

# TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2062

Wednesday, April 3, 1996, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

## Members Present

Boyle  
Carnes,  
Chairman  
Doherty, 1st Vice  
Chairman  
Gray, Secretary  
Horner  
Midget, Mayor's  
Designee  
Pace

## Members Absent

Ballard  
Dick  
Edwards  
Ledford

## Staff Present

Almy  
Gardner  
Jones  
Stump

## Others Present

Linker, Legal  
Counsel

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, March 29, 1996 at 3:26 p.m., in the office of the County Clerk at 3:09 p.m., as well as in the Reception Area of the INCOG offices.

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

## Minutes:

### Approval of the minutes of March 20, 1996, Meeting No. 2060:

On **MOTION** of **HORNER**, the TMAPC voted **5-0-1** (Carnes, Doherty, Gray, Horner, Pace "aye"; no "nays"; Boyle "abstain"; Ballard, Dick, Edwards, Midget, "absent") to **APPROVE** the minutes of the meeting of March 20, 1996 Meeting No. 2060.

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## REPORTS:

### Director's Report:

Mr. Gardner informed the Commission that the current plans for the proposed jail site indicate the closing of Brady Street, which is the main entrance into the downtown area from the west from the Keystone Expressway. Mr. Gardner expressed the need for the Comprehensive Plan Committee to review the plans.

**SUBDIVISIONS:**

**SKETCH PLAT:**

**Conger Subdivision (724)**

**(PD-14) (County)**

Northeast corner of East 166th Street North & North Mingo Road

**TAC Comments:**

Jones presented the plat with a representative of White Surveying present.

Rains recommended that if the existing panhandle development is used, a building setback line be established along the north and east to prohibit a building being located in a drive.

It was decided to transmit the sketch plat to the TMAPC for input regarding an internal street.

Conger Subdivision is a residential single-family subdivision which contains 16 lots and 143 acres. The plat proposes no internal streets and lots located away from the arterial streets which will gain access via handles.

Staff would offer the following comments and/or recommendations:

1. An internal street dedicated to the public to provide both circulation for all lots and appropriate stub streets to the abutting tract. If no street is proposed, a waiver of the Subdivision Regulations, Section 4.5.1, is required to permit lots with more than three side-lot lines.
2. Release letters will be required from Washington County Rural Water District #3 and utility companies with existing easements on the subject tract.
3. Show location information under title.
4. Show "RIGHT-OF-WAY DEDICATED BY THIS PLAT" for arterial street dedication.
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.
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. 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.
8. Street names shall be approved by the County Engineer and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.

11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. Limits of Access or LNA as applicable shall be shown on plat as approved by the County Engineer. Include applicable language in covenants.
13. It is recommended that the Developer coordinate with the County Engineer during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
14. 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.
15. 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.
16. The method of sewage disposal and plans therefore shall be approved by the City/County Health Department. (Percolation tests required prior to preliminary approval of plat.)
17. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
18. The method of water supply and plans therefore shall be approved by the City/County Health Department.
19. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
20. The key or location map shall be complete.
21. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided 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. If plugged, provide plugging records.)
22. The restrictive covenants and/or 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.)
23. This plat has been referred to Collinsville because of its location near or inside a "fence line" of that municipality. Additional requirements may be made by the applicable municipality. Otherwise only the conditions listed apply.
24. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
25. All other Subdivision Regulations shall be met prior to release of final plat.

On the motion of Silva, the Technical Advisory Committee voted unanimously to recommend Approval of the Sketch Plat of Conger Subdivision, subject to all conditions listed above and transmit the plat to the TMAPC.

**Staff Comments:**

Mr. Jones informed the Commission that this is an “input only” item and requested comments from the Commission in regards to internal collector streets for the Conger Subdivision. Mr. Jones stated that this property is located within Collinsville’s fence line. A copy of the subdivision plat was forwarded to the City of Collinsville for their review; however, a response has not been received.

**Applicant’s Comments:**

**Norm Conger**, 2123 Brookhaven Drive, Denison, Texas, 75020, stated that there is very little market for lots smaller than five acres and ten-acre lots seem to be favored. The property is located eleven miles north of the city limits. The panhandle lots cannot be split, due to the railroad tracks and power lines located on the back portion of the property, to support any type of road. Mr. Conger informed the Commission there are several ten-acre lots in the area, and it would not be feasible to build additional roadway. To require additional roadway would cause an economic hardship on the Conger family. Mr. Conger remarked that a deed restriction could be administered to keep the ten-acre lots from being further subdivided.

**TMAPC Comments:**

Mr. Doherty agreed with Staff that internal collector streets should be a requirement. Mr. Doherty expressed his concern of not receiving any input from the City of Collinsville.

Mr. Boyle also expressed the need for some internal streets.

**Information item only - No motion required.**

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**PRELIMINARY PLAT:**

**Rockhurst (PUD 543) (2783)** (PD-26) (CD-8)  
South of the southwest corner of East 101st Street South & South Sheridan Road

**TAC Comments:**

Jones presented the plat with Ted Sack in attendance.

Sack noted that the access easement would be paved and used as a drive for the lots.

French recommended a grade profile with site distance be submitted for review by the engineer. In addition, the gate design be reviewed by Traffic Engineering and the Fire Department.

Somdecerrf noted a distance and owner shown on the face of the plat that was not consistent with the deed of dedication.

Pierce recommended several addition easements with which Sack agreed.

Shelton stated that lift station fees must be paid.

Horn recommended a waterline loop and restricted waterline easement. Sack was in agreement.

Rockhurst is a 14.78 residential single-family subdivision which contains 21 lots. The development will have a gated entry and private street for access. The existing stub street to the west, East 105th Street South, will provide emergency access via a 20' access easement.

Staff would offer the following comments and/or recommendations:

1. Waiver of the Subdivision Regulations to permit a cul-de-sac more than 500' in length.
2. Waiver to permit the plat to be drawn at a scale of 1" = 60' (1" = 100' required).
3. Pavement of South Oxford Avenue which is over a utility easement should be approved by utilities and Public Works.
4. Access easement shall be constructed of such material to support emergency vehicles.
5. Since lots 1, 2, 20 and 21 are separated by a street, renumber and identify as separate blocks.
6. All conditions of PUD-543 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 1100-1107 of the Zoning Code in the covenants.
7. 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.
8. Water and sanitary sewer plans shall be approved by the Department of Public Works (Water & Sewer) prior to release of final plat. (Include language for W/S facilities in covenants.)
9. 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).
10. A request for creation of a Sewer Improvement District shall be submitted to the Department of Public Works (Water & Sewer) prior to release of final plat.

11. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater and/or Engineering) including storm drainage, detention design, and Watershed Development Permit application subject to criteria approved by the City of Tulsa.
12. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).
13. Street names shall be approved by the Department of Public Works and shown on plat.
14. All curve data, including corner radii, shall be shown on final plat as applicable.
15. City of Tulsa Floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.
16. Bearings, or true N/S etc., shall be shown on perimeter of land being platted or other bearings as directed by the Department of Public Works.
17. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
18. Limits of Access or LNA as applicable shall be shown on plat as approved by the Department of Public Works (Traffic). Include applicable language in covenants.
19. It is recommended that the Developer coordinate with the Department of Public Works (Traffic) during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
20. 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.
21. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
22. The key or location map shall be complete.
23. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided 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. If plugged, provide plugging records.)
24. The restrictive covenants and/or 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.)
25. The zoning application Z-6525 shall be approved and the ordinance or resolution therefore published before final plat is released. (Plat shall conform to the applicable zoning approved.)
26. This plat has been referred to Bixby, Jenks and Broken Arrow because of its location near or inside a "fence line" of that municipality. Additional requirements may be made by the applicable municipality. Otherwise only the conditions listed apply.

27. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)

28. All other Subdivision Regulations shall be met prior to release of final plat.

On the motion of McGill, the Technical Advisory Committee voted unanimously to recommend Approval of the Preliminary Plat of Rockhurst, subject to all conditions listed above.

**Staff Comments:**

Mr. Jones informed the Commission that the emergency access will be paved and possibly used as an access point to the back two lots.

**TMAPC Action; 7 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **7-0-0** (Boyle, Carnes, Doherty, Gray, Horner, Midget, Pace "aye"; no "nays"; none "abstaining"; Ballard, Dick, Edwards, Ledford "absent ") to **APPROVE** the Preliminary Plat for Rockhurst (PUD 543) subject to the TAC conditions and waiver of the Subdivision Regulations concerning maximum length of a cul-de-sac and the scale of the plat, as recommended by the TAC.

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**PLAT WAIVER, SECTION 213 OR SECTION 260:**

**BOA-17304 (Elgindale) (2502)**  
608 East Apache Street

**(PD-2) (CD-1)**

**TAC Comments:**

Jones presented the request with members of the church present.

Board of Adjustment case 17304 permitted church use with an existing building and proposed expansion on the subject tract. It should be noted that the use has existed for a number of years. South Garrison Avenue appears to have been condemned and is now owned by the Tulsa Development Authority. Based on the existing subdivision plat and size of the property, Staff can see no benefit to the City with a replat.

Staff recommends **APPROVAL** of the plat waiver for BOA 17304, subject to the following conditions:

1. Dedication of additional right-of-way for East Apache Street in order to meet the Major Street Plan (50' required, 25' existing).
2. Grading and/or drainage plan approval by the Department of Public Works in the permit process.

3. Access control agreement, if required by the Department of Public Works (Traffic Engineering).
4. Utility extensions and/or easements if needed.

On the motion of French, the Technical Advisory Committee voted unanimously to recommend Approval of the Plat Waiver for BOA-17304, subject to all conditions listed above.

**Applicant's Comments:**

Mr. Elgindale agrees with Staff's recommendation.

**TMAPC Action; 7 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **7-0-0** (Boyle, Carnes, Doherty, Gray, Horner, Midget, Pace "aye"; no "nays"; none "abstaining"; Ballard, Dick, Edwards, Ledford "absent ") to **APPROVE** the Plat Waiver for BOA-17304 subject to the conditions as recommended by the TAC.

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**PUD 544 (Max Campbell) (893)**  
2640 East 11th Street South

**(PD-4) (CD-4)**

**Staff Comments:**

Mr. Jones informed the Commission that this item was previously continued to the April 24, 1996.

Chairman Carnes struck this item.

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**PUD 260-C (Burning Tree/Hyde Park II) (383)**  
North of the northeast corner of East 71st Street South & South Canton Avenue

**(PD-18) (CD-7)**

**TAC Comments:**

Jones presented the application with Jerry Ledford and Jerry Ledford, Jr. present.

Ledford explained the detention situation and that the City would have nothing to gain in a replat.

French asked for clarification on the PUD issue and how it would be tracked by the TMAPC staff.

PUD 260-C is a major amendment which modifies two existing planned unit developments and permits hotel use. The City Council approved the major amendment on March 14, 1996. The applicant is now requesting a plat waiver for the subject property. At the March 7, 1996 TAC meeting, the PUD was reviewed and considerable discussion was given regarding the requirement of a subdivision plat. Staff would note that the property is platted and is slightly larger than the TMAPC cut-off of 2.5 acres.

On the motion of Pierce, the Technical Advisory Committee voted unanimously to recommend Approval of the Plat Waiver for PUD 260-C, subject to no conditions.

**TMAPC Action; 6 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **6-0-0** (Boyle, Carnes, Doherty, Gray, Horner, Pace "aye"; no "nays"; none "abstaining"; Ballard, Dick, Edwards, Ledford, Midget "absent ") to **APPROVE** the Plat Waiver for PUD 260-C as recommended by the TAC.

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**LOT SPLIT FOR WAIVER OF THE SUBDIVISION REGULATIONS:**

**L-18251 (Childer's Heights Addition) (1192)**  
Southeast corner of Frisco & 14th Place

**(PD-7) (CD-2)**

**TAC Comments:**

Jones presented the request with Jack Crowley in attendance.

Shelton recommended that an 8" public sewer line be extended from the existing sewer line (east side of tract) approximately 75' west to the east line of the new lot.

Horn recommended that a 6" public water line be extended from the existing waterline (west side of tract) from the entire width of both proposed tracts (approximately 150'). Horn stated that the City is in the process of upgrading the 2" line to a 6" line.

Shelton stated that a service line is not constructed to the same standards as a public line. The City is having troubles with infiltration of stormwater into the sewer system.

Jack Crowley explained how the City would not benefit from a public main extension.

Considerable discussion was made to the extensions.

Root pointed out that a watershed development permit would be required.

On the motion of Horn, the Technical Advisory Committee voted unanimously to recommend Approval of the Lot-Split with the extension of public mains.

**Applicant's Comments:**

Jack Crowley, 1411 South Galveston, is requesting a lot-split with an easement to allow the installation of a water service connection to the east property and a sewer service connection to the west property. Mr. Crowley feels this is a clean request and asks for consideration from the TMAPC.

**TMAPC Comments:**

Mr. Carnes expressed his desire to encourage infill in the downtown area and indicated he would not want to put excess charges on anyone trying to accomplish this.

Mr. Doherty stated he would like to see a simple lot-split, splitting the property east and west, since each of these lots will have frontage on a dedicated street; however if Public Works Department does refuse the easement, which is their policy, then a lot has been created without water and sewer service. Mr. Doherty feels the policy is short sighted. The restrictive policies concerning extension of water and sewer mains is indicative of the attitude in the Department, and he feels it needs to be changed.

**TMAPC Action; 7 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-0** (Boyle, Carnes, Doherty, Gray, Horner, Midget, Pace "aye"; no "nays"; none "abstaining"; Ballard, Dick, Edwards, Ledford "absent ") to **APPROVE** the Lot-split for Waiver of the Subdivision Regulations for L-18251, Childer's Heights Addition, as requested by the Applicant, waiving the requirement that a residential lot have no more than three side lot lines.

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**L-18253 (Oakview Estates) (2093)**  
2454 East 34th Street South

**(PD-6) (CD-9)**

**TAC Comments:**

Jones presented the application with Ted Sack and Charles Norman in attendance.

Horn recommended that a fire hydrant be placed on the west side of the 30' handle and a 6" water line be extended to the east to connect with an existing check valve.

Pierce stated that additional easements may be required but could be obtained by separate instrument.

Root noted that a watershed development permit would be required.

Shelton noted that sewer service was available to all tracts.

On the Motion of McGill, the Technical Advisory Committee voted unanimously to recommend Approval of the Lot-split, subject to the fire hydrant and extension of the waterline.

**Applicant's Comments:**

**Ted Sack**, 111 South Elgin, is proposing to install a fire hydrant at the end of the existing 6-inch line to provide fire protection in the area and not extend the 6-inch water line. Mr. Sack suggested approving the Lot-split for Waiver subject to approval by the Water Department.

**TMAPC Action; 7 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **7-0-0** (Boyle, Carnes, Doherty, Gray, Horner, Midget, Pace "aye"; no "nays"; none "abstaining"; Ballard, Dick, Edwards, Ledford "absent ") to **APPROVE** the Lot-split for Waiver of the Subdivision Regulations for L-18253, Oakview Estates, as requested by the applicant, subject to approval by the Public Works Department. The requirement that a residential lot have no more than three side lot lines is waived.

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**L-18263 (Unplatted) (874)**

**(PD-19) (County)**

Southeast corner of East 131st Street South & South 121st East Avenue

**Staff Comments:**

L-18263 is a request to split a 120' x 245' tract from an existing three-acre parcel in order to construct a single-family dwelling. Although the property is located in the unincorporated portion of Tulsa County, the tract has water service via the City of Broken Arrow. As a condition of approval, the applicant does not agreed to dedicate additional right-of-way for 131st Street South. The applicant is requesting a waiver of the Subdivision Regulations to permit a tract to be created which does not abut a public water supply and a waiver of the requirement that the TAC review the request prior to the TMAPC meeting.

Staff does not have a concern with the TAC review since appropriate checking has been done in regards to utilities. Staff would have a concern with the tract being served by a private line. As the location map shows, several lot-splits have occurred in the area and the area is ripe for additional lot-splits. Staff would question if adequate fire protection could be provided to the new dwellings with a 2" service line. The City of Broken Arrow has approved this concept both on this proposal and others in the area.

**Applicant's Comments:**

Carla Brown, 13135 South 121st East Avenue, stated she has concerns with the request for an addition 25-foot right-of-way for a roadway on the entire parcel of land and not on just the portion involved. Ms. Brown asked the Commission for their consideration to approve the Lot-split for Waiver without the additional 25-foot right-of-way.

**TMAPC Comments:**

Mr. Doherty informed the applicant that anytime density is increased in an area, it adds to traffic flow. Anytime there is any use fronting an arterial, especially a major arterial like 131st, we do require the extra dedication. However, this does not mean that the owner loses the use of the land immediately. It means when the street is developed, the County does not have to acquire the 25-foot right-of-way through condemnation.

**TMAPC Action; 7 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-0** (Boyle, Carnes, Doherty, Gray, Horner, Midget, Pace "aye"; no "nays"; none "abstaining"; Ballard, Dick, Edwards, Ledford "absent ") to **APPROVE** the Lot-split for L-18263 including the Waiver of the Subdivision Regulations for frontage on a public water source but not waiving requirement of dedication of additional right-of-way on 131st Street South.

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**LOT-SPLIT FOR RATIFICATION OF PRIOR APPROVAL:**

**L-18265 Michael and Sharon Bartlett (883)**  
7539 S. Gary Place

**(PD-18B)(CD-2)**  
**RS-2**

**Staff Comments:**

Mr. Jones stated that the lot-split meets subdivision regulations and Staff recommends approval.

**TMAPC Action; 7 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **7-0-0** (Boyle, Carnes, Doherty, Gray, Horner, Midget, Pace "aye"; no "nays"; none "abstaining"; Ballard, Dick, Edwards, Ledford "absent ") to **APPROVE** the Lot-split for Ratification of Prior Approval for L-18265 as recommended by Staff.

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**ZONING PUBLIC HEARING:**

**Application No.: PUD 516-4 (Minor Amendment to reduce the required rear yard)**

**Applicant: Roy D. Johnsen**

**Location: 4933 East 102nd Street South**

**Presented to TMAPC: Roy Johnsen**

**Staff Recommendation:**

The applicant is requesting amendment to the PUD to allow a reduction in the rear yard setback requirements for the above-noted single-family lot. The request as proposed would allow a reduction in the setback from 20' to 12'.

Staff has reviewed the request and finds that the underlying zoning for the residential portion of this PUD is RS-4, and that the existing 20' setback is the minimum required by the zoning code. Staff notes that the lot backs up to the office area to the north.

Review of the plot plan indicates that the livability requirement will be met with or without the unit allowed to encroach into the existing rear setback.

Staff opinion from review of the plot plan is that the house was never intended to fit within the requirements of the PUD, but rather that the design scheme was to fit as large a house as possible on the lot without encroaching onto utility easements.

The purpose of setback requirements is to buffer single-family residences from adjacent uses. The size of the setback varies depending on lot size and the type of adjacent use. Staff considers a twelve-foot buffer between single-family residential and office use to be poor planning practice and an inappropriate precedent, with or without the agreement of the current lot owner. The PUD and zoning code standards are intended to protect all owners in the addition - present and future.

One other function of the 20' setback is to allow room between the edge of an 11' utility easement and the building wall in order to work within the easement without damaging the structure. The setback as proposed allows 1.2' between the edge of the easement and the building wall.

Should the Commission approve the amendment, Staff notes that the deeds of dedication should also be revised so that the covenants of the homeowners' association and the standards of the PUD do not conflict.

Staff recommends **DENIAL**.

**Applicant's Comments:**

**Mr. Johnsen**, 201 West 5th Street, Suite 440, is representing Rick Dotson and Danny Brumbough who are the developers of the subdivision 101 Yale Village. Mr. Johnsen presented a plot plan for Lot 12, Block 1, 101 Yale Village showing the configurations. There are currently five structures built in this subdivision. Mr. Johnsen informed the Commission that a person purchased this lot and has a specific house he would like to construct, subject to zoning and title. The proposed house is valued at \$189,000 but the way it is designed there is more use of the side yard. The proposed house exceeds the livability space requirement. There is an open courtyard area to the east with an 11-foot utility easement on the subject property as well as on the adjacent property, making a greater side yard separation. The north boundary also has an 11-foot utility easement. Mr. Johnsen states that the use to the north of this property is restrictive office, making this lot more distinguished. Mr. Johnsen stated the minor amendment would allow better use of the side yard and build a very nice house. The livability space has been met, and the concern with being too close to business is not an issue. Mr. Johnsen feels the requirements have been met and would request the Commission's consideration.

**TMAPC Comments:**

Ms. Gray and Mr. Doherty questioned whether the neighbors in the subdivision have been notified as to the size of the proposed house. Mr. Johnsen replied he believes that the homes in this subdivisions are not currently occupied; therefore, the owners have not been notified.

Mr. Carnes asked if the 20-foot setback has been previously reduced or is a 20-foot setback standard. Mr. Johnsen replied that a 20-foot setback is standard and he has requested to reduce this to a 12-foot setback.

Mr. Doherty expressed concern of the impact on Lot 13 and whether there would be any way of notifying the future buyer of Lot 13 as to the size of the house proposed on Lot 12. Mr. Johnsen stated he would file a notice that Lot 12 has been approved for a setback of 12 feet if approved.

Mr. Boyle, Ms. Gray and Ms. Pace expressed concern of setting a precedent for the other lots.

Mr. Midget informed Mr. Johnsen that the Commission will not automatically approve another waiver or exception in this subdivision. The Commission will look at each lot individually.

**TMAPC Action; 7 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted **6-1-0** (Boyle, Carnes, Doherty, Gray, Horner, Midget "aye"; Pace "nays"; none "abstaining"; Ballard, Dick, Edwards, Ledford "absent ") to **APPROVE** Minor Amendment PUD 516-4 to reduce the setback from 20-foot to 12-foot and require the Deed of Dedication be revised to reflect this change.

**LEGAL DESCRIPTION FOR PUD 516-4:**

Lot 12, Block 1, 101 Yale Village, and located at 4933 East 102nd Street South, Tulsa, Oklahoma.

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**Application No.: Z-5110-SP-1a (Corridor Site Plan Minor Amendment to add a water tank with sign attached)**

**Applicant: Gary G. Larsen**

**Location: West of Southwest corner of Skelly Drive & South 129th East Avenue**

**Presented to TMAPC: Gary G. Larsen**

**Staff Recommendation:**

The applicant is requesting amended site plan approval, showing a ground sign on the "Body Booster" site.

Staff has reviewed the request and finds that the location of the sign as requested is in conformance with the requirements of the Corridor District.

Staff recommends **APPROVAL**.

**NOTE:** Site plan approval does not constitute sign plan or landscape plan approval.

**TMAPC Action; 7 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-0** (Boyle, Carnes, Doherty, Gray, Horner, Midget, Pace "aye"; no "nays"; none "abstaining"; Ballard, Dick, Edwards, Ledford "absent ") to **APPROVE** the amended Corridor Site Plan Z-5110-SP-1a for a water tank with ground sign on the site as recommended by Staff.

**LEGAL DESCRIPTION FOR Z-5110-SP-1a: CORRIDOR SITE PLAN:**

All of Lots 18 through 22, Plainview Heights Addition, and located west of the southwest corner of E. Skelly Drive and South 129th East Avenue, Tulsa, Oklahoma.

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**ZONING TEXT AMENDMENT PUBLIC HEARING:**

**Consider amending Title 42, Tulsa Revised Ordinances (Tulsa Zoning Code) as follows:**

1) Amend Section 1002D.2 by eliminating hose attachments as an acceptable method of irrigation for required landscape areas; Sections 1003. A & B to provide for different administrative procedures within Planned Unit Developments and add a certification of compliance requirement on landscape plans and modify the current certification of installation of required landscaping provision; and Section 1800 by changing the definition of a tree.

Amend Section 1002.D.2. Miscellaneous Requirements to read as follows:

2. Required landscaping shall be irrigated by one of the following methods:
  - a. An underground sprinkling system; or
  - b. A drip system.
  - c. A hose attachment within 100 feet of all landscaped areas. No landscape plan submitted after June 30, 1996, shall use this method to irrigate required landscape areas.

Amend Section 1003.A. to read as follows:

A. **Landscape Plan.** Except within Planned Unit Developments (PUDs) which have prescribed another procedure, all applications for a building permit for uses requiring landscaping, as set forth in Section 1001., shall include a landscape plan which provides the following:

1. The date, scale, north arrow, project name and name of the owner;
2. The location of property lines and dimensions of the tract;

3. The approximate center line of existing water courses, the approximate location of significant drainage features, the location and size of existing and proposed streets and alleys, existing and proposed utility easements and overhead utility lines on or adjacent to the lot, and existing and proposed sidewalks on or adjacent to the lot;
4. The location, size and type (tree, shrub, ground cover, or grass) of proposed landscaping and the location and size of the proposed landscaped areas;
5. Planting details and/or specifications;
6. The method of protecting the existing trees which are to be retained from damage during construction;
7. The proposed irrigation system, including a description of the type of irrigation system used for each required landscape area;
8. The schedule of installation of required landscaping and appurtenances, which shall specify installation of all required landscaping and appurtenances, except trees, prior to the issuance of a certificate of occupancy and further specify installation of required trees within the landscape plan within 120 days after issuance of the occupancy permit;
9. Written certification by an architect, landscape architect or engineer licensed to do business in the State of Oklahoma, that the landscape plan is in conformance with the requirements of Section 1002. or an Alternative Compliance Plan approved by the Planning Commission.

Amend Section 1003.B. to read as follows:

- B. Certificate of Installation.** Within a Planned Unit Development (PUD), certification of the installation of required landscaping shall be provided as required by the special provisions of that PUD, if any exist. In all other cases, within 120 days of the issuance of the occupancy permit, written certification by the owner of the property, an architect, landscape architect or engineer ~~authorized~~ licensed to do business in the State of Oklahoma shall be submitted to the City stating that all landscaping and appurtenances have been installed in accordance with the approved landscape plan.

Amend Section 1800. **DEFINITIONS**

**Tree:** A woody plant having one or more defined stems or trunks and having a defined crown and customarily attaining a mature height of 8' 15' or greater ~~or~~ and set forth within a list of trees certified by the Urban Forester of the City and adopted by resolution of the Planning Commission.

**Staff Comments:**

Mr. Stump recommended that this item be continued to allow review by the Rules and Regulations Committee.

**TMAPC Action; 7 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-0** (Boyle, Carnes, Doherty, Gray, Horner, Midget, Pace "aye"; no "nays"; none "abstaining"; Ballard, Dick, Edwards, Ledford "absent ") to **CONTINUE** item 16-1) - Amend Section 1002D.2, Sections 1003. A & B, and Section 1800 to the April 10, 1996 meeting.

\*\*\*\*\*

**2) Amend Section 1202C by adding a new subsection 12 which would permit a small percentage of signs on school, park or university land to advertise a financial sponsor of school, park or university facilities.**

Amend Section 1202C **Use Conditions** by adding a condition 12. which reads as follows:

**12. Sponsor's Signs:** Up to 15 S.F. or 15% of the allowable sign, whichever is less, of the total display surface area of signage permitted for a school, college, university or public park may be used to display the name and/or logo of the sponsor of facilities at the school, college university or public park.

**TMAPC Comments:**

Ms. Pace questioned the need for informational signs, and if permitted, she suggested placing a limit on the size of the sign.

Mr. Doherty expressed he felt the 2/10 per foot is limiting in itself. Mr. Doherty stated that the sign is for informational purposes of meetings and functions to be held at the school.

**TMAPC Action; 7 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-0** (Boyle, Carnes, Doherty, Gray, Horner, Midget, Pace "aye"; no "nays"; none "abstaining"; Ballard, Dick, Edwards, Ledford "absent ") to recommend **APPROVAL** of item 16-2) - Amending Section 1202C to add subsection 12 - Sponsor's Signs as recommended by Staff.

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**3) Replace the phrase "non-intoxicating beverage(s)" with the phrase "low-point beer" wherever it appears in the Tulsa Zoning Code.**

**Staff Comments:**

Mr. Stump informed the Commission that the phrase "non-intoxicating beverage(s)" has been replaced by "low-point beer" in the new state statutes.

**TMAPC Action; 7 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-0** (Boyle, Carnes, Doherty, Gray, Horner, Midget, Pace "aye"; no "nays"; none "abstaining"; Ballard, Dick, Edwards, Ledford "absent ") to recommend **APPROVAL** of item 16-3) - Replace the phrase "non-intoxicating beverage(s)" with the phrase "low-point beer" wherever it appears in the Tulsa Zoning Code as recommended by Staff.

\*\*\*\*\*

**4) Amend Section 1603 to allow a simpler notice procedure for appeals from a determination of an administrative official and modify the method of paying for publication of notice.**

Proposed City of Tulsa Zoning Code Amendments relating to notice of an appeal from a determination of an administrative official enforcing this Code.

Amend Section 1603 B.1. as shown and add a new Section 1603.B.3 as follows:

## Section 1603. NOTICE OF PUBLIC HEARINGS

A. The Board of Adjustment shall give notice and conduct a public hearing before acting on any appeal from an administrative official enforcing this Code, or before granting any special exception, or variance, or minor variance, or exception. The Board shall set forth in an adopted statement of policy a list of variances and exceptions which constitute minor variances or exceptions and such statement of policy shall be approved by the Board of City Commissioners of the City of Tulsa.

B. Ten days notice of public hearing shall be given as follows:

1. For special exception or variance; or appeal from a determination an administrative official enforcing this Code:

a. By publication in a newspaper of general circulation.

b. By mailing written notice to all owners of property within a 300-foot radius of the exterior boundary of the subject property.

2. For minor variance or exception, by mailing written notice to all owners of abutting property of the subject property. Nothing herein shall preclude the Board of Adjustment from requiring the giving of public notice of hearings to all owners of property within a 300-foot radius of the exterior boundary of the subject property for consideration of a minor variance or exception.

**3. For an appeal from a determination of an administrative official enforcing this Code, by mailing written notice to the appellant, owner of the subject property, all owners of property abutting the subject property and any formal complainants.**

Amend the last sentence of Section 1603.D.

Costs of publication shall be paid by the applicant at the time of application.

### **Legal Council Comments:**

Mr. Linker informed the Planning Commissioners that his interpretation of State Statues was that the same notice is required for appeals of the decision of an administrative official as is required for rezoning requests. Therefore he does not think this proposed amendment would provided for sufficient notice.

**TMAPC Action; 7 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-0** (Boyle, Carnes, Doherty, Gray, Horner, Midget, Pace "aye"; no "nays"; none "abstaining"; Ballard, Dick, Edwards, Ledford "absent ") to recommend **APPROVAL** of a portion of item 16-4) - Amend Section 1603.D. and **DENIAL** of Amendment to Section 1603.B Notice of Public Hearing.

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**5) Amend Section 1800 by changing the definition of abutting.**

In Chapter 18 DEFINITIONS - Amend the definition of "Abutting" to read as follows:

Abutting: in the context of notice and a screening or enclosure requirement, abutting shall mean contiguous or separated therefrom only by a non-arterial street, alley or railroad right-of-way. In other instances, abutting shall mean contiguous.

**TMAPC Action; 7 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-0** (Boyle, Carnes, Doherty, Gray, Horner, Midget, Pace "aye"; no "nays"; none "abstaining"; Ballard, Dick, Edwards, Ledford "absent ") to recommend **APPROVAL** of item 16-5) - Amend Section 1800 by changing the definition of abutting.

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There being no further business, the Chairman declared the meeting adjourned at 3:20 p.m.

Date Approved: \_\_\_\_\_

  
\_\_\_\_\_  
Chairman

ATTEST:

  
\_\_\_\_\_  
Secretary