

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
Minutes of Meeting No. 1575  
Wednesday, October 2, 1985, 1:30 p.m.  
City Commission Room, Plaza Level, Tulsa Civic Center

| <b>MEMBERS PRESENT</b>        | <b>MEMBERS ABSENT</b> | <b>STAFF PRESENT</b> | <b>OTHERS PRESENT</b> |
|-------------------------------|-----------------------|----------------------|-----------------------|
| Carnes                        | Connery               | Frank                | Linker, Legal         |
| Draughon                      | Higgins               | Compton              | Counsel               |
| Kempe, Chairman               | VanFossen             | Matthews             |                       |
| Paddock, Secretary            | Harris                | Setters              |                       |
| Wilson, 1st Vice-<br>Chairman | Young                 |                      |                       |
| Woodard                       |                       |                      |                       |

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, October 1, 1985 at 11:08 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Kempe called the meeting to order at 1:45 p.m.

**MINUTES:**

**Approval of Minutes of September 18, 1985, Meeting No. 1573:**

On **MOTION** of **PADDOCK**, the Planning Commission voted **5-0-1** (Carnes, Draughon, Kempe, Paddock, Woodard, "aye"; no "nays"; Wilson, "abstentions"; (Connery, Higgins, VanFossen, Harris, Young, "absent") to **APPROVE** the **Minutes of September 18, 1985, Meeting No. 1573.**

**REPORTS:**

**Chairman's Report:**

Chairman Kempe advised Ms. Wilson will be representing TMAPC at the Tulsa Metropolitan Area Transportation Study meeting on October 10, 1985. On that date, TMATS will be reviewing the alignment of the proposed Creek Expressway. As there will be a vote cast, Chairman Kempe asked the Commissioners to indicate their choice of 96th Street, 121st Street or 126th Street. Commission members reviewed this with Staff and obtained clarification of right-of-ways. Those favoring 96th Street were Draughon, Paddock, Kempe and Woodard. Mr. Carnes favored 121st Street alignment as a matter of economics, due to the flatter terrain.

DIRECTOR'S REPORT:

Ms. Dane Matthews presented a background review of the Riverside Corridor Task Force Study and introduced Mr. John Johnson, Chairman of the Task Force. Mr. Johnson reviewed for the Commission the four broad goals of the Task Force, and elaborated on the objectives of each goal.

**(1) Arkansas River Special District Goal:** The appropriate development of public and private land located within a quarter mile of the Arkansas River to be compatible with and enhance the park, achieve high environmental quality and maintain the integrity of residential neighborhoods.

**(2) Park Goal:** The expansion, improvement, maintenance and protection of River Parks along both banks of the Arkansas River.

**(3) River Parks Financing Goal:** Finance River Parks at a level which will provide adequate funding for park expansion, maintenance and operation.

**(4) Transportation Goal:** Development of a special Riverside trafficway from 11th to 51st Streets, which will serve present and future transportation needs while minimizing impacts upon the adjacent park and neighborhood.

Ms. Wilson advised the Comprehensive Plan Committee met on September 24, 1985 and voted unanimously to recommend the endorsement of the report of the Riverside Corridor Task Force. Ms. Wilson further advised this is to include the amendment of the TMATS Policy Committee concerning minimum right-of-way and to recommend that TMAPC direct Staff to proceed with the public hearing process necessary to amend the District Plans, Major Street and Highway Plan and, if necessary, the Subdivision Regulations in order to carry out the intent of the report. Ms. Wilson made this statement as a motion and Chairman Kempe stated that, coming from a committee, it did not need a second. Proceeding, Mr. Paddock thanked Mr. Johnson and his Staff for their efforts on this study and stated his support of the motion.

On **MOTION** of **WILSON**, the Planning Commission voted **6-0-0** (Carnes, Draughon, Kempe, Paddock, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Connery, Higgins, VanFossen, Harris, Young, "absent") to **APPROVE** the **Endorsement of the Riverside Task Force Study Report**, including the amendment of the TMATS Policy Committee, and Staff was directed to set the public hearing process in motion.

Discussion followed on present zoning of the River Parks area and the possible rezoning of public domain lands to AG. The final consensus, based on comments from Legal and Staff, was that it would be necessary to wait until after the public hearing before continuing with any rezoning actions.

*10/16/85  
Municipal  
REP*

Mr. Barb Nuckolls of DeShazo, Starek & Tang, was present to answer questions on his company's report concerning the Reversible Lane Study for Riverside Drive. As a full presentation was submitted to the Comprehensive Plan Steering Committee, a summary of this report was read by Ms. Wilson. The summary stated "the concept for reversible lanes is applicable to Riverside Drive; however, since the roadway would have to be widened to successfully implement the project, a parkway would be a more appropriate design". Ms. Wilson proposed that, based on the outcome of this report, TMAPC refer it to the City Commission.

### SUBDIVISIONS:

#### PRELIMINARY APPROVALS:

Chairman Kempe advised the items listed below were requesting a continuance to October 16, 1985. Mr. Wilmoth further advised these were being continued due to BOA applications or continuances of zoning.

Stonecreek III (784) NE corner 73rd & South Mingo (CO)  
11th Street Storage (694) NE corner East 11th & South Mingo (CS, OL)  
Faith Fellowship (2484) North of NE/c 101st & So. 177th E. Ave. (AG)

On **MOTION** of **WILSON**, the Planning Commission voted **6-0-0** (Carnes, Draughon, Kempe, Paddock, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Connery, Higgins, VanFossen, Harris, Young, "absent") to **CONTINUE** Consideration of the above items until Wednesday, October 16,, 1985 at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

Summit Pointe (PUD 260-A) (1783) NE/c 71st & Yale (RS-3)

The Preliminary Approval request and the accompanying PUD #260-A for Detail Site Plan and Detail Landscape Plan for Development Area "C" were reviewed together. Mr. Wilmoth advised the name was changed from "Anderson Properties" to Summit Pointe, and advised TAC and Staff recommend approval of the Preliminary Plat, subject to the following conditions:

- 1) Staff has no objection to the format, however, we do note that building lines should be shown on the plat on each lot in accordance with the PUD conditions.
- 2) Show an access easement across the adjacent land at the northwest corner of the plat where the access street overlaps both properties. Show as a dashed line on the plat and indicate book/page of recording (on the final plat).
- 3) Update the location map.

- 4) All conditions of PUD #260-A shall be met prior to release of final plat, including any applicable provisions in the covenants or on the face of the plat.
- 5) Utility easements shall meet the approval of the utilities. Coordinate the Subsurface Committee, if underground plant is planned. Show additional easements as required. Existing easement should be tied to or related to property and/or lot lines.
- 6) Water plans shall be approved by the Water and Sewer Department prior to release of final plat.
- 7) Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line repairs due to breaks and failures, shall be borne by the owner 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) A request for a Privately Financed Public Improvement shall be submitted to the City Engineer for drainage. Approval of plans required prior to plat release.
- 10) Paving and/or drainage plans shall be approved by the City Engineer, including storm drainage and detention design, subject to criteria approved by the City Commission. Onsite detention required.
- 11) All adjacent streets and intersections and/or widths thereof shall be shown on the final plat. Show Braden and centerline thereof for reference.
- 12) Limits of Access shall be shown on the plat as approved by City and/or Traffic Engineer.
- 13) It is recommended that the developer coordinate with Traffic Engineering 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.)
- 14) 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.
- 15) A Corporation Commission letter (or Certificate of Nondevelopment) shall be submitted concerning any oil and/or gas wells before plat is released. A building line shall be shown on plat on any wells not officially plugged.
- 16) The PUD #260-A shall be approved before final plat is released.
- 17) A "letter of assurance" regarding installation of improvements shall be submitted prior to release of final plat.
- 18) All Subdivision Regulations shall be met prior to release of final plat.

Staff Recommendation:Detail Site Plan Review

The subject tract has a gross area of approximately 10 acres with a frontage along both Yale Avenue and 71st Street. The underlying zoning on the tract is CS, OMH and OM. The proposed development is a mixed commercial (restaurant) and office development with a total of 156,000 square feet and .358 FAR. Four separate buildings comprise the development ranging in height from two stories to ten stories. The applicant is now requesting both Detail Site Plan and Landscape Plan approval for Tract "C", which is designated to be used as a restaurant. The subject building appears to contain 7,200 square feet of floor area. A total of 106 parking spaces is proposed, which is a parking ratio of one space for each 68 square feet of gross floor area; therefore, the plan meets the most restrictive parking requirement per the Zoning Code.

The Staff review of the Detail Site Plan indicates it is: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of area; (3) a unified treatment of the development possibilities of the site and, (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, the Staff recommends APPROVAL of the Detail Site Plan for Development Area "C", subject to the following conditions:

1) That the applicant's Plan be made a condition of approval, unless modified herein:

2) Development Standards:

|                    |                                |            |
|--------------------|--------------------------------|------------|
| Land Area (Gross): | 82,948 sf                      | 1.90 acres |
| (Net):             | 55,184 sf                      | 1.27 acres |
| Permitted Uses:    | Restaurant with accessory bar. |            |

|                |          |
|----------------|----------|
| Building Area: | 7,200 sf |
|----------------|----------|

|                          |                    |
|--------------------------|--------------------|
| Maximum Building Height: | 35' or 2 stories * |
|--------------------------|--------------------|

|                              |   |
|------------------------------|---|
| Off-Street Parking Required: | 1 space per 100 sf of gross building area used for restaurant and 1 space per 75 sf of gross building area used for bar. Proposed parking ratio is 1 space per 68 sf of gross building area. 106 spaces proposed. |
|------------------------------|---|

Signs: Signs shall be limited to the restrictions outlined in the Zoning Ordinance, Section 1130.2(b) as of September 1985, except further limited to one ground mounted monument sign not to exceed 8' in height and with a maximum display area of 64 sf and two wall or canopy signs not to exceed a display surface area of 75 sf for each sign. For the purposes of computing display surface area, only one face of a double face monument sign shall be included.

\* As measured from mean ground level to peak of roof.

Minimum Building Setbacks from:  
Centerline of Public Streets 110'  
Internal Property Lines 25'  
Minimum Landscaping Area: 10% of net lot area (5,518 sf)

- 3) Subject to City Commission approval of PUD #260-A. In order to expedite the project, the Staff has reviewed the Detail Site Plan and Detail Landscape Plan prior to the City Commission taking action on the PUD. The Staff would condition approval of both of these requests to City Commission approval of the PUD itself.
- 4) Subject to a determination by the Building Inspector that the proposed building meets the parking requirement for a restaurant and bar per the Development Standards and Zoning Code.
- 5) That all curb cuts be granted subject to approval of Tulsa Traffic Engineer.
- 6) That all outside trash receptables, utility and equipment areas shall be screened from ground level public view, and located to not be clearly visible from adjacent residential areas to the west.
- 7) That all freestanding exterior lights shall be so located and designed to direct light away from adjacent residential areas. Light fixtures mounted on the buildings shall be so designed to direct light downward and against proposed facilities.
- 8) That all signs shall comply with Section 1130.2(b) of the PUD Chapter of the Zoning Code, and that a Detail Sign Plan shall be submitted to the TMAPC for review and approval prior to installation.
- 9) That no Building Permit shall be issued until the requirements of Section 260 of the Zoning Code has been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the Restrictive Covenants the PUD conditions of approval, making the City of Tulsa beneficiary to said Covenants.

#### Detail Landscape Plan Review

The Detail Landscape Plan adequately meets the 10% of net lot area (5,518 sf) for minimum landscape area. These materials and landscape features will include trees measuring 1-1/2" caliper minimum and small trees measuring 5' to 6' minimum in height. Also, a variety of one and two gallon size shrubs and ground cover is planned, as well as Bermuda Sod around the building and on abutting parking lot islands and street right-of-way. It should be pointed out, that when 71st and Yale intersection was improved, it was significantly cut below surrounding grade. The subject tracts sets somewhat higher than the intersection and the abutting arterial streets. The proposed development will not make use of a retaining wall along these frontages, and landscaping will be placed on steep slopes from the boundary of Area "C" to the street curbs. The submitted Detail Landscape Plan meets all requirements of the PUD, therefore, the Staff recommends APPROVAL of the Detail Landscape Plan as submitted, subject to the City Commission approval of PUD #260-A.

Comments & Discussion:

Mr. Draughon inquired as to the requirement of items 9 and 10 of the Preliminary Plat going through Water and Sewer instead of Stormwater Management. Staff advised a release will be required from both offices.

On **MOTION** of **CARNES**, the Planning Commission voted **6-0-0** (Carnes, Draughon, Kempe, Paddock, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Connery, Higgins, VanFossen, Harris, Young, "absent") to **APPROVE** the **Preliminary Plat for Summit Pointe**, subject to the conditions recommended by Staff.

On **MOTION** of **CARNES**, the Planning Commission voted **6-0-0** (Carnes, Draughon, Kempe, Paddock, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Connery, Higgins, VanFossen, Harris, Young, "absent") to **APPROVE** the **Detail Site Plan and Detail Landscape Plan** for Development Area "C" of **PUD #260-A**, subject to approval of the PUD by the City Commission.

83rd Street Park (PUD #395)(1783)

8300 Block South Harvard (RS-3)

Staff advised this tract has been reviewed by the TAC on two previous occasions, as well as PUD #395. In the previous reviews, the TAC and Staff recommended that 84th Street be extended through to Harvard. However, the homeowners in the area protested the extension of 84th and that requirement was NOT made by the TMAPC or the City Commission, so this plat has been designed accordingly.

Survey data in detail was not available at the time of the first reviews, so it was not discovered until recently that a strip of 14' wide unplatted "no-man's land" exists along the west side of the tract, 9' wide along the north side of 84th Street, and a 3' wide strip at the end of 84th Street on the east end of the street. This apparently was not done intentionally on the Walnut Creek V plat. However, this prevents the extension of utilities across these strips and, possibly, casts a cloud on the title of properties in this area. This is NOT made a condition of approval on this plat, at this time, but Staff points this out so the record is clear that there is an unplatted strip of land adjacent to this tract. The applicant and/or developer should seek to clear this before final approval is sought. The plat appears, in general, to adhere to the PUD conditions, except as noted.

TAC and Staff recommend **APPROVAL** of the Preliminary Plat of 83rd Street Park, subject to the following conditions:

- 1) **Covenants:** The date of City Commission approval is August 6, 1985. Add the language for stormwater detention and drainage easement(s), as required by Stormwater Management and City Engineering.
- 2) At the back of Lots 1 - 10, identify the 10' utility easement also as a building line. Show a 20' building line along backs of Lots 11, 12, and 13.

- 3) All conditions of PUD #395 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 Zoning Code, in the covenants.
- 4) Utility easements shall meet the approval of the utilities. Coordinate the Subsurface Committee, if underground plant is planned. Show additional easements as required. Existing easements should be tied to or related to property and/or lot lines. "Reserves" should also be utility easements, if required by utilities.
- 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 repairs due to breaks and failures, shall be borne by the owner 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) A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer.
- 9) Paving and/or drainage plans shall be approved by Stormwater Management and City Engineer, including storm drainage and detention design (and Earth Change Permit, where applicable), subject to criteria approved by City Commission.
- 10) Street names shall be approved by City Engineer. Show on plat as required.
- 11) Limits of Access shall be shown on the plat as approved by City and/or Traffic Engineer. (Location is okay, but check with TE for width.)
- 12) It is recommended that the developer coordinate with TE during the early stages of construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for release of plat.)
- 13) 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.
- 14) A Corporation Commission letter (or Certificate of Nondevelopment) shall be submitted concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged.)
- 15) 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.
- 16) All Subdivision Regulations shall be met prior to release of final plat.

Comments & Discussion:

Ms. Wilson asked if the section of "no-man's land" was to be a part of Walnut Creek IV. Mr. Wilmoth advised that it was not a part.

On **MOTION** of **PADDOCK**, the Planning Commission voted **6-0-0** (Carnes, Draughon, Kempe, Paddock, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Connery, Higgins, VanFossen, Harris, Young, "absent") to **APPROVE** the **Preliminary Plat for 83rd Street Park**, subject to the conditions as recommended by Staff.

FINAL APPROVAL AND RELEASE:

Minshall Park IV, Resub. Blk 10 (PUD 190D)(1083) 77th & South Granite

Staff advised all the letters were in and recommend **APPROVAL** of this request.

On **MOTION** of **WILSON**, the Planning Commission voted **6-0-0** (Carnes, Draughon, Kempe, Paddock, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Connery, Higgins, VanFossen, Harris, Young, "absent") to **APPROVE** the **Final Approval & Release for Minshall Park IV**, as recommended by Staff.

WAIVER OF PLAT:

BOA 13755 6000 Garnett Park (3294) NE Corner 60th Place & South Garnett

This is a request to waive plat on Lot 1, Block 2 of the subject plat. The BOA approved an indoor gun club on this lot on 9/26/85. Since this is a "Use Unit 2", it is subject to a plat under Section 260 of the Zoning Code. The Board has placed all the necessary controls on the tract and the plat is a very recently processed subdivision. All the necessary easements, access, utilities and drainage has been approved through the platting process. Therefore, Staff recommends **APPROVAL** of the waiver as submitted.

On **MOTION** of **WOODARD**, the Planning Commission voted **6-0-0** (Carnes, Draughon, Kempe, Paddock, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Connery, Higgins, VanFossen, Harris, Young, "absent") to **APPROVE Waiver of Plat on BOA 13755**, as recommended by Staff.

ACCESS CHANGES:

Kirkdale Commercial Center, Blk 2 (1183) East of SE/c 71st & Sheridan

This request to is provide a new access that will line up with proposed median and driveway on the north side of 71st, in conjunction with street improvements planned by the City.

On **MOTION** of **WILSON**, the Planning Commission voted **6-0-0** (Carnes, Draughon, Kempe, Paddock, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Connery, Higgins, VanFossen, Harris, Young, "absent") to **APPROVE** the **Access Change for Kirkdale Commercial Center**, as recommended by Staff.

Delaware Crossing Condos (1783)

NE/c 91st and Delaware

This request is to relocate one access and add one additional access, coordinating with medians and new construction on 91st Street. This commercial lot is not part of a PUD.

On **MOTION** of **CARNES**, the Planning Commission voted **6-0-0** (Carnes, Draughon, Kempe, Paddock, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Connery, Higgins, VanFossen, Harris, Young, "absent") to **APPROVE** the **Access Change for Delaware Crossing Condos**, as recommended by Staff.

LOT SPLITS FOR RATIFICATION:

|                |          |                |            |
|----------------|----------|----------------|------------|
| L-16545 ( 983) | Hoberock | L-16553 (1193) | Trumbull   |
| L-16546 (1893) | Collins  | L-16456 (2783) | Cousins    |
| L-16550 (3691) | Tolbert  | L-16540 (1683) | Sunwestern |
| L-16551 ( 393) | Adams    | L-16549 (2883) | Kennedy    |
| L-16552 (2393) | McKown   |                |            |

Staff advised these were all in order and they were not unusual lots and recommended APPROVAL.

On **MOTION** of **WILSON**, the Planning Commission voted **6-0-0** (Carnes, Draughon, Kempe, Paddock, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Connery, Higgins, VanFossen, Harris, Young, "absent") to **APPROVE** the above listed **Lot Splits for Ratification**, as recommended by Staff.

LOTS SPLITS FOR WAIVER:

L-16536 Stites (1693)

NE/c 30th & South Harvard Avenue

The applicant is requesting to split a 237.28' x 135' tract into three lots. Tract "A" contains a commercial strip center and is irregular in shape. Tract "B" contains a law office and is also irregular in shape. Tract "C" contains an office building and measures 48' x 135'. Although the tract is zoned CH and there is no minimum lot size, parking now must be provided in the CH District, thereby dictating that each lot must provide parking for the use on that particular lot. The applicant is

asking for waiver of the Subdivision Regulations requiring conformance with the Major Street Plan, since dedication of an additional 10' on Harvard will take away some of his parking.

Staff advised TAC that Board of Adjustment approval of a variance in the parking would be required, including a mutual parking agreement between the tracts being created. Also, utility easements and/or extensions might be necessary, including water and sewer availability.

The City and Traffic Engineers advised they could not recommend waiver of street plan requirements, consistent with past policy. City Engineer further advised that sidewalks were clearly defined within the right-of-way adjacent to this tract and dedication of the additional 10' per street plan would allow extension. That department saw no hardship and recommended dedication. (The applicant was advised that if the 10' dedication was made, relief could be sought from the City Commission to permit "reverse parking" on the area now being used for that purpose.

The Water and Sewer Department advised some realignment of the split line may be needed to meet sewer requirements. TAC nor the applicant had no objection to this. An 11' easement would be required; the location generally being the north 11' near the northeast corner of the tract. ONG advised some reciprocal easements may be necessary, dependent on the location of meters and lines.

The TAC advised voted to recommend APPROVAL, subject to the conditions below. Staff advised the TAC added that they would have no objections if the applicant did dedicate the 10' of a reverse parking agreement on that 10'. Staff stated no objections to this concept.

- 1) Lot split must meet Subdivision Regulation requiring conformance with Street Plans. (Applicant is requesting waiver of this condition.)
- 2) Board of Adjustment variance of parking requirements.
- 3) Utility easements as recommended by utilities.
- 4) Reciprocal agreements for gas service, if required by ONG.

#### Comments & Discussion:

Mr. Paddock asked, if the applicant is volunteering to dedicate 10' on the condition he gets a reverse parking agreement with the City, does that mean we do not have to waive any Subdivision regulations. Mr. Wilmoth advised TMAPC would not be waiving anything if the right-of-way is tendered because the other conditions would not be applicable, as the overall lot is what is under consideration.

#### Interested Parties:

Mr. Jeff Stites, 3304 East 4th, representing his father who is the owner, presented a background review and stated his reason for asking for the waiver of the Subdivision Regulations was due to the peculiarities of the subject area, and its closeness to Harvard. Mr. Stites suggested his

father would be willing to grant an easement to the City, but reserving his ability to use that parking as long as the structures are still in existence.

Mr. Stites clarified the building entrances for Ms. Wilson. Ms. Wilson further inquired if the applicant was intending to sell after obtaining the lot splits. Mr. Stites stated his request was for the Commission to consider the splitting into three tracts at a different time, as he would like to have his surveyor better define the sewer systems. This would also allow him time to work on a reciprocal parking agreement for Tracts A, B and C.

Ms. Wilson commented she thought TMAPC should look at every opportunity to get right-of-way and she did not feel an easement was the best route to go, and agreed with the suggestion of obtaining a reverse parking agreement with the City. Mr. Stites stated his only problem with this suggestion was the possible widening of Harvard at a future time as it would not benefit Tract A, and stated the suggestion be conditioned upon the existence of the building on Tract A.

#### Additional Comments & Discussion:

Chairman Kempe asked Legal regarding the "condition" suggested by Mr. Stites. Mr. Linker advised this still would not be in compliance with the Major Street and Highway Plan. Mr. Linker continued by stating that Staff's recommendation is, if the applicant wishes to volunteer the dedication, then it would be in compliance and a waiver would not be necessary. Mr. Paddock stated that, Harvard being a Secondary Arterial, it was doubtful that it would be widened. Mr. Paddock also stated he was very familiar with the area and advised how the CH zoning was applied in 1970. He continued by stating it would be cleaner to waive the Subdivision Regulations, and he did not see any particular advantage to trying to do anything about this other than to leave it as status quo. Chairman Kempe stated some confusion as to what was exactly before the Commission, as Staff was not recommending the waiver and was there even a lot split. Mr. Wilmoth advised if the right-of-way was tendered as part of the application, there would be not waiver as it would have been on the Prior Approval list, as the interior is not being divided.

Mr. Draughon asked Mr. Frank to comment on this case. Mr. Frank stated the City is familiar with the requirement of the right-of-way with a reverse parking agreement, but beyond that, he was not sure what the City might accept. On a request from Mr. Draughon, Mr. Paddock stated, for the Commission, the request did not include consideration of the internal lot splits, but the Commission was being asked to ratify something that was done without the benefit of a formal approval of a lot split some years ago. In order for the present owner to be able to convey this property, any lot split approval must be a matter of record, and TMAPC is, in effect, reaching back and correcting, by formal approval today, what should have been done some time ago. Mr. Paddock further advised the Commission is being asked, by the applicant, to leave the right-of-way on Harvard the way it is and not ask the applicant to

dedicate an additional 10', which would be a waiver of the Subdivision Regulations. Mr. Frank asked Mr. Wilmoth if he knew why the Traffic and City Engineers were not recommending the waiver. Mr. Wilmoth stated he felt it was a matter of policy that they do not recommend waivers to the Street Plan at all.

Mr. Carnes stated that, because of the location of the Broken Arrow Expressway across Harvard, it was doubtful that Harvard would ever be widened and he made the motion to approve the lot split and grant the waiver. Ms. Wilson stated she would be voting against this motion as she felt applicants should conform with the Street Plan, and the Commission should take advantage of the opportunity to obtain right-of-way. Mr. Draughon asked Legal if it was necessary to grant the waiver so the applicant could clear his title. Mr. Linker stated that attorneys are using 1949 as the cut-off and if there has been a conveyance since 1949 that would have amounted to a lot split, then the applicant does have a valid problem with his title. The applicant advised his conveyance was in 1978. Mr. Linker further clarified for Mr. Draughon that TMAPC could retroactively approve a conveyance.

On **MOTION of CARNES**, the Planning Commission voted **4-2-0** (Carnes, Kempe, Paddock, Woodard, "aye"; Draughon, Wilson, "nay"; no "abstentions"; (Connery, Higgins, VanFossen, Harris, Young, "absent") to **APPROVE L-16536 Stites**, granting the lot split and waiving Subdivision Regulations regarding the right-of-way.

As a waiver to the Subdivision Regulations requires a minimum of six affirmative votes, this motion did not pass. Based on this, Mr. Stites suggested TMAPC recommend the reverse parking agreement to the City Commission and, as he had no choice, he would make the dedication for right-of-way. Mr. Linker advised if the applicant did make the voluntary dedication, the lot would qualify for Prior Approval and TMAPC would have no option but to approve the lot split. Then, the Commission could make a recommendation to the City that a reverse parking agreement be executed. Mr. Stites stated agreement to the voluntary dedication. Mr. Paddock moved to reconsider the vote and split the question to consider approval of the lot split only, with a recommendation to the City Commission that they consider a reverse parking agreement with the applicant.

On **MOTION of PADDOCK**, the Planning Commission voted **6-0-0** (Carnes, Draughon, Kempe, Paddock, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Connery, Higgins, VanFossen, Harris, Young, "absent") to **APPROVE L-16536 Stites**, with the voluntary dedication of 10' for right-of-way and a recommendation to the City Commission that they consider a reverse parking agreement with the applicant.

**L-16537 Williams (894)**

North of NW/c 15th & South 121 East Avenue

The applicant is asking to split a 75' x 140' lot from the southeast corner of the 304.75' x 149.96' tract. Both lots would have frontage on 121st East Avenue, but if this split is approved, a variance will be required from the City BOA because of the 75' lot width requirement in the RS-2 District (only 74.96' is being provided on the north lot). The land use maps indicate that several lots in the area have lot widths under the minimum allowed. Staff recommends APPROVAL of this request, subject to City BOA approval of the 74.96' lot width.

On MOTION of PADDOCK, the Planning Commission voted 6-0-0 (Carnes, Draughon, Kempe, Paddock, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Connery, Higgins, VanFossen, Harris, Young, "absent") to APPROVE L-16537 Williams, subject to City BOA approval of the 74.96' lot width.

**LOT SPLITS FOR DISCUSSION:**

**L-16506 Dyer (3592)**

South of SE/c Lawton and Interstate 44

In the opinion of the Staff, the lot split meets the Subdivision and Zoning Regulations, but since the lot is irregular in shape, notice has been given to the abutting owner(s). Approval is recommended.

On MOTION of WILSON, the Planning Commission voted 6-0-0 (Carnes, Draughon, Kempe, Paddock, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Connery, Higgins, VanFossen, Harris, Young, "absent") to APPROVE L-16505 Dyer, as recommended by Staff.

**L-16548 Klein (783)**

SE/c 71st Street & Trenton

In the opinion of the Staff, the lot split meets the Subdivision and Zoning Regulations, but since the lot is irregular in shape, notice has been given to the abutting owner(s). Approval is recommended.

**Comments & Discussion:**

Mr. Draughon asked for clarification on the map of the two phases of the project. Ms. Wilson asked if the buildings in Phase I and Phase II were, in fact, one building. Mr. Wilmoth stated that, if Phase II is joined to Phase I, the Building Inspector would require a firewall and there would be a common lot line. Mr. Carnes inquired as to why the applicant was asking for this lot split. Mr. Wilmoth guess it might be due to financing.

On MOTION of WILSON, the Planning Commission voted 6-0-0 (Carnes, Draughon, Kempe, Paddock, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Connery, Higgins, VanFossen, Harris, Young, "absent") to APPROVE L-16548 Klein, as recommended by Staff.

CONTINUED ZONING PUBLIC HEARING:

Application No.: Z-6060 Present Zoning: Various  
Applicant: City of Tulsa (Cooley Creek) Proposed Zoning: FD

On MOTION of WILSON, the Planning Commission voted 6-0-0 (Carnes, Draughon, Kempe, Paddock, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Connery, Higgins, VanFossen, Harris, Young, "absent") to CONTINUE Consideration of Z-6060 until Wednesday, October 23, 1985 at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

OTHER BUSINESS:

PUD #355-3 North & West of the NW/c of South Yale & East 91st Street South

Staff Recommendation - Minor Amendment to Permit Lot Split & Phasing

The subject tract has frontage and access from all abutting streets, which includes East 89th, East 91st and South Yale. The total area of the tract is approximately nine acres. The applicant is requesting approval of a lot split to allow phasing of construction of improvements on the site. Phase I improvements existing on the site include a 50,000 square foot, four story office building, associated parking areas and a small accessory building (two car garage). Phase I is basically the east half of the tract and Phase II is the west half. The PUD also includes 14,000 square feet of restaurant and commercial uses which have not been built at the present time.

The Staff recommends APPROVAL of the minor amendment to allow a lot split and phasing, subject to the following conditions:

- 1) That the applicant's Outline Development Plan and Text be made a condition of approval, unless modified herein.
- 2) Development Standards: **PHASE I**  
Land Area (Gross): 175,651 sf 4.0324 acres

(Development Standards shall be as previously approved by the TMAPC per the approved Detail Site Plan, Detail Landscape Plan and approved minor amendments [PUD #355-2 & 3], except as noted.)

Permitted restaurant and commercial floor area shall not exceed 6,236 square feet and shall be in accordance with Section 640 of the Zoning Code.

PHASE II

|                                      |   |              |
|--------------------------------------|---|--------------|
| Land Area (Gross):                   | 218,623 sf  | 5.0189 acres |
| (Net):                               | 193,027 sf  | 4.4313 acres |
| Permitted Uses:                      | Uses permitted by right in an OM District and a restaurant and other commercial uses, provided they are located within a principal office building. * |              |
| Maximum Building Height:             | 5 stories or 75'  |              |
| Maximum Building Floor Area:         | 110,100 sf  |              |
| Minimum Off-Street Parking:          |   |              |
| Office Use                           | 1 space/300 sf of floor area  |              |
| Restaurant & Other Commercial:       | 1 space/225 sf for commercial<br>1 space/100 sf for restaurant  |              |
| Minimum Building Setbacks:           |   |              |
| from Centerline of East 89th Street  | 150'  |              |
| from Centerline of South 91st Street | 150'  |              |
| from West Boundary                   | 200'  |              |
|                                      | (except where this setback intersects the 150' setback from C/L of East 89th Street)  |              |
| from Interior Lot Lines              | Zero  |              |
| Minimum Landscaped Open Space:       | 30% of net area   |              |

\* Permitted restaurant area shall not exceed 7,764 square feet and shall be in accordance with Section 640 of the Zoning Code.

- 3) That all trash, utility and equipment areas shall be screened from public view.
- 4) That all parking lot lighting shall be directed downward and away from abutting property, if zoned in an "R" District.
- 5) That signs accessory to the principal uses shall comply with the restrictions of the PUD Ordinance and the following additional restrictions:
  - Ground Signs:** Shall be limited to one monument sign in either Phase I or II identifying the project located at an arterial street entrance to the project, and a total not to exceed three monument signs identifying tenants to be located along the arterial street frontages for Phases I and II combined. A project identification sign shall not exceed 12' in height and shall not exceed a display surface area of 100 square feet. A tenant sign shall not exceed 8' in height and shall not exceed a display surface area of 72 square feet.
  - Wall or Canopy Signs:** The aggregate display surface area of wall or canopy signs shall be limited to one square foot of display surface area for each lineal foot of the building wall to which the sign(s) are affixed.
- 6) That an association shall be created for operation and maintenance of common areas, required mutual access agreements, parking and related matters.

- 7) That amendments to the Restrictive Covenants shall be filed in accordance with the approved PUD conditions and conditions of approval for this minor amendment as a condition of approval of the related lot split.
- 8) That a Detail Site Plan shall be reviewed and approved by the TMAPC prior to issuance of a Building Permit.
- 9) That a Detail Landscape Plan shall be approved by the TMAPC and installed prior to issuance of an Occupancy Permit, including a 6' high wood screening fence along the total west boundary line and the south boundary line of the "out tract" located at the northwest corner of the proposal, and 3' high berming and landscape screening along the north boundary line as shown on the plans submitted.
- 10) That no Building Permit shall be issued until the requirements of Section 260 of the Zoning Code has been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the Restrictive Covenants the PUD conditions of approval, making the City of Tulsa beneficiary to said Covenants.

On **MOTION** of **PADDOCK**, the Planning Commission voted **6-0-0** (Carnes, Draughon, Kempe, Paddock, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Connery, Higgins, VanFossen, Harris, Young, "absent") to **APPROVE** the **Minor Amendment to PUD #355-3** to allow a lot split, subject to conditions as recommended by Staff.

**PUD #359** (Development Area "A")

7700 South Memorial

**Staff Recommendation - Detail Landscape Plan Review**

The subject tract is located at approximately 7700 Block of South Memorial on the east side of the street. The use is a one story medical clinic of 3,160 square feet, which is situated in the northwest corner of Development Area "A".

After review of the applicant's submitted landscape plan, it can be seen that the project has located the majority of landscaping around the building. In particular, the plan eliminated approximately twelve trees that surrounded an internal parking and patient drop off area. Staff feel this is a significant departure from the original landscaping approved with the PUD. The applicant has also proposed a change in the tree types from all Northern Red Maple to include a mixture of Red Maples and Bradford Pear. This should not be a problem in the design. The submitted plan does meet the required 10% open space and designates tree and shrub types, as well as sizes.

Staff cannot support the Detail Landscape Plan as submitted due to the trees not shown. Staff would recommend to the applicant, if the trees are to be excluded, a minor amendment to the PUD would be in order. Staff recommends **DENIAL** of the Detail Landscape Plan for PUD #359 - Development Area "A" as submitted.

### Comments & Discussion:

Mr. Frank further explained the Staff's recommendation by referring to the maps. Even though the landscaping as proposed would be adequate, it is not consistent with the plan as originally approved. Ms. Wilson inquired as to when the PUD was approved. Staff advised they thought the PUD was approved October 1984.

### Applicant's Comments:

Mr. Roy Johnsen, 324 Main Mall, addressed the Commission on behalf of the W.K. Warren Research Center, giving a review of this project. Mr. Johnsen presented a new map and reviewed the changes. Chairman Kempe inquired as to the tree types indicated for use on the site. Ms. Wilson asked Mr. Johnsen why they did not choose to pursue a minor amendment. Mr. Johnsen stated that, although he did not think it was necessary, the applicant would pursue the minor amendment if the Commission thought it was necessary. Chairman Kempe stated she felt the applicant's Detail Landscape Plan was a departure from the Detail Site Plan. Mr. Johnsen stated if TMAPC had not required the Detail Landscaping Plan to come back, or if the Commission had previously indicated approval per the Detail Site Plan, including the landscaping, then he felt he would have to file for an amendment. Mr. Johnsen continued by saying the approval action gave him a percentage and a requirement to come back with detail.

### Additional Comments & Discussion:

Mr. Draughon commented that, in view of the applicant's difficulty in obtaining schematic trees, and the fact that they are now using Youpan Holly, he would be in favor of the applicant's request providing that Staff would agree on the original intent of the trees. Mr. Frank stated that, although he could not speculate on the intent of the trees, if the applicant came back with this very plan on a minor amendment, he could support it. Mr. Carnes commented that he could understand the doctor's viewpoint on not wanting to hide this building, as it is a minor emergency center. Ms. Wilson stated that, while understanding the applicant's position, she felt TMAPC should recommend filing a minor amendment and require the applicant to come back before the Commission. Mr. Paddock advised that, in view of what has been said today by all parties, the Commission should just observe the problem and do something about future cases. In this case, Mr. Paddock indicated being in favor of proceeding by making a decision based on the merits. Mr. Carnes indicated agreement with both Ms. Wilson and Mr. Paddock, but for the sake of saving time and effort, he made a motion to approve the Detail Landscape Plan.

On **MOTION** of **CARNES**, the Planning Commission voted **5-1-0** (Carnes, Draughon, Kempe, Paddock, Woodard, "aye"; Wilson, "nay"; no "abstentions"; (Connery, Higgins, VanFossen, Harris, Young, "absent") to **APPROVE** the Detail Landscape Plan to PUD #359 - Development Area "A".

Chairman Kempe suggested to Staff that, if it appears a minor amendment might be required, could they not work with it at that time, before it gets posted on the agenda as a detail landscape plan.

There being no further business, the Chairman declared the meeting adjourned at 4:33 p.m.

Date Approved October 16, 1985

Marilyn A. Wilson  
1st Vice-Chairman

ATTEST:

RBP Adcock  
Secretary

