

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1761
Wednesday, **September 20, 1989**, 1:30 p.m.
City Commission Room, Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Carnes, 2nd Vice Chairman	Kempe Randle	Frank Gardner	Linker, Legal Counsel
Coutant Doherty, Chairman	Wilson	Lasker Matthews	
Draughon, Secretary		Setters Stump	
Paddock Parmele		Wilmoth	
Selph Woodard			

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, September 19, 1989 at 10:05 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Doherty called the meeting to order at 1:34 p.m.

MINUTES:

Approval of the Minutes of September 6, 1989, Meeting #1759:

On **MOTION** of **CARNES**, the TMAPC voted **6-0-1** (Carnes, Coutant, Doherty, Paddock, Parmele, Woodard, "aye"; no "nays"; Draughon, "abstaining"; Kempe, Randle, Selph, Wilson, "absent") to **APPROVE** the **Minutes of September 6, 1989, Meeting #1759**.

REPORTS:

Report of Receipts & Deposits for the Month Ended August 31, 1989:

On **MOTION** of **CARNES**, the TMAPC voted **7-0-0** (Carnes, Coutant, Doherty, Draughon, Paddock, Parmele, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, Randle, Selph, Wilson, "absent") to **APPROVE** the **Report of Receipts & Deposits for the Month Ended August 31, 1989**.

Chairman's Report: Consideration of a request from the Legal Department to use surplus TMAPC funds to send a representative to the 9th Annual Zoning Institute, October 29th - 31st, Long Beach, CA.

TMAPC ACTION: 8 members present

On **MOTION** of **PARMELE**, the TMAPC voted **7-0-1** (Carnes, Coutant, Doherty, Draughon, Paddock, Parmele, Woodard, "aye"; no "nays"; Selph, "abstaining"; Kempe, Randle, Wilson, "absent") to **APPROVE** the Request from Legal Counsel to use surplus TMAPC funds, if available, to send a legal representative to the annual Zoning Institute.

Committee Reports:

Mr. Coutant advised of a meeting of the **Comprehensive Plan Committee** last Wednesday to review proposed amendments to the District 2 Plan and the District 18 Plan. He reported the Committee voted unanimously to recommend adoption as presented by Staff.

Mr. Paddock announced the **Rules & Regulations Committee** had met this date to continue review of amendments to the Sign Code, and would be meeting again September 27th in an effort to finalize this review.

Director's Report:

- Mr. Lasker mentioned the upcoming Citizen Planning Team elections to be held October 17th throughout the City's Planning Districts which also involved the TMAPC liaisons. He advised information would be forwarded to the TMAPC and BOA members in regard to the Citizen Planning Team workshop and training session scheduled for Saturday, November 4th.

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- Mr. Lasker stated City Commissioner Gary Watts has completed his study with the Authorities, Boards & Commissions (ABC) Task Force. He advised the Task Force recommendation in regard to the TMAPC involved a suggested amendment to enabling legislation to allow the Mayor to appoint a designee from his administration to attend the TMAPC meetings. Mr. Lasker commented that the INCOG's Legislative Program was still open for suggested projects, issues, etc. He advised discussions have been initiated in regard to the TMAPC's concerns with PUD's and Impact fees.

In regard to the ABC Task Force Report, Mr. Paddock commented it was his impression, from a related newspaper article, that the Task Force may not have realized the Mayor was an ex officio member of the TMAPC. Therefore, he was not in favor of a Mayorial designee, as he

REPORTS: Director's - Cont

felt the only reason the Mayor or County Commissioner (also an ex officio member) should be sitting and voting with the Planning Commission was by the virtue of their office; i.e., ex officio. Further, a aid or designee of the Mayor would be just another appointee like the other six members currently appointed by the Mayor. Mr. Paddock stated he was in favor of keeping Title 19 as is. Commissioner Selph agreed with the comments made by Mr. Paddock and reinforced his position by remarking that he would not even entertain the thought of appointing some one from the County that was not an elected official to sit on the TMAPC.

Mr. Draughon concurred with the above statements that a designee would be just another appointment to the current six City appointees to the TMAPC. Mr. Lasker advised the public hearing on this issue was scheduled for October 5th and the TMAPC members could choose to present their views. Chairman Doherty referred to ABC Task Force recommendation to the Rules and Regulations Committee for consideration of a possible written response expressing the TMAPC's view on this matter.

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- BRIEFING: "Development Impact Fees, Enabling Legislation and Ordinances, Impact Fee Practice - April 1989 (Rev.)" by Irving Frank of INCOG.

Mr. Frank presented an overview of the study in regard to comparisons of processes used by various states. He pointed out the report was meant for study purposes only, and was not intended as a formal recommendation for processing at this time.

Chairman Doherty directed the report be forwarded to the City and County Commissions, as well as the INCOG Board of Directors for review by their membership. He suggested that, on an informal basis, the study could also be forwarded to the Planning Commission Chairmen and planners in each community represented on the INCOG Board. Chairman Doherty added that, until such time as there is a better indication of the intent of elected officials in and around the Tulsa area on this issue, he did not feel there was much the TMAPC could do toward preparing a recommendation on impact fees. Mr. Paddock advised he has discussed this with Mr. Lasker, who indicated the impact fee issue has already been suggested to the INCOG Legislative Committee. Further, Mr. Paddock stated he did not feel it was necessary to have the Rules & Regulations Committee meet on this issue at this time.

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REPORTS: Director's - Cont

- Ms. Dane Matthews submitted a request for a public hearing on October 25th to consider amendments to the District 4 and District 6 Plans, as relates to recommendations from the "Utica Medical Corridor Special Study". Hearing no objection from the Commission, Chairman Doherty directed Staff prepare the required notices for this hearing. Ms. Matthews commented Staff would prepare the related resolutions on this issue for presentation at the public hearing.

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- Mr. Gardner initiated discussions on TMAPC procedures for the rezoning of properties affected by amendments to the District 16 Plan. Chairman Doherty requested Staff contact the property owners affected by any suggested rezoning, and place this matter on next week's TMAPC agenda.

PUBLIC HEARING:

TO CONSIDER AMENDMENTS TO THE DISTRICT 18 PLAN MAP AND TEXT, SPECIFICALLY RELATING TO THE MINGO VALLEY EXPRESSWAY CORRIDOR.

Comments & Discussion:

Ms. Dane Matthews reviewed the history of this issue in regard to the proposed amendments, reiterating the four basic reason for supporting the amendments as originally proposed by Staff (July 11, 1988):

1. The proposed amendments will accommodate future land use needs.
2. This recommendation is sound and will stand with or without the Expressway.
3. Several existing residential uses located in the study area pre-empt high intensity development from occurring in most of the interior portions of the Corridor.
4. This action is necessary based on past and present misconceptions that the "C" in Corridor stands for and is the same as the "C" in Commercial.

Mr. Gardner reviewed the Plan Map as to the specific future development areas along this corridor and at the nodes within the corridor. He referred to language in the current Development Guidelines which support the proposed amendments:

- a) "Page 7: No use, however, is permitted by right in a Corridor (CO) Zoning District.

PUBLIC HEARING: District 18 - Cont

- b) Pages 9 & 10: Land situated adjacent to existing, programmed (right-of-way acquired) or planned freeways is generally considered to be within either a Subdistrict or a Node, as are other areas of the Development District. No use is permitted as a matter of right in the Corridor Zoning District. The type of use and corresponding intensity of use is subject to the Corridor Site Plan review and approval process as specified in the Zoning Code. Land may be deemed appropriate for high intensity development if the freeway is built or the right-of-way acquired (land acquisition program instituted which includes the subject property), unless in the particular instance the configuration of the corridor or existing development has significantly impaired the accessibility of the corridor or rendered the achievement of sound land use relationships impractical. Thus, in order for high intensity uses to occur, a zoning application must first be made and granted placing a parcel in the Corridor Zoning District. Once a parcel has been designated as being in this zoning classification, high intensity development would only be allowed in compliance with an approved site plan.
- c) Page 12: Within areas previously zoned as Corridors but within which the expressway right-of-way has not been acquired, the intensity of a proposed development may be limited to low or medium intensity, based on the anticipated scheduling of right-of-way and evaluation of existing land use and site conditions."

Mr. Coutant reiterated the Comprehensive Plan Committee has reviewed these amendments and recommends adoption by the TMAPC per the Staff recommendation.

Interested Parties:

Mr. Charles Norman, zoning attorney and representative for property owner(s) in the subject area, repeated protests submitted to the TMAPC at previous hearings which include his objections to:

- Committing the frontages along the arterial streets (71st, 81st and 91st) to linear development areas.
- Limiting the multifamily density to 25 units per acre when the ordinances state a maximum of 43 units per acre.
- Limiting of office development to .4 FAR when the ordinance has a potential of 1.25 FAR.
- Attempts to preplan the subject 3.5 miles when the concepts of both the PUD and the Corridor Site Plan process is to permit the property owner a chance to propose a development plan with development standards, followed by review by Staff and TMAPC for compatibility with the Development Guidelines, with the physical facts and with the elements of the Comprehensive Plan.

PUBLIC HEARING: District 18 - Cont

Mr. Roy Johnsen, zoning attorney, commented he had represented a property owner with 70+ acres and a partnership owning 40 acres, which was a substantial part of undeveloped properties on the east side of Mingo between 71st and 81st. Mr. Johnsen stated he still objected to the proposal from a philosophical point of view and from the planning concept reasons outlined by Mr. Norman. He emphasized that the two multifamily developments existing at 71st and Mingo would not have been permitted by these proposals. Therefore, he felt the facts were such that there was no reason to restrict the potential for the higher intensity the corridor concept contemplates. For this reason, Mr. Johnsen disagreed with Staff's position as he felt there were numerous areas within the corridor where there was existing development would not pre-empt higher intensity. Mr. Johnsen reiterated he did not think it necessary to limit the potential for multifamily and office developments to the lower intensity, as he felt it perfectly acceptable to have a high-rise office building exceeding .3 or .4 FAR in proximity to the expressway, if there were no pre-empting facts. Mr. Johnsen commented logic would suggest that, if the level of intensity proposed by Staff was appropriate without an expressway, then a higher level of intensity would more than be appropriate with the expressway. He concurred again with Mr. Norman's comments and added that he felt all the tools needed were in place for higher intensities in the corridor. He also felt the premise on which the amendments were being made were fallacious and unnecessary. Mr. Johnsen answered questions from the Commission relating to his position on this issue.

Ms. Matthews advised she had spoken with the District 18 Chairman shortly before this meeting, who advised the Planning Team remained supportive of the proposed amendments.

TMAPC Review Session:

Mr. Coutant commented that he felt the the proposed amendments acknowledge this area was still corridor, but the amendments expressed a message to developers that "the sky is not the limit". He added that there should be orderly development, as opposed to a case-by-case consideration, and the public should be made aware of this. Mr. Coutant commented that the proposal was to display to the public the vision of planning. He did not feel it unfair, but rather more fair as it avoids misunderstanding of the planning process.

Mr. Doherty inquired if the TMAPC could consider an application proposing something higher than suggested in the amendments. Mr. Linker stated that it could be and was done all the time in other respects, as the plan was the "broad brush application". Actual development would be reviewed at the time it is proposed. Mr. Linker commented he felt the point being made by the interested parties was that they did not want "one more strike against them or one more thing to answer", which was something the developers would have to overcome when presenting their case.

PUBLIC HEARING: District 18 - Cont

Mr. Parmele commented that he was still trying to resolve in his own mind why this was being done as the process has worked well in the past, and orderly development has occurred in this corridor. He questioned why just this 3.5 mile corridor was being reviewed. Mr. Parmele referred to Staff's indication that language in the current Development Guidelines support the proposed amendments, but he felt the same language supports leaving the situation as is; i.e., "no use is permitted by right in a Corridor Zoning District". Mr. Parmele added the City needed a variety of locations to provide the opportunity for higher intensity development. He agreed with Mr. Johnsen's views as seeing this area developing with office, apartments or warehousing. He added the Commission needs to recognize this fact while keeping in mind that, as the land develops at a lower intensity, the TMAPC was responsible and should be held accountable for compatible development. Mr. Parmele stated he has always believed the Comprehensive Plan was just one tool the TMAPC relies on when making determinations for zoning.

Mr. Draughon stated the primary concern of this Commission should be to plan and act in a manner beneficial to the general welfare of all the citizens, and not favor a select few. He commended Staff on an excellent and thorough presentation, as he felt it provided an opportunity to the TMAPC to act as a "planning" commission to finally get "the horse before the cart" and control unlimited detrimental development.

Mr. Carnes agreed that the TMAPC serves the full citizenry of Tulsa, and he felt the property owners in this corridor also had rights; therefore, he could not support the proposed amendments at this time. Mr. Coutant voiced that he did not see this proposal as a deprivation of rights, and commented there was no doubt about this being a change. Mr. Coutant acknowledged Mr. Parmele's statement that this was a guideline.

In regard to the proposed Linear Development Area (LDA), Mr. Parmele stated he was not in favor of expanding the LDA on 81st or 91st Streets, as he did not feel the facts supported this proposal. However, he felt it appropriate on 71st Street since it was a primary corridor.

Mr. Paddock commented the Commission recognizes this was not a rezoning matter and does not "set anything in concrete". He remarked that he felt it difficult to believe that the owners of these large tracts of land purchased the property without being properly advised, or that they were confused by the CO designation. Mr. Paddock stated he did have some questions about the 81st and 91st proposals, as he was curious why Staff would suggest extending the intensities on the Plan Map even though the land was now vacant. Mr. Gardner commented that, basically, Staff was acknowledging that along these streets, if commercial was permitted at .5 FAR, then this was where it should be. But Staff was not indicating that this would all develop commercially, as there was no reason why these strips could not develop with offices, apartments, or other uses the market might generate. Mr. Gardner stated there will be tremendous

PUBLIC HEARING: District 18 - Cont

pressures for commercial development at the intersections of the expressway with the major streets. He did not think anyone present would be inclined to put single-family at these sites. Further, with commercial pressures at the node of the major intersections as well as the expressway nodes, what would be done with the land in between? Mr. Gardner remarked that you recognize these facts, but the market usually was a determining factor. Staff felt the proposal would accommodate the market and had tremendous flexibility. However, Staff was not saying that commercial would only be in the "orange" area but only that if developed along this corridor, then this was where it should be placed. Mr. Gardner interjected that the proposed Plan Map amendments do not state 660' depth for the north side of 91st Street, but this was intended and would be corrected in the text.

Chairman Doherty commented that he did not necessarily feel the proposed amendments were so much a "strike against" developers, but more a placement of burden of design on the developer to present a plan that could, if appropriate, exceed the intensity/density limits. He added that, in terms of residential density, he would have no problem approving a greater density if adequate care was given to design and compatibility. Chairman Doherty commented he felt Staff had done a good job and he could support the amendments, bearing in mind that the Commission was not absolutely limiting the development to these particular figures.

TMAPC ACTION: 7 members present

On **MOTION** of **COUTANT**, the TMAPC voted **5-2-0** (Coutant, Doherty, Draughon, Paddock, Woodard, "aye"; Carnes, Parmele, "nay"; no "abstentions"; Kempe, Randle, Selph, Wilson, "absent") to **APPROVE** the Amendments to the District 18 Plan, as recommended by Staff.

The motion failed due to a lack of six affirmative votes required for amendments to the Comprehensive Plan. Mr. Gardner stated the Commission needed to advise of the course of action desired on this matter.

Mr. Paddock suggested a continuance of the TMAPC review session to next week's meeting in order to have sufficient number of members to obtain the necessary affirmative votes, as he did not feel a matter of this importance should be defeated by "happenstance". Therefore, as one with the prevailing side, Mr. Parmele moved to reconsider this issue at next week's meeting.

TMAPC ACTION: 7 members present

On **MOTION** of **PARMELE**, the TMAPC voted **7-0-0** (Carnes, Coutant, Doherty, Draughon, Paddock, Parmele, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, Randle, Selph, Wilson, "absent") to **RECONSIDER** the District 18 Plan Amendments at the September 27, 1989 TMAPC meeting.

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TO CONSIDER AMENDMENTS TO THE DISTRICT 2 PLAN MAP AND TEXT,
SPECIFICALLY RELATING TO THE OSAGE/EMERSON SECTOR

Comments & Discussion:

Ms. Dane Matthews introduced Dr. Jack Crowley who reviewed the proposals for the District 2 amendments, outlining specific amendments to the Osage/Emerson Sector update.

After a short review and discussion, Mr. Woodard commented he had attended meetings on the Plan update and he felt this was a very good proposal. Therefore, he moved for approval as presented.

TMAPC ACTION: 6 members present

On **MOTION** of **WOODARD**, the TMAPC voted **6-0-0** (Coutant, Doherty, Draughon, Paddock, Parmele, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Kempe, Randle, Selph, Wilson, "absent") to **APPROVE** the **Amendments to the District 2 Plan Map & Text relating to the Osage/Emerson Sector**, as recommended by Staff.

SUBDIVISIONS:

PRELIMINARY PLAT:

Homeland #0102 (PUD 360-A)(1483) NW/c of E 91st St & S Memorial Dr (CS, RM-0)

This plat has a sketch plat approval by the TAC on 6/29/89 subject to a number of conditions. A copy of the minutes of that meeting were provided with staff comments in the margin.

An updated copy of the restrictions and the plat was provided by applicant at the meeting.

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

The TAC voted unanimously to recommend **approval** of the PRELIMINARY plat of Homeland No. 0102, 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 existing easements if retained from previous plat or by separate instrument. Show a perimeter easement as recommended by utilities. Show interior easements as needed. Extend easement around corner at 91st Street at a 45° angle.

Homeland No. 0102 - Cont

2. All conditions of PUD #360 shall be met prior to release of final plat, including any applicable provisions in the covenants or on the face of plat. Include PUD approval date and references to Section 1100-1170 of the Zoning Code in the Covenants.
3. 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.) (Fire loop may be required.)
4. 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).
5. A request for creation of a Sewer Improvement District shall be submitted to the Water and Sewer Department prior to release of final plat.
6. 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.
7. A request for a privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer.
8. Limits of Access or (LNA) as applicable shall be shown on plat as approved by City/Traffic Engineer; include applicable language in covenants. Move access points on Lot 4: 40' west on 91st Street and 35' north on Memorial Drive. For the record, Lots 3 and 4 will be "right turn only" access. Make sure that utility pole locations and access driveways do not conflict. Traffic Engineer prefers that the existing median opening on Memorial be utilized. Only one median opening can be used. Coordinate location with Walmart project on the east side of South Memorial. Access at the south edge of Lot 1 should be eliminated. Second access from south on Lot 1 should be 40' and "right-turn-only".
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: 6 members present

On **MOTION** of **PARMELE**, the TMAPC voted **6-0-0** (Coutant, Doherty, Draughon, Paddock, Parmele, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Kempe, Randle, Selph, Wilson, "absent") to **APPROVE** the **Preliminary Plat for Homeland No. 0102**, subject to the conditions as recommended by the TAC and Staff.

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Hampton South (Z-4789-SP-2)(784) East 76th Street & South Garnett Road (CO)

This plat was mailed out as "Spyglass", but some changes were made to the street pattern, a small neighborhood park has been provided and the lot density reduced by two more lots to total 226 homes. It is a resubdivision of Southbrook V which was approved as a Corridor (CO) District Site Plan and filed of record as plat #4722.

Since most of the details of this plat have already been previously processed, applicant may want to prepare the draft final and obtain both preliminary and final approval of the Planning Commission on September 20th. Staff had no objection to this procedure, provided applicant can obtain all the necessary approvals prior to the TMAPC meeting. The minor amendment to the Corridor District Site Plan is being processed concurrently with this plat.

The Staff presented the plat with the applicant represented by Joe Donaldson, Engineer, and Robert Jones, the developer.

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

1. On face of plat show 25' & 15' building lines around the Reserve "A" and a 10' building line along the south property line. Under the title block, show: "Corridor District Plan: Z-4789-SP-2".
2. All conditions of CO District Site Plan review Z-4789-SP-2 applicable to a plat shall be met prior to final approval.
3. Covenants:
 - a) Section I(2), line 4 (after the word "aforesaid"), Add: ..."No building, structure, or other above or below ground obstruction that will interfere with the purposes aforesaid, will be placed, erected, installed or permitted upon the easements or rights-of-way as shown."
 - b) Section II(a), Line 2: Date is April 20, 1988.
" " , Line 5: Revise as follows: "WHEREAS the TMAPC, on April 20, 1988 approved the original Corridor Site Plan for Southbrook V, and subsequently approved by the Board of City Commissioners of the City of Tulsa on May 13, 1988, and subsequently a minor amendment to the Corridor Site Plan was approved for Hampton South by the TMAPC on September 20, 1989."
 - c) Section II(a) 2.: Add short description of recreational uses proposed for Reserve "A". (NOTE: This could be included in a separate paragraph which should include the uses and who will maintain, etc. within Reserve "A".)
 - d) Section II(a) 3.: Change number to 226 as per 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. Existing easements should be tied to or related to property lines and/or lot lines.

5. Water plans shall be approved by the Water and Sewer Department prior to release of final plat.
6. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owner(s) of the lot(s).
7. A request for creation of a Sewer Improvement District shall be submitted to the Water and Sewer Department prior to release of final plat.
8. Paving and/or drainage plans shall be approved by Stormwater Management and/or City Engineer, including storm drainage, detention design and Watershed Development Permit application subject to criteria approved by City Commission.
9. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer. (PFPI under previous plat of Southbrook V.)
10. It is recommended that the developer coordinate with Traffic Engineer during the early stages of street construction concerning the ordering, purchase, and installation of street marker signs. (Advisory, not a condition for release of plat.)
11. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City-County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
12. 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.
13. All (other) Subdivision Regulations shall be met prior to release of final plat.

THE FOLLOWING WAS PRESENTED IN CONJUNCTION WITH THE ABOVE PRELIMINARY PLAT:

Z-4789-SP-2: Minor Amendment to Corridor Site Plan

Staff Recommendation:

The applicant wishes to amend the Corridor District Site Plan to permit a reduction in density from 257 single-family lots to 226 single-family lots, and provide a small neighborhood park/open space. This park/open space is to be maintained by and for the use of the homeowners in the subdivision.

Staff finds the proposal to be minor in nature and compatible with the purposes and intent of the original development plan for Z-4789-SP-1. Therefore, Staff recommends APPROVAL of the Minor Amendment to Z-4789-SP-2, subject to the following conditions:

1. The submitted subdivision plan (HAMPTON SOUTH) shall serve as the Detail Site Plan, including the Corridor District requirements of Section 800-850 of the Zoning Code within the restrictive covenants of the plat.
2. Permitted Uses: Principal and accessory uses as permitted by right in an RS-3 District.
3. Maximum Number of Dwelling Units: 226
4. Minimum Building Setbacks: As shown on the Corridor District Site Plan (plat of HAMPTON SOUTH), including a provision that, if a garage fronts a corner lot, 20' is required instead the usual 15' building line as permitted by the RS-3 standards. The house shall face the 25' building line. Those lots abutting South Garnett Road are permitted a 30' building line (80' from C/L) as originally approved on Z-4789-SP-1 and BOA #14821. All other bulk and area requirements, except those set forth above, shall be as provided in an RS-3 District.
5. A homeowners association shall be formed to maintain the common area and open space as shown on the site plan (plat). Said common area may include, but is not limited to, playground equipment, picnic facilities, clubhouse, pool and related accessory uses as permitted in an RS-3 District.

Comments & Discussion:

Mr. Wilmoth pointed out that there may be a need to phase this plat into two sections. However, all of the above conditions applied to the entire project, and were locked into this subdivision plat and site plan. He clarified the applicant, therefore, may need file a plat on the property east of power line, and then file the second phase west of the power line. Staff had no objection to this arrangement.

Chairman Doherty noted there were no interested parties present, and the applicant stated agreement to the listed conditions.

TMAPC ACTION: 6 members present

On **MOTION** of **WOODARD**, the TMAPC voted **6-0-0** (Coutant, Doherty, Draughon, Paddock, Parmele, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Kempe, Randle, Selph, Wilson, "absent") to **APPROVE** the **Preliminary Plat for Hampton South and the Related Minor Amendment to Z-4789-SP-2**, subject to the conditions as recommended by the TAC and Staff.

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Joy Lutheran Addition (2183)

3737 East 101st Street South

(AG)

This tract is already in use for church purposes, but a Board of Adjustment case (14418) has resulted in a platting requirement. Note that the special parking setback was not a condition of this plat, but was of record, so will be shown on the plat.

The Staff presented the plat with the applicant represented by Alan Hall.

The Fire Department advised that they require a fire hydrant no more than 400' from the buildings. A water main extension might be required to accomplish this.

The City-County Health Department advised that the buildings were on existing septic systems so they had no objection to preliminary plat approval.

The TAC voted unanimously to recommend **approval** of the PRELIMINARY plat of Joy Lutheran Addition, subject to the following conditions:

1. On face of plat show:
 - a) 35' building line on 101st Street and a 25' building line, measured as 50' from centerline of South Louisville Avenue.
 - b) Omit "LNA" references except along 101st Street and South Louisville Avenue.
 - c) Show owners name, address, and phone number. Show a graphic scale. Near or under location map indicate number of acres and lot(s).
 - d) On location map, identify South Harvard. Show "proposed turnpike" at approximately the half-section line. Identify Silver Chase "Amended".
2. Covenants:
 - a) Page 1: Legal should include to centerline of street since the right-of-way is being dedicated by this plat. Also include additional sentence in the dedication paragraph, per sample furnished by Staff.
 - b) Page 2: 1st paragraph at top of page; omit all after word "title" in last line.
 - c) Page 3, Item #8: Part was omitted. Rewrite this paragraph per staff sample.
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. (Show easement for existing PSO line or relocate at owner's expense.
4. Water plans shall be approved by the Water and Sewer Department prior to release of final plat.
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).

Joy Luthern Addition - Cont

6. 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.
7. Limits of Access or (LNA) as applicable shall be shown on the plat as approved by City Traffic Engineer. Check sight distances and grades and provide this data to Traffic Engineering.
8. 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.
9. The method of sewage disposal and plans therefore, shall be approved by the City-County Health Department. Percolation tests required prior to preliminary approval. (Also see note under #2 (c) above regarding covenants.)
10. A "Letter of Assurance" regarding installation of improvements shall be submitted prior to release of final plat, including documents required under Section 3.6-5 of Subdivision Regulations.
11. All (other) Subdivision Regulations shall be met prior to release of final plat.

Comments & Discussion:

Chairman Doherty noted there were no interested parties present, and the applicant stated agreement to the listed conditions.

TMAPC ACTION: 6 members present

On **MOTION** of **PARMELE**, the TMAPC voted **6-0-0** (Coutant, Doherty, Draughon, Paddock, Parmele, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Kempe, Randle, Selph, Wilson, "absent") to **APPROVE** the **Preliminary Plat for Joy Luthern Addition**, subject to the conditions as recommended by the TAC and Staff.

* * * * *

Autumn Village (PUD 405-4)(2383) S/side of 91st St @ South 72nd East Ave (AG)

The Staff presented the plat with the applicant represented by Clayton Morris.

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

1. Clarify the easements and building lines along the south property line. (AG zoning requires a 40' rear building line). Show the edge of the Conoco pipeline easement and any required general utility easements parallel thereto.

Autumn Village - Cont

2. Under title block, show "PUD 405-4". On location map omit the designation "Riverside" on the turnpike. Identify 92nd Street at the southwest corner of plat as "private".
3. Covenants - Section II (first paragraph, last line), correct to: "...City of Tulsa on December 17, 1985, by Ordinance No. 16537 dated January 14, 1986. Subsequent minor amendment to Area 7 was approved by the TMAPC on July 12, 1989."
4. All conditions of PUD 405-4 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.
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 should be tied to or related to property lines and/or lot lines. (Show a 17.5' utility easement parallel to 91st Street.)
6. Water plans shall be approved by the Water and Sewer Department prior to release of final plat (if required).
7. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owner(s) of the lot(s).
8. A request for creation of a Sewer Improvement District shall be submitted to the Water and Sewer Department prior to release of final plat.
9. Paving and/or drainage plans shall be approved by Stormwater Management and/or City Engineer, including storm drainage, detention design and Watershed Development Permit application subject to criteria approved by City Commission.
10. Limits of Access or (LNA) as applicable shall be shown on the plat as approved by City Traffic Engineer.
11. It is recommended that the developer coordinate with Traffic Engineer during the early stages of street construction concerning the ordering, purchase, and installation of street marker signs. (Advisory, not a condition for release of plat.)
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 "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.

Autumn Village - Cont

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

TMAPC ACTION: 6 members present

On **MOTION** of **PARMELE**, the TMAPC voted **6-0-0** (Coutant, Doherty, Draughon, Paddock, Parmele, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Kempe, Randle, Selph, Wilson, "absent") to **APPROVE** the **Preliminary Plat for Autumn Village**, subject to the conditions as recommended by the TAC and Staff.

FINAL PLAT APPROVAL & RELEASE:

Pleasant View Estates 2nd (2114) E 94th Pl N & N 134th E Ave (RE - County)

On **MOTION** of **COUTANT**, the TMAPC voted **6-0-0** (Coutant, Doherty, Draughon, Paddock, Parmele, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Kempe, Randle, Selph, Wilson, "absent") to **APPROVE** the Final Plat of **Pleasant View Estates 2nd** and release same as having met all conditions of approval.

REQUEST FOR WAIVER (Section 260):

BOA-15241 Yargee Addition (2192) 4006 South 34th West Avenue (RS-3)

This is a request to waive plat on Lots 1 - 7, Block 11 of the above-named subdivision in Red Fork. The proposed use is a picnic shelter in connection with the nearby church building. Generous amounts of street dedications were made on the original plat along with platted alleys, all which exceed the minimum standards now required. Staff recommends approval, subject to grading and drainage plan approval, if required, through the permit process by Department of Stormwater Management. (Payment of fees-in-lieu can be made for any increase in imperviousness.)

The applicant was not represented.

The TAC voted unanimously to recommend **approval** of **WAIVER OF PLAT** on **BOA-15241**, subject to the conditions outlined by Staff.

TMAPC ACTION: 6 members present

On **MOTION** of **PARMELE**, the TMAPC voted **6-0-0** (Coutant, Doherty, Draughon, Paddock, Parmele, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Kempe, Randle, Selph, Wilson, "absent") to **APPROVE** the **Waiver Request for BOA-15241 Yargee Addition**, subject to the condition as recommended by the TAC and Staff.

* * * * *

Z-6220 Unplatted (1193) NE of 17th Street & South 79th East Ave (RM-2, RM-1)

This is a request to waive plat on an unplatted tract of land immediately adjacent to and south of the Woodbrook Apartments on South Memorial and South 79th East Avenue. The tract was rezoned from RS-3 to RM-1 and RM-2, thereby creating the platting requirement. It will be used to construct a maintenance and leasing office for the adjacent apartment complex. Access will only be through the apartment complex, but the tract does have the necessary frontage and area requirements. The tract had been previously reviewed by the TAC and Planning Commission and Board of Adjustment for a four lot split for duplexes (L-14750, BOA 10568, 10679). The property never developed so it was purchased by the owners of the adjacent Woodbrook Apartments for use in connection with that existing complex. Approval was recommended subject to:

- a) Grading and drainage plan approval by Department of Stormwater Management through the permit process. Provide drainage easements as recommended, including on-site detention.
- b) Provide perimeter 11' utility easements as directed by utilities. (Staff finds no easement documents on the lot split since it was not utilized.)
- c) Not a condition for approval of the waiver of plat, but applicant **will be** required to file a Board of Adjustment application to permit the accessory use on this tract, subject to a "tie contract" with Lot 1, Block 1, Woodbrook.

The applicant was not represented.

Staff advised that if the applicant does not file a Board of Adjustment application, which would result in a "tie contract", then a sewer main extension will be required to serve the new building as a condition of approval.

The Department of Stormwater Management (DSM) advised they would recommend against a plat waiver so that location of the floodplain could be shown by plat. However, if plat requirement is waived, an easement for drainage will be a condition of approval, including on-site detention.

The TAC voted 8-1-0 to recommend **approval** of WAIVER OF PLAT on Z-6220, subject to the conditions outlined by Staff and the Technical Advisory Committee, noting Department of Stormwater Management comments regarding waiver.

Comments & Discussion:

Mr. Draughon commented he was in support of the DSM recommendation regarding the concerns for platting. Mr. Paddock inquired as to the reason DSM was wanting the plat. Mr. Wilmoth explained that DSM did not want to write the legal description for the easement, which would be shown on a plat. However, he advised that he would be glad to write this if provided with the dimensions.

Z-6220 Unplatted - Cont

Mr. John Tracy (5751 East 23rd Street), applicant, advised they have been working with a DSM representative, and they were designing detention for the project.

TMAPC ACTION: 6 members present

On **MOTION** of **PARMELE**, the TMAPC voted **4-2-0** (Coutant, Doherty, Parmele, Woodard, "aye"; Draughon, Paddock, "nay"; no "abstentions"; Carnes, Kempe, Randle, Selph, Wilson, "absent") to **APPROVE** the **Waiver Request for Z-6220 Unplatted**, subject to the conditions as recommended by the TAC and Staff.

* * * * *

Z-6260 Riverbend (PUD 105A)(1883) SW/c of 81st St & Yorktown Ave (RM-1, CS)

This is a request to waive plat on a portion of Lot 1, Block 1 of the above plat that is being partly rezoned to CS, along with an amendment to the PUD. A lot split has been filed to separate this ownership and is also included as part of this review (L-17211). The lot split in itself does not require any waivers. A convenience store is planned for the corner per the concept drawings. The following shall apply:

1. Grading and/or drainage plans shall be approved by Department of Stormwater Management in the permit process. (WSDP #3254)
2. Access points shall meet the approval of Traffic Engineering. (An access change would also be necessary which can be processed with this waiver and the lot split.) Access on 81st Street will be "right-turn-only".
3. Extension of utilities, including sanitary sewer and any easements required for those extensions, including 17.5' parallel to both north and east property lines.
4. PUD restrictions and conditions to be filed by separate instrument outlining the amended requirements.

The applicant was represented by Stewart Nyander.

The TAC reminded applicant to exercise care in locating signs near easements due to location of utility lines.

The TAC voted unanimously to recommend **approval** of WAIVER OF PLAT on Z-6260, PUD 105-A, and L-17211, subject to the conditions outlined by Staff and the Technical Advisory Committee.

THE FOLLOWING WAS PRESENTED IN CONJUNCTION WITH THE WAIVER REQUEST FOR Z-6260.

PUD 105-A: Detail Site Plan, Detail Landscape Plan & Detail Sign Plan

Staff Recommendation:

The Detail Site Plan, Detail Landscape Plan and Detail Sign Plan for a QuikTrip convenience store at the southwest corner of 81st Street and Yorktown Avenue all comply with the development standards of PUD 105-A. Therefore, Staff recommends APPROVAL of the Detail Site Plan, Detail Landscape Plan and Detail Sign Plan.

Staff noted BOA approval would be needed to allow the changing gas prices on the sign.

TMAPC ACTION: 6 members present

On **MOTION** of **WOODARD**, the TMAPC voted **6-0-0** (Coutant, Doherty, Draughon, Paddock, Parmele, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Kempe, Randle, Selph, Wilson, "absent") to **APPROVE** the **Waiver Request for Z-6260 Riverbend & the Related Detail Site Plan, Detail Landscape Plan & Detail Sign Plan**, subject to the conditions as recommended by the TAC and Staff.

* * * * *

Z-5540 Valley View (683)

6500 South Peoria Avenue

(CS)

This is a request to waive plat on the east 80' of the west 250' of Lot 6, Block 3 of the above subdivision. This is the result of an overlap in zoning applications and ordinances. The west 170' of Lot 6 was rezoned CS on 11/2/73 by Z-4516, Ordinance #13002. The remainder of Lot 6 was rezoned RM-2, and Lot 4 was rezoned RM-1 by the same application. The plat requirement was waived on all of Z-4519 on 11/14/73, subject to the dedication of an additional 20' of right-of-way along Peoria Avenue to meet the Street Plan requirement. Subsequently, Z-5540 approved CS on the west 250' of Lot 6, which was already included 170' of CS (Ordinance #15103, 7/28/81). The current request is to waive plat on the 80' of additional CS granted by Z-5540. Receipt of the 20' dedication on Peoria will complete the waiver process on Z-4519.

Staff recommends APPROVAL of the request, noting the 80' overlap is interior, already platted, and will meet the intent of Section 260 of the Zoning Code. This will complete the plat waiver process on all of Lots 4 and 6 under by Z-4519 and Z-5540.

TMAPC ACTION: 6 members present

On **MOTION** of **WOODARD**, the TMAPC voted **6-0-0** (Coutant, Doherty, Draughon, Paddock, Parmele, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Kempe, Randle, Selph, Wilson, "absent") to **APPROVE** the **Waiver Request for Z-5540 Valley View**, as recommended by the TAC and Staff.

* * * * *

BOA-15226 Holiday Park (3104) N & E of Admiral Blvd & Mingo Valley Expressway

This is City of Tulsa property acquired in a buy out of a flooded mobile home park. The property is zoned RMH and FD. The BOA has approved its use as a driver training facility, included hours of use, etc. Since this is city-owned property to be used for city purposes, is already platted and controls on use have been established by the BOA, the intent of Section 260 of the Code has been met. Therefore, Staff recommends APPROVAL of the request.

TMAPC ACTION: 6 members present

On MOTION of WOODARD, the TMAPC voted 6-0-0 (Coutant, Doherty, Draughon, Paddock, Parmele, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Kempe, Randle, Selph, Wilson, "absent") to APPROVE the Waiver Request for BOA-15226 Holiday Park, as recommended by the TAC and Staff.

ACCESS CHANGE ON RECORDED PLAT:

Metro Park (3294) SW/c of East 55th Street & South 129th East Avenue (IL)

The purpose of the request is to provide one additional access point and to reduce the width of one access point. The Traffic Engineer and Staff recommend APPROVAL as requested.

TMAPC ACTION: 6 members present

On MOTION of WOODARD, the TMAPC voted 6-0-0 (Coutant, Doherty, Draughon, Paddock, Parmele, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Kempe, Randle, Selph, Wilson, "absent") to APPROVE the Access Change for Metro Park, as recommended by the Traffic Engineer and Staff.

* * * * *

Park Plaza Square (2094) NE/c of East 41st St & South 127th East Ave (CS)

The purpose of the request is to vacate one access point and move one access point further east from the intersection. The Traffic Engineer and Staff recommend APPROVAL as requested.

TMAPC ACTION: 6 members present

On MOTION of WOODARD, the TMAPC voted 6-0-0 (Coutant, Doherty, Draughon, Paddock, Parmele, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Kempe, Randle, Selph, Wilson, "absent") to APPROVE the Access Change for Park Plaza Square, as recommended by the Traffic Engineer and Staff.

LOT SPLIT FOR WAIVER:

L-17219 Walters & Assoc./Floyd (2093) 3219 South Birmingham Avenue (RS-1)

TAC MINUTES:

It is requested to split a 240' x 250' tract with an existing house in an RS-1 zoning district. This tract is unplatted and the result of previous lot splits. The proposed L-shaped tract will have 100' of frontage on Birmingham Avenue and jog 25.5' around the existing house narrowing to 74.5'. Board of Adjustment approval of the lot width will be required.

The area is predominately zoned RS-1 with pockets of RS-2. Located immediately north and east of the tract is PUD 132 zoned RS-1 and developed into one to three acre lots. The area has developed at greater than RS-1 standards, however, there have been several lot splits resulting in lots of less than 100'. There are three lots across Birmingham from the subject tract with less than the required 100' wide lot. This is in an area that formerly was zoned RS-2, so this lot split would have been a "prior approval" had the owner not elected to be downzoned to RS-1. A 75' lot width would have met all the requirements. The reason for the 100' frontage is to meet the RS-1 zoning. However, the average lot width is not 100' so Staff took the application as a "waiver". Several alternates may be available, but as a practical matter, there is enough room to build a 60' wide house to the south of the existing house, no matter how the lot configuration ends up. It will not LOOK any different from the street, regardless of the lot width. This is primarily a zoning matter, but TAC requirements include:

- a) Approval of the lot width by the Board of Adjustment.
- b) Grading and drainage plan approval by Department of Stormwater Management through the permit process. (Payment of fee or detention on new lot on the south can be made at time of development of the lot.)
- c) Any utility easements that might be necessary to serve the tract. (PSO requested an 11' utility easement across the back of the south tract.)

The applicant was represented by Roy Johnsen.

The Water and Sewer Department had advised there is an existing utility easement on the lot.

Mr. Johnsen concurred with the staff report, and the TAC reviewed several alternates provided by the Staff. None of the alternate plans present any technical problems. Since alternate #1 provides a clean-cut rectangular lot, it was the preferred configuration (75' uniform lot width, front to back).

The TAC voted unanimously to recommend **approval** of L-17219 subject to the conditions outlined by Staff, noting the preference for lot configuration in alternate #1.

Comments & Discussion:

Mr. Roy Johnsen, attorney for the owner, reviewed the history of zoning action for this lot. Mr. Johnsen advised the lot split was essential as part of a contractual arrangement. As stated by Staff there were several ways to arrive at a configuration to meet the average 100' lot width. Mr. Johnsen commented he did not think it was necessary to draw odd shaped lots, as the application had merit based solely on its size. He remarked that, if the existing dwelling was removed, three lots could be accommodated without a waiver request. However, removal of the house was not anticipated. Mr. Johnsen submitted a summary of the proposed dimensions.

Mr. Johnsen acknowledged the problem revolving around the property immediately to the south (fronting on 33rd St.), whose rear yard abuts the subject tract with a view of its extensive gardens and open space. Mr. Johnsen commented he was hopeful the Commission would keep in mind the Code provisions as to adequacy of setbacks, which was 25' for rear yards, and 10' and 5' for side yards in RS-1. Mr. Johnsen submitted photos showing the subject tract and the abutting property, advising of the exact distances between properties. He commented the point of measuring these distances, from the applicant's perspective, was to see if the Birmingham property met the minimum Code requirements for setbacks, and it did with the closest point being 36'6". Therefore, it appeared there was a sufficiency of back yard, as determined by the Code (25' minimum). Reviewing the drawing for Alternate #1, Mr. Johnsen committed to a 10' side yard setback for the side yard along the south boundary, which was 62' from the principal wall of the adjoining house. Therefore, he felt the purpose of setbacks has been met with this application. Mr. Johnsen pointed out there were a number of homes to the west of the subject tract which did not meet the 100' lot width requirement. Therefore, approval of this application would not set a precedent. Mr. Johnsen concluded by stating that, remembering the overall size of the tract and the general purposes of RS-1, nothing would be "frustrated" by this proposed waiver.

Interested Parties:

Mr. Tom Birmingham (2611 East 33rd Street), spoke in protest to the request as he did not feel this was good planning/zoning. Mr. Birmingham advised the applicant had previously applied for RS-2 zoning, and he read the Staff's recommendation for denial on that case. Mr. Birmingham reiterated his feelings in opposition to the request, mainly due to the large lot homes already established in this neighborhood. In response to Mr. Parmele, Mr. Birmingham clarified that he would not be opposed to a PUD application with four units, as this would offer controls for screening, setbacks, landscaping, etc. He added he would prefer a development with four homes rather than one home "shoe horned in" as with the applicant's proposal.

Applicant's Rebuttal:

Mr. Johnsen commented that Mr. Birmingham had appeared in protest to the rezoning to RS-2, which would have permitted six homes, and had also protested an application permitting four lots. Mr. Johnsen added that, from a neighborhood standpoint, he did not feel four lots would be nearly as acceptable as this proposal for two homes on the lot. As to the comments made by Mr. Birmingham in regard to setting a precedent, Mr. Johnsen reiterated that this would not set a precedent for 75' lots, but it might for 75' lots having 18,000 square feet, which was an essential fact in this case. Mr. Johnsen stated he felt this case was one that met the very nature of waivers and variances based on the existing facts; a large tract with an existing dwelling worth preserving; an opportunity to create another dwelling; and the fact that this meets all other requirements of the Code except for the average lot width. He emphasized the applicant would commit to the 10' setback on the south line rather than the required 5'. Mr. Johnsen advised the builder had also committed to no windows on the south wall of the second story, if constructed as such.

TMAPC Review Session:

Mr. Parmele asked Legal Counsel if the TMAPC could impose conditions as part of the approval for the lot split waiver. Mr. Linker advised the only way he could see this being enforceable was if the applicant offered a covenant which would be filed of record. Mr. Gardner commented the TMAPC's recommendations for imposition of certain conditions or restrictions could be forwarded to the Board of Adjustment.

Mr. Doherty and Mr. Coutant stated they were debating the various alternatives and were torn as to the best method to satisfy the applicant's and the protestant's needs. Mr. Paddock remarked that if the TMAPC was leaning toward approval, he would be in favor of the simplest method, which was 75' width from front to back. He added that the Commission's concerns as to windows, building height, etc. indicates this should have been a PUD rather than a lot split proposal.

Mr. Parmele remarked he felt the 75' x 250' was appropriate in this area, and he agreed with Staff that, regardless of the lot width, the appearance from the street would remain the same. He concurred that the BOA be asked to impose certain conditions, with one condition possibly imposing a larger than 10' setback. Mr. Parmele reiterated that he did not feel the character of the neighborhood would be affected by this lot split.

Mr. Gardner pointed out that a lot split was a minor subdivision; therefore, greater setbacks could possibly be considered as a part of a lot split agreement. He commented this was an opportunity for the TMAPC, while acknowledging the tract might yield more than two lots, to preserve the existing structure and not gamble that the structure will be removed to build three houses on the tract.

Mr. Paddock moved for approval of the Staff recommendation for Alternative #1 with a 75' width, subject to BOA approval of the frontage. Further, a recommendation be forward to the BOA that they consider placing other restrictions, in particular, the proposed dwelling be greater than 10' from the south boundary. In reply to Mr. Parmele, Mr. Paddock agreed to amend his motion so as to include BOA consideration of conditions for height, windows, screening, etc.

TMAPC ACTION: 6 members present

On **MOTION** of **PADDOCK**, the TMAPC voted **4-2-0** (Coutant, Paddock, Parmele, Woodard, "aye"; Doherty, Draughon, "nay"; no "abstentions"; Carnes, Kempe, Randle, Selph, Wilson, "absent") to **APPROVE L-17219 Walters & Associates**, as recommended by Staff for Alternative #1 with a 75' width, subject to BOA approval of the lot width. Further, a recommendation be forward to the BOA that they consider placing other restrictions, in particular, the proposed dwelling be greater than 10' from the south boundary, and BOA consideration of conditions for height, windows, screening, etc.

LOT SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-17222 (283) Tulsa-Adams, Ltd.
L-17223 (283) Tulsa-Adams, Ltd.

L-17224 (2993) Brocksmith
L-17227 (183) River Parks

TMAPC ACTION: 6 members present

On **MOTION** of **PARMELE**, the TMAPC voted **6-0-0** (Coutant, Doherty, Draughon, Paddock, Parmele, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Kempe, Randle, Selph, Wilson, "absent") to **APPROVE** the Above Listed Lot Splits for Ratification of Prior Approval, as recommended by Staff.

OTHER BUSINESS:

PUD 446: Detail Landscape Plan
West of East 71st Street & South Memorial Drive

Staff Recommendation:

The applicant has requested an additional continuance in order to prepare the revised Detail Landscape Plan on PUD 446.

Comments & Discussion:

Mr. Stump advised the landscape architect had requested a one week continuance as he was working with the residents, but the plans have not yet been finalized.

Chairman Doherty stated he would be against any continuance because it has come to his attention that the building was being occupied illegally, and he could see no need to continue. Mr. Paddock agreed.

TMAPC ACTION: 6 members present

On **MOTION** of **PARMELE**, the TMAPC voted **2-4-0** (Coutant, Parmele, "aye"; Doherty, Draughon, Paddock, Woodard, "nay"; no "abstentions"; Carnes, Kempe, Randle, Selph, Wilson, "absent") to **CONTINUE** Consideration of **PUD 446** until Wednesday, **September 27, 1989** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

The continuance motion falling, and in the absence of the applicant, Chairman Doherty stated the item should be stricken, as recommended by Staff.

* * * * *

PUD 354-7: Minor Amendment to Side Yard Setback
South of the SW/c of South Braden Avenue & East 88th Court South

Staff Recommendation:

The applicant is requesting a minor amendment to the side yard setback requirement on the east property line from 7' to 5.5' on Lot 11, Block 6, Fox Point Amended.

The amendment appears to be minor in nature, therefore, Staff recommends **APPROVAL** of the Minor Amendment to PUD 354-7.

TMAPC ACTION: 6 members present

On **MOTION** of **PARMELE**, the TMAPC voted **6-0-0** (Coutant, Doherty, Draughon, Paddock, Parmele, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Kempe, Randle, Selph, Wilson, "absent") to **APPROVE** the **Minor Amendment to PUD 354-7**, as recommended by Staff.

There being no further business, the Chairman declared the meeting adjourned at 4:45 p.m.

Date Approved 10/4/89
James R. Doherty
Chairman

ATTEST:
Art Draughon
Secretary