff and the Commission, with Mr. Doherty and Mr. Carnes agreeing that it did not seem fair to ask property owners in these older areas to dedicate right-of-way for street improvements that may or may not occur in the foreseeable future. Mr. Gardner commented that, physically, the only place right turn lanes might be needed would be for the north/south traffic movement (Lewis), and he pointed out that the applicant was not arguing with dedication on Tract B which fronts Lewis. Mr. Gardner suggested the Commission accept the applicant's offer for the additional right-of-way on Tract B, and waive the requirement for Tract A.

Mr. Carnes moved to approve the waiver of the right-of-way requirement for 41st Street (Tract A), and require an additional 5' on Lewis Avenue (Tract B), consistent with the northeast corner of the intersection. In response to Mr. Paddock, Mr. Smith clarified that, if the dedication requirement was waived for Tract A, it should also include waiver of the utility dedication requirement.

In response to Mr. Coutant, Mr. Linker stated the applicant was correct in referring to the US Supreme Courts decision that, in effect, stipulated there must be a nexus between the development going in and the dedication requirements being made. Therefore, he agreed with the way the discussion was proceeding between the Commission and the applicant. Mr. Coutant then inquired if there was concern as to uniform treatment, as a previous PUD in this area was required to dedicate 50'. Mr. Linker commented that in situations such as this where the applicant raises the question of dedication (since this involves only two lots), he felt the Commission should carefully review the case to see if the applicant's request had merit, and he felt it did in this instance. Mr. Gardner pointed out the differences in the laws and requirements for subdivisions and lot splits, and that a lot split could not be conditioned upon right-of-way alone.

Mr. Coutant commented the applicant has "offered" 10' on Lewis Avenue and he could see the City benefitting from this, and he was uncomfortable accepting less than this amount. Chairman Kempe agreed that when 10' was offered, take the 10'. Mr. Carnes restated his feeling that it was taking advantage of a property owner, and he did not want to set a precedent on this; therefore, he felt inclined to stay with the 5'. Mr. Coutant clarified that the applicant did not actually offer the 10'; he merely stated he would not object to the 10' dedication on Lewis. Mr. Doherty remarked that in essence, if someone was holding a gun on you, you would not object to them taking your wallet.

Mr. Wilmoth pointed out that, in regard to condition #4 as to Health Department approval of septic system/sanitary sewer, if Tract B was developed the TMAPC would be reviewing this again. In reply to Mr. Paddock, Mr. Wilmoth agreed with Mr. Gardner as to appropriateness of the applicant's suggestion.

Mr. Paddock stated he felt a better approach might be to make separate motions for each tract. Mr. Doherty suggested to Mr. Paddock that amending the original motion to 10' might be an easier approach and they could then obtain a consensus of the Commission. Therefore, Mr. Paddock moved to amend Mr. Carnes' motion to require 10' dedication on Tract B (Lewis frontage) and not 5'.

On **MOTION** of **PADDOCK**, the TMAPC voted **6-2-0** (Coutant, Draughon, Kempe, Paddock, Wilson, Woodard, "aye"; Carnes, Doherty, "nay"; no "abstentions"; Harris, Parmele, Randle, "absent") to **AMEND** the original motion from a 5' dedication for the Lewis frontage of Tract B to a 10' dedication requirement.

TMAPC ACTION: 8 members present

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Paddock, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Parmele, Randle, "absent") to **APPROVE** the **Lot Split Waiver for L-17069 Adams**, as follows:

Tract A: Waiver of the Subdivision Regulations requiring right-of-way dedication on 41st Street, and waiver of the utility easement

Tract B: Requiring a 10' right-of-way dedication on the Lewis frontage of Tract B, but waiver of the utility easement.

All other conditions shall remain, as recommended by the TAC and Staff.

* * * * *

L-17066 Perry (3003) North of the NW/c of Young St. & North Quincy Ave. (RS-3)

This is a request to split off the north 3.5' from Lot 8, Block 3, Carver Heights and add it to Lot 7 which abuts it on the north in order to settle a fence dispute. This action will require a variance of the bulk and area requirements from the BOA because of the substandard lots. It should be noted that the lots are platted at 50' width, with 6,750 sf. The split will result in a 46.5' lot width with 6,277 sf, and a 53.5' lot width with 7,222.5 sf. The density in the area is not increased since no new building lot is being created.

This approval would be subject to the following:

1. The approval of the BOA for a variance of lot width and area, case #14892, 8/18/88.
2. Additional 6' utility easement in the rear to total 11.0' current standard width.

Staff noted, but not as a condition, care should be taken in building on the 46.5' lot since, with the side yards, the structure could only be 36.5' wide. This will permit a modest house as long as the setbacks and design of the house are carefully considered.

The applicant was not represented.

The TAC voted unanimously to recommend APPROVAL of L-17066 subject to the conditions a recommended by Staff and TAC.

TMAPC ACTION: 8 members present

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Paddock, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Parmele, Randle, "absent") to **APPROVE** the **Lot Split Waiver for L-17066 Perry**, subject to the conditions as recommended by the TAC and Staff.

LOT SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-16943-A (1993)	Rodger	L-17065 (1093)	Swinson
L-17056 (3003)	Spencer	L-17067 (994)	Coonfield
L-17062 (992)	Great Plains	L-17068 (603)	White
L-17063 (3094)	Wilkinson	L-17070 (2892)	Tulsa Poly Inc.
L-17064 (593)	Romine	L-17071 (893)	Gillespie

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

OTHER BUSINESS:

PUD 416-2 (Grimm): Minor Amendment to Extend Driveway Access Easement
North of the NW/c of East 41st Street & South Yorktown,
being 4008 South Yorktown Avenue

Staff Recommendation:

The subject tract is located north of the northwest corner of South Yorktown Avenue (which is a private drive at this location) and East 41st Street South (being part of Lot 3, Block 1, Yorktown Estates Addition). The applicant is requesting a minor amendment to extend an existing driveway easement to allow access to a proposed detached garage. No notice was given based on the applicant's partnership owning all lots involved and abutting lots. After review of the applicant's submitted site plan, Staff finds the request to be minor in nature, and substantial compliance with the original Planned Unit Development.

Therefore, Staff recommends **APPROVAL** of minor amendment PUD 416-2, subject to the applicant's submitted site plan and subject to the execution and filing of the "Driveway Easement" presented by the applicant.

TMAPC ACTION: 7 members present

On **MOTION** of **PADDOCK**, the TMAPC voted **8-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Paddock, Wilson, "aye"; no "nays"; no "abstentions"; Harris, Parmele, Randle, Woodard, "absent") to **APPROVE** the **Minor Amendment to PUD 416-2 Grimm**, as recommended by Staff.

* * * * *

PUD 422 (Woolman): Detail Site Plan - Crow Creek Office Park Addition
East 33rd Street & South Peoria, being Lot 5, Block 1

Staff Recommendation:

PUD 422 is located at East 33rd Street and South Peoria and has an area of approximately 3.2 acres with underlying zoning of OMH and OM, with RS-3 zoning on the interior lots. Detail Site Plans and construction has previously been approved by the TMAPC on Lots 1, 2, 3, 6 and 7. The applicant is requesting TMAPC approval for a two story office building on Lot 5. An existing office building on Lot 1 (fronting Peoria) was recently expanded and remodeled; however, was exempt from conditions of approval from normal PUD procedural requirements for TMAPC review of plans prior to issuance of a Building Permit.

The proposed Detail Site Plan includes a two story office building (5736 square feet) on the south side of the vacated East 33rd Street right-of-way, with parking spaces on the west side. The Plan includes elevations which indicate the exterior facades of the building will be masonry and of a Williamsburg character. PUD 422 limits the maximum height of buildings to 30' as measured from the ground to the roof line, and requires a minimum landscaped area of 20%.

PUD 422 Woolman - Cont'd

Staff recommends APPROVAL of the submitted Detail Site Plan for Lot 5, Block 1, Crow Creek Office Park subject to the following conditions:

1) That the applicant's submitted Plan, Elevations, and Text be made a condition of approval, unless modified herein.

2) **Development Standards:**

Land Area (Gross):	3.17 acres
(Net):	2.58 acres
Lot 7 Area:	31,250 sf; .72 acres (approximate)

Permitted Uses:	Principal and accessory uses permitted as a matter or right in an OL District excluding drive-in banks and funeral homes.
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Maximum Building Height on Lot 5: 30'

Maximum Building Floor Area:	36,000 sf *
Lot 1	7,885 sf constructed
Lot 2	3,330 sf constructed
Lot 3	3,500 sf constructed
Lot 6 **	4,500 sf constructed
Lot 7	3,574 sf
Lot 5/this application	<u>5,736</u> sf ***
TOTAL	28,525 sf constructed/proposed

Remaining Floor Area:	7,475 sf
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Minimum Off-Street Parking:	As required by the applicable use units
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Lot 2	13 spaces constructed
Lot 3	14 spaces constructed
Lot 6 **	15 spaces constructed
Lot 7	12 spaces constructed
Lot 5	19 spaces proposed ***

* The maximum building size on Lot 1 is 10,000 sf. The maximum building size on the remainder of the Lots is 6,000 sf per lot.

** 15 parking spaces on Lot 6 will limit the maximum building size to 4,500 sf. The proposed 4,680 sf building would be permitted only if shared parking agreements were filed of record or 16 parking spaces were provided.

*** 19 parking spaces on Lot 5 will limit the maximum building size to 5,700 sf. The proposed 5,700 sf building would be permitted only if shared parking agreements were filed of record or 20 parking spaces were provided.

PUD 422 Woolman - Cont'd

Minimum Building Setbacks:	
from north interior boundary	20'
from south boundary	20'
from east/west boundary	none required
Minimum Landscaped Open Space:	20% ****

******** Landscaped open space shall include internal and external landscaped open spaces, parking lot islands and buffers, but shall exclude pedestrian walkways and parking areas designed solely for circulation.

Signs: One ground sign not exceeding 32 sf in display surface area may be erected on the South Peoria frontage and one ground sign not exceeding 32 sf in display area may be erected on the internal private street serving the office park.

- 3) That all trash, mechanical and equipment areas shall be screened from public view.
- 4) That all parking lot lighting shall be directed downward and away from adjacent residential areas. No pole light in excess of 8' tall shall be permitted along the north, west and south boundaries of PUD 422.
- 5) All signs shall be subject to Detail Sign Plan review and approval by the TMAPC prior to installation and in accordance with Sections 620.2.D and 1130.2.B of the PUD Chapter of the Zoning Code and as specified herein.
- 6) That a Detail Landscape Plan 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. Existing trees are being preserved on the site in accordance with the Landscape Plan element of the PUD Text and the submitted Detail Site Plan.
- 7) The Detail Site Plan includes elevations demonstrating a residential type Williamsburg exterior building facade within the development. Lot 5 will be screened by a 6 foot tall wooden screening fence with masonry columns on the south boundary. The elevations and screening fence are made conditions of approval of the Detail Site Plan where applicable.
- 8) That no Building Permit shall be issued until the requirements of Section 260 of the Zoning Code has been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the Restrictive Covenants the PUD conditions of approval, making the City of Tulsa beneficiary to said Covenants.
- 9) No building or structures are permitted to be built upon or encroach into any utility easement.

PUD 422 Woolman - Cont'd

Comments & Discussion:

In reply to Chairman Kempe, the applicant stated agreement to the Staff recommendation. Mr. Gardner noted this project was on the scheduled Fall tour as an example of an in-fill development.

TMAPC ACTION: 8 members present

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Paddock, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Parmele, Randle, "absent") to **APPROVE** the **Detail Site Plan for PUD 422 Woolman**, as recommended by Staff.

There being no further business, the Chairman declared the meeting adjourned at 3:00 p.m.

Date Approved August 3, 1988
Robert J. Dand
Vice-Chairman

ATTEST:

Kevin C. Coutant
Secretary

