

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 1614

Wednesday, August 6, 1986, 1:30 p.m.

City Commission Room, Plaza Level, Tulsa Civic Center

MEMBERS PRESENT

Carnes
Draughon
Kempe
Paddock, Secretary
Parmele, Chairman
Selph
VanFossen
Wilson, 1st Vice-
Chairman
Woodard

MEMBERS ABSENT

Crawford
Doherty

STAFF PRESENT

Frank
Gardner
Setters
Wilmoth

OTHERS PRESENT

Linker, Legal
Counsel
Reynolds, DSM

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, August 5, 1986 at 9:55 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Parmele called the meeting to order at 1:32 p.m.

MINUTES:

Approval of Minutes of July 16, 1986 & July 23, 1986:

On **MOTION** of **CARNES**, the Planning Commission voted **7-0-1** (Carnes, Draughon, Paddock, Parmele, Selph, VanFossen, Woodard, "aye"; no "nays"; Wilson, "abstaining"; Doherty, Kempe, Crawford, "absent") to **APPROVE** the **Minutes of July 16, 1986, Meeting #1612**, and the **Minutes of July 23, 1986, Meeting #1613**.

REPORTS:

Chairman's Report: Discussion of a request from the Tulsa City-County Health Department to suspend approval of subdivision plats to be developed on septic systems, in an area bounded on the north by East 101st Street South, on the south by East 121st Street South, on the east by South Memorial, and on the west by the Arkansas River, for a period of 30 to 60 days or until further notice, pending a study by the Soil Conversation Service.

Chairman's Report - Cont'd

Mr. Wilmoth presented a brief review of the request by the City-County Health Department and reviewed the developments in process in the stated boundaries.

Mr. Jerry Cleveland, Acting Director of the City-County Health Department, submitted the request to the TMAPC, and reviewed the problems in the areas. Referring to his July 29th letter submitted to the TMAPC: "An unprecedented number of septic system problems have occurred in the subdivision of Sheridan Park, Bridle Trails and Forest Trails over the past several years. These problems were unpredictable with the information available at the time these subdivisions were platted. A study of this area, therefore, is being done at our request by the Soil Conservation Service on the predictability of septic system functions due to water table problems. We anticipate the study will take from 30 to 60 days." After making the introduction of the request, Mr. Cleveland referred the technical questions to **Mr. Sid Smart** of the **City-County Health Department.**

Commissioners Wilson and VanFossen inquired as to the number of homes affected by this problem. Mr. Smart advised that they are not sure as to the exact number of homes, but stated all of the homes in the area are on septic, not sewer, and three specific subdivisions are having system failure problems in about 1/3 of their homes. County Commissioner Selph and Mr. VanFossen inquired as to why the Health Department is just now requesting the study when they have known this problem has existed for about a year. Mr. Smart remarked that it has just now come to a head through citizen input. Commissioner Selph then inquired, if the Soils Conservation Service already has the technical, geological information available, why the need for the 30 - 60 day moratorium. Mr. Smart stated that he could not speak for the Soils Conservation Service, but did know that they are currently applying extra manpower to complete the study. Mr. Carnes stated the City-County Health Department now has the power to refuse a Building Permit to anyone who wants to develop in this area, and he would not feel comfortable being party to the placement of a moratorium.

Chairman Parmele, addressing the INCOG Staff, asked if this was a request involving only Final Plats during the 30 - 60 days, or Preliminary Plats to be approved, subject to the condition of Health Department approval. Mr. Wilmoth advised that, under the present policy, the TMAPC does not even get a Preliminary Plat until the Health Department has approved all the percolation (perc) tests. Chairman Parmele commented that some have been presented to the Planning Commission with the condition for approval being subject to Health Department approval. Mr. Wilmoth advised that Staff does not put these applications on the TMAPC agenda until Staff has the okay to do so from the Health Department. In further reply to Chairman Parmele, Mr. Wilmoth confirmed that the Final Plat cannot be released without Health Department approval. That being the case, Chairman Parmele questioned the need for the moratorium, if Health Department approval is covered in the conditions of approval on the plats.

Chairman's Report - Cont'd

Mr. Gardner stated that he felt the Health Department was specifically advising this group (TMAPC) as an agency, that they will, in fact, be doing that (??). Doing so in a public meeting, it put everyone on notice that the Health Department will not be approving those for release until the study is complete. Chairman Parmele confirmed with Mr. Gardner that this is just notice to the TMAPC that the Health Department will not be approving any plats in this area for 30 - 60 days. Mr. Gardner added that they are also asking the TMAPC to be a party to this action. Chairman Parmele stated he felt the TMAPC did not need to be a party to this.

Mr. Cleveland stated that the Health Department realizes it has authority in plat approvals, but what they are wanting to assure is that they make the TMAPC, as well as others, aware that they are experiencing problems they consider to be significant. This is being done in an effort to let developers know the problem before they invest a great deal of money. Mr. Cleveland reiterated the problems in the area and offered that the ultimate solution would be to get the area on public sewer or reconsider the standards, which would mean going to very large lots. In reply to Commissioner Selph, Mr. Cleveland verified this area was in the city limits, and as far as he knew, there were no immediate plans for laying pipe for a sewage system.

Interested Parties:

Address:

Mr. Roy Hinkle	1515 East 71st Street, 74136
Mr. Bob Lemons	??
Mr. Bill Lewis	6420 So 221st E Ave, Broken Arrow
Mr. Roy Johnsen	324 Main Mall, 74103
Mr. E. O. Sumner	8173 East 31st Place, 74145

Mr. Hinkle, representing a developer in this area, submitted a letter to the Commission obtained from the Tulsa City-County Health Department advising all 44 of their lots (located in the moratorium area) meet the septic requirements. Mr. Hinkle stressed this city agency should stand behind their commitment, as stated in their letter, and developers should be able to rely on these city agencies. Mr. Hinkle, as a resident in the area of the suggested moratorium, stated any problems with septic tanks that he was aware of appeared to be due to improper installation. Mr. Hinkle stated that he and the developers he represented were strongly opposed to the suggested moratorium, and recommended the TMAPC not follow the moratorium, as there is no guarantee it will only be for 30 - 60 days. After lengthy discussion between the Commission, Staff and Legal, Mr. Smart confirmed the Health Department would honor the letter to Mr. Hinkle regarding approval on his development in this area.

Mr. Lemons, also a developer and resident in the subject area, stated he has built 15 homes in this area and to his knowledge, none of these residences have had problems with their septic tanks. Mr. Lemons stated that if properly designed and installed, there is no reason they should not function properly. He, too, was against any moratorium on development.

Chairman's Report - Cont'd

Mr. Lewis, an engineer for a development project in the subject area, advised they have performed the required percolation tests on the project, and the Health Department staff advised they do meet the standards. Mr. Lewis stated concerns as to possible delays in development, and was also opposed to a declaring a moratorium on the entire area, as those projects already underway should not have to suffer the expense and delay of a shut down.

Mr. Roy Johnsen, an attorney representing Anderson Development Company, addressed the economic consequences of a moratorium, and also joined those in opposition. Mr. Johnsen commented that if studies need to be done, or if the regulations needed changing, they should be done in an orderly fashion, so as not to disrupt properties already in the development process.

Mr. Sumner, as a manager of land development, commented that any developer that has purchased property in this area, and then told that he cannot use it is not being treated fairly. Mr. Sumner stated the developers need to know where they stand and he, too, was against a moratorium.

Chairman Parmele commented that he felt the best action for the TMAPC would be to take no action, but let the record show receipt of this information, and the concerns of the Tulsa City-County Health Department and TMAPC. There was no objection from the Planning Commissioners.

Committee Reports:

Mr. Gary VanFossen advised that the **Comprehensive Plan Committee** meeting, originally scheduled for August 13, 1986 has been moved to August 20th at noon. The Committee will review amendments to the District 6 Plan as relates to the 15th/Cherry Street Study. Mr. VanFossen, in reply to Chairman Parmele, verified there would be no committee meetings prior to the public hearing on the Creek Expressway.

Director's Report: Request to call a public hearing to be held August 27, 1986 to consider amendments to the District 6 Comprehensive Plan, as relates to those areas along East 15th Street (Cherry Street) from west of South Peoria east to the Broken Arrow Expressway, and from the Broken Arrow Expressway on the north to East 17th Street on the south.

TMAPC ACTION: 9 members present

On **MOTION** of **KEMPE**, the Planning Commission voted **8-0-1** (Carnes, Draughon, Kempe, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; Paddock, "abstaining"; Doherty, Crawford, "absent") to **APPROVE** a **Public Hearing on August 27, 1986** to consider amendments to the District 6 Comprehensive Plan, as relates to the 15th/Cherry Street Study.

SUBDIVISIONS:

PRELIMINARY PLAT APPROVAL:

Brookside Mall (2592) SW/c East 45th Place & South Peoria Avenue (CS)

This plat is a resubdivision of Holmes Square which was processed earlier this year. Changes are the addition of several lots and changes in the easements on face of plat.

TAC was advised that this plan would retain the existing school building which would be remodeled for commercial use. Staff advised that each separate lot would have to meet the floor area and parking requirements of the CS zone as well as the frontage requirement (see #2). Commissioner Metcalfe and Traffic Engineering discussed the adequacy of paving on Peoria in this area. Traffic Engineer advised that any 5-lane plans would utilize the existing 100' right-of-way per Street Plan. Phil Smith provided a tentative site plan for review. Details would be accomplished in coordination meeting later.

The TAC voted to recommend **approval** of the PRELIMINARY PLAT OF BROOKSIDE MALL subject to the following conditions:

1. The underlying plat should be vacated to the satisfaction of applicant's legal counsel. (Vacating process is a District Court procedure, and is mentioned here for the record.)
2. The CS zoning district requires a minimum frontage of 150', so those lots with less than 150' would require Board of Adjustment approval (adjust to meet 150' minimum).
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. (Provide 10' utility easement parallel to both streets.)
4. 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.
5. 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(s) of the lot(s).
6. A request for creation of a Sewer Improvement District shall be submitted to the Water and Sewer Department prior to release of final plat. No ties to 21" will be allowed. Short 8" extension required. Relocate existing 8" line, subject to approval of Sewer Department.
7. 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.

Brookside Mall - Cont'd

8. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer. Required for new development. PFPI #205 already exists for this site.
9. Limits of Access or (LNA) as applicable shall be approved by Traffic Engineer. Show centerline of adjacent intersecting streets.
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. Covenants refer to "drainageway" easements, but none are specifically shown on face of plat. Make sure that easements on face of plat agree with language in written portion of plat. Show easements as required by Stormwater Management.
13. First paragraph after legal description in covenants should be corrected to show applicable number of lots.
14. Reference to private street in covenants should read: "Responsibility of maintenance is further described by separate instrument."
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 Regulation.
16. All (other) Subdivision Regulations shall be met prior to release of final plat.

TMAPC ACTION: 9 members present

On **MOTION** of **WILSON**, the Planning Commission voted **9-0-0** (Carnes, Draughton, Kempe, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Doherty, Crawford, "absent") to **APPROVE** the **Preliminary Plat for Brookside Mall**, as recommended by Staff.

* * * * *

Erie Industrial Park (2203)

3030 North Erie Avenue

(1L)

A part of this tract has already been platted as Erie Industrial Addition, but all of the area submitted with the current application was under the same zoning application (Z-4930). Information submitted with a waiver of plat application indicated a building encroaching over a utility easement into the unplatted area. The application for waiver has been withdrawn and this plat submitted instead. Fee paid for waiver process can be

Erie Industrial Park - Cont'd

applied to preliminary plat fee. (Staff advised, in answer to Mr. Paddock, the application for waiver was withdrawn due to the number of conditions on the waiver.)

Mr. Moore, an attorney, was present at the also representing the applicant. He will be processing the vacation of the old underlying plat in accordance with accepted legal procedures as referenced in condition #1.

The TAC voted to recommend **approval** of the PRELIMINARY PLAT OF ERIE INDUSTRIAL PARK subject to the following conditions:

1. The underlying plat of Erie Industrial Addition shall be vacated to the satisfaction of legal counsel (District Court Procedures).
2. 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.
3. Verify sewer service and locate existing sewer in easement at southeast corner of plat.
4. If waste water is to contain any heavy metals, etc. see Water and Sewer Department for required pretreatment.
5. 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.
6. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer.
7. Show "no access" along that portion abutting the Gilcrease Expressway, and include language applicable in covenants.
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. Show book/page number of dedication of that portion of North Erie not dedicated by plats.
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.

TMAPC ACTION: 9 members present

On **MOTION** of **KEMPE**, the Planning Commission voted **8-0-1** (Carnes, Kempe, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; Draughon, "abstaining"; Doherty, Crawford, "absent") to **APPROVE** the **Preliminary Plat on Erie Industrial Park**, as recommended by Staff.

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Braum's Second (2803) South of SE/c East Woodrow Place & North Harvard (CS)

This plat has a sketch plat approval by TAC on 6/12/86. A copy of the minute of that meeting was provided with Staff comments in the margin.

The TAC voted to recommend **approval** of the PRELIMINARY PLAT OF BRAUM'S SECOND subject to the following conditions:

1. Add language for limited access (LNA) to the restrictive covenants. Access subject to review of median opening by Traffic Engineering. Mutual Access easement required on common driveways.
2. 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.
3. Include language for Water and Sewer Department facilities in covenants.
4. Drainage plans shall be approved by Stormwater Management, including storm drainage, detention design and Watershed Development Permit application subject to criteria approved by City Commission.
5. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer. **REQUIRED** prior to release of final plat.
6. Omit topo and adjacent owners names/addresses on final plat.
7. 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.
8. Show adjacent street intersections on west side of Harvard for reference.
9. Omit reference in covenants to laying utility lines across streets (Paragraph #3). Remainder of paragraph is okay. Omit "north and south" from PSO portion of covenants ("a", first line). Heavy line should indicate plat covers area to centerline of street being dedicated.
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.

TMAPC ACTION: 9 members present

On **MOTION** of **PADDOCK**, the Planning Commission voted **9-0-0** (Carnes, Draughon, Kempe, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Doherty, Crawford, "absent") to **APPROVE** the **Preliminary Plat for Braum's Second**, as recommended by Staff.

FINAL PLAT APPROVAL & RELEASE:

Lucenta Addition (1583) South of SW/c East 81st Street & South Sheridan (CS)

TMAPC ACTION: 9 members present

On **MOTION** of **KEMPE**, the Planning Commission voted **9-0-0** (Carnes, Draughon, Kempe, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Doherty, Crawford, "absent") to **APPROVE** the **Final Plat of Lucenta Addition** and release same as having met all conditions of approval.

CHANGE OF ACCESS ON RECORDED PLAT:

Mizel Center (1694) East of SE/c East 21st & South 129th East Avenue (CS)

The purpose of this request is to add one additional access point for Simple Simon's Pizza (right turn only). An additional ten feet of right-of-way was dedicated on the lot split for 21st Street to meet the Street Plan.

TMAPC ACTION: 9 members present

On **MOTION** of **CARNES**, the Planning Commission voted **9-0-0** (Carnes, Draughon, Kempe, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Doherty, Crawford, "absent") to **APPROVE** the **Access Change on the Recorded Plat for Mizel Center**, as recommended by Staff.

LOT SPLITS:

LOT SPLITS FOR DISCUSSION:

L-16715 McMahon (2093) East of NE/c East 34th Street & South Florence (RS-1)

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.

TMAPC ACTION: 9 members present

On **MOTION** of **VANFOSSEN**, the Planning Commission voted **9-0-0** (Carnes, Draughon, Kempe, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Doherty, Crawford, "absent") to **APPROVE** the **Lot Split for L-16715 McMahon**, as recommended by Staff.

LOT SPLITS FOR RATIFICATION:

L-16713 (2293)	Griffin	L-16725 (1694)	Brown
L-16714 (313)	Knollenberg	L-16727 (3393)	Mason
L-16716 (894)	Triangle Dev Co	L-16730 (593)	City Engineer
L-16718 (283)	Crow-Dobbs	L-16731 (3602)	TURA
L-16719 (283)	Triad II	L-16732 (3602)	TURA
L-16724 (873)	Bruce		

On **MOTION** of **KEMPE** the Planning Commission voted **9-0-0** (Carnes, Draughon, Kempe, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Doherty, Crawford, "absent") to **APPROVE** the **Above Listed Lot Splits for Ratification**, as recommended by Staff.

PUBLIC HEARING:

TO CONSIDER AN AMENDMENT TO THE ZONING CODES OF THE CITY OF TULSA AND TULSA COUNTY, AS RELATES TO SECTION 750.2, STANDARDS FOR SEXUALLY ORIENTED BUSINESSES.

Comments & Discussion:

Mr. Alan Jackere, Assistant City Attorney, presented this item to the TMAPC for their consideration stating that, regardless of how this provision is interpreted (relating the location of a sexually oriented business and the street), Legal feels that the provision adds nothing to the protection of the public. In most instances, a sexually oriented business is restricted due to proximity to a residential area, not because of location to a street. Mr. Jackere further clarified the feature to be amended is not needed in the Code, as it does not provide any additional protection over and above the other the other spacing features in the Code. Mr. Jackere relayed instances where there was difficulty interpreting this in specific court cases due to the ambiguity of the Code.

In reply to Ms. Kempe, Mr. Jackere stated that the language to be deleted in Section 750.2 (Prohibition) is the wording "or within 300 feet of a nonarterial street which provides access to a residentially zoned area".

There were no interested parties or protestants in attendance on this item. Therefore, Mr. Carnes made a motion to approve the deletion of the wording as suggested by Mr. Jackere.

TMAPC ACTION: 9 members present

On **MOTION** of **CARNES**, the Planning Commission voted **9-0-0** (Carnes, Draughon, Kempe, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Doherty, Crawford, "absent") to **APPROVE** the amendment to Section 750.2 (Prohibition) of the Zoning Codes, as relates to standards for Sexually Oriented Businesses, by deleting the wording "or within 300 feet of a nonarterial street which provides access to a residentially zoned area".

ZONING PUBLIC HEARING:

Application No.: PUD 418 Present Zoning: CS, OL
Applicant: Jones (Williams, et al) Proposed Zoning: Unchanged
Location: West of SW/c 91st & Delaware
Size of Tract: 23.14 acres
Date of Hearing: August 6, 1986 (continuance requested)

Comments & Discussion:

Staff advised that through discussions with the applicant, it appeared that the data and information was not ready for presentation of this application. Staff advised the applicant a continuance would be needed to allow time to provide the necessary information. Discussions followed among Commission members and Staff as to a proper continuance date. Staff suggested September 10th might be a more realistic time frame than August 27th, as originally thought by the applicant.

TMAPC ACTION: 9 members present

On MOTION of PADDOCK, the Planning Commission voted 7-2-0 (Draughon, Kempe, Paddock, Selph, VanFossen, Wilson, Woodard, "aye"; Carnes, Parmele, "nay"; no "abstentions"; Doherty, Crawford, "absent") to CONTINUE Consideration of PUD 418 Jones (Williams) until Wednesday, September 10, 1986 at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

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Application No.: Z-6099 Present Zoning: RS-3
Applicant: Williams (Connor) Proposed Zoning: CS
Location: SW/c Tecumseh & Cincinnati
Size of Tract: .3 acres, approximately

Date of Hearing: August 6, 1986 (originally heard February 26, 1986)
Presentation to TMAPC by: Mr. Otis Williams, 345 East Apache (425-1336)

Relationship to the Comprehensive Plan:

The District 2 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Special District 1 - Neighborhood Development Plan and Development Sensitive.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the requested CS District may be found in accordance with the Plan Map.

The Tulsa Urban Renewal Plan (NDP) designates the property as single-family residential and a representative of their office has been in contact with INCOG Staff and stated they could not support the commercial zoning.

Staff Recommendation:

Site Analysis: The subject tract is approximately .3 acres in size and located at the southwest corner of Cincinnati Avenue and Tecumseh Street. It is nonwooded, flat, contains one single-family structure with detached garage and is zoned RS-3.

Surrounding Area Analysis: The tract is abutted on the north by Tecumseh Avenue and Burroughs Elementary School zoned RS-3, on the east by Cincinnati Avenue and single-family residences zoned RS-3 and on the south and west by single-family residences zoned RS-3.

Zoning and BOA Historical Summary: Current zoning patterns in existence around the subject tract are well established residential districts. The closest nonresidential zone is OL, 400' to the south and 200' to the north.

Conclusion: Although the Comprehensive Plan indicates CS may be found in accordance, there is presently no commercial encroachment in the area. Commercial zoning of this property would also be considered spot zoning. The Staff cannot support commercial zoning on the subject tract as it would be considered encroachment into the single-family area.

Therefore, the Staff recommends **DENIAL** of CS zoning on the subject tract.

August 6, 1986: The City Commission met on July 8, 1986 and, at the request of the applicant, referred this case back to the TMAPC for a rehearing. New public notice of the August 6, 1986 hearing date has been given. The TMAPC will recall that this case was initially presented on February 26, 1986 at which time Staff recommended denial and it appeared there were protestants (although none spoke on the record) at that time. The applicant was granted a continuance until March 12, 1986 and did not appear at that time. TMAPC voted 6-0-0 to deny the request on March 12, 1986.

Staff recommendation to **DENY** is unchanged. Staff submitted a letter dated July 11, 1986 from the Tulsa Urban Renewal Authority recommending **DENIAL**.

Applicant's Comments:

Mr. Williams, representing the owner, stated he felt the real issue is getting some business in this part of Tulsa, not spot zoning or encroachment. Mr. Williams commented the applicant was wanting to put a beauty shop at this location.

Mr. VanFossen advised that, under CS zoning, the intentions of an applicant do not matter as long as a use fits under the CS zoning. Chairman Parmele inquired if a beauty shop could be handled as a home occupation, and was advised the applicant was wanting to use outside employees, not just family members as in a home occupation. Mr. Paddock asked the applicant if he knew who the Citizen Planning Team officers were for this district and suggested that an approach to business development

in this area might be to consider a change in the Comprehensive Plan for their district. This could be done by getting the community involved and working with the District Citizen Planning Team. Mr. Woodard advised the applicant of the Citizen Planning Team officers and agreed with Mr. Paddock that maybe they should get together with these officers and the community.

Referring to the letter from Tulsa Urban Renewal Authority (TURA), Mr. Williams stated he did not know TURA's time frame for the Urban Renewal Plan, but felt there was presently a need to develop businesses in this area.

In response to Ms. Wilson, Mr. Williams advised the applicant currently resides at this location. Chairman Parmele suggested a continuance in order to allow the applicant time to work with the Citizen Planning Team officers. Discussion followed among Commission members as to a continuance, with a general consensus to proceed with the hearing.

Interested Parties:

Mr. Herbert Connor, 1848 North Cincinnati, confirmed the rezoning request was for the purpose of establishing a beauty salon to employ 3 or 4 people. In reply to Mr. Draughon, Mr. Connor advised there was plenty of area for parking. Mr. Carnes asked Staff if the applicant might be able to handle this through the BOA. Staff advised that he could not, as the applicant wanted to hire employees outside the home. Ms. Wilson inquired if the applicant currently had a shop in operation at this location and was informed that they do not.

Mr. VanFossen stated that, although he did not like to oppose business development, he did not feel it appropriate to put commercial in a residential area. Mr. VanFossen pointed out that if CS were approved, the applicant could immediately sell the property and a service station, commercial shopping center, etc. could be developed. Therefore, he moved for denial as recommended by Staff, but wanted the applicant to understand this action. Ms. Kempe stated she had many of the same feelings as Mr. VanFossen, and agreed with Staff recommendation.

TMAPC ACTION: 8 members present

On **MOTION** of **VANFOSSEN**, the Planning Commission voted **6-1-1** (Carnes, Kempe, Paddock, Parmele, VanFossen, Wilson, "aye"; Draughon, "nay"; Woodard, "abstaining"; Doherty, Selph, Crawford, "absent") to **DENY Z-6099 Williams (Connor) for CS**, as recommended by Staff.

* * * * *

Application No.: Z-6119 & PUD 380-A Present Zoning: AG, RS-1
Applicant: Walker (Nassif) Proposed Zoning: RS-2
Location: East of the SE/c of 101st & Yale
Size of Tract: 40 acres
Date of Hearing: August 6, 1986 (Continued from July 23, 1986)

Relationship to the Comprehensive Plan: Z-6119

The District 26 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Special District Number 2 - Limited to Low Intensity Residential (RS-1), or increased intensity allowed under a PUD.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts", the requested RS-2 zoning **may be found** in accordance with the Plan Map, with a companion PUD.

Staff Recommendation:

Site Analysis: The subject tract is approximately 40 acres in size and is located east of the southeast corner of South Yale and East 101st Street. It is partially wooded, vacant and characterized as a "sump area" with poor drainage away from the site, according to the City Hydrologist.

Surrounding Area Analysis: The area north across East 101st and east of the subject tract is vacant and zoned AG, the area to the south is vacant and zoned RS-1, and the area to the west is vacant and zoned RS-2 and a church site zoned AG.

Zoning and BOA Historical Summary: The most recent RS-2 zoning, a part of the subject tract, in this area was granted in combination with a PUD which is consistent with the Comprehensive Plan.

Conclusion: The central portion of the subject tract includes PUD 380-A, which requests abandonment of PUD 380 and retention of the underlying RS-2 zoning. Z-6119 requests rezoning from RS-1 to RS-2 on the west part, rezoning from AG to RS-2 on the east, and also includes all of the area previously approved for RS-2 under Z-6012/PUD 380.

The Comprehensive Plan Special District designates this area a natural drainage "sump area". The Plan states that zoning shall be RS-1 unless accompanied by a PUD so that drainage problems can be resolved by site design and development. Although a PUD application to accomplish this requirement was not originally submitted with Z-6119, discussions with the applicant indicate a request for continuance of this application would be made on July 23, 1986 and the necessary PUD filed for TMAPC and City Commission review and approval in support of RS-2. Given past zoning actions, including District Court actions, surrounding zoning patterns and existing drainage problems, Staff would be supportive of RS-2 zoning only in accordance with the Comprehensive Plan, which requires submission of a PUD.

Therefore, Staff recommends DENIAL of RS-2 as requested. Staff could be supportive of RS-2 with the submission of a companion PUD for review and approval by the TMAPC and City Commission.

AUGUST 6, 1986: This application was continued from July 23, 1986 until this date to allow a PUD to be filed in accordance with the Comprehensive Plan. Staff is now supportive of RS-2 zoning on the subject tract and recommends APPROVAL, subject to approval of PUD 420. Staff is also supportive of a companion item, PUD 380-A, abandonment of PUD 380, and retention of RS-2 zoning, subject to approval of PUD 420.

NOTE: The applicants are requesting early transmittal of this case to the City Commission.

Staff Recommendation: PUD 380-A

The subject tract has an area of approximately 14 acres and is located east of the southeast corner of South Yale and East 101st Street. The applicants are requesting that PUD 380 be abandoned and that the underlying RS-2 zoning be retained. The Comprehensive Plan designates this area as a Special District, which is characterized as a natural drainage "sump area", according to the City Hydrologist. The Plan states that zoning shall be RS-1 unless accompanied by a PUD so that drainage problems can be resolved by site design and development. The required PUD would also assure that common areas, including onsite drainage and detention areas, would be maintained by a Homeowners Association, which can be a condition of PUD approval. Discussions with the applicant have indicated a request for continuance of PUD 380-A and Z-6119 would be presented on July 23, 1986, and an RS-2/PUD application would be filed for TMAPC and City Commission review and approval at a future date.

Therefore, based on the Comprehensive Plan, Staff recommends DENIAL of the request to abandon PUD 380-A and retain the RS-2 underlying zoning. Staff could be supportive of abandoning PUD 380-A with retention of the underlying RS-2 zoning only if a companion PUD was submitted for review and approval by the TMAPC and City Commission.

AUGUST 6, 1986: This case was originally presented to the TMAPC on July 23, 1986 and continued at the applicant's request until August 6, 1986 to allow a PUD to be filed. The PUD requirement will cause the request to abandon PUD 380 and retain the RS-2 zoning to be in accordance with the Comprehensive Plan, plus allow the applicants to seek several variances to the Zoning Code under the PUD.

PUD 420 has been filed and advertised for a public hearing on August 6, 1986. Staff is supportive of the request to ABANDON PUD 380 and retain the RS-2 zoning, subject to approval of PUD 420.

NOTE: The applicants are requesting early transmittal of this case to the City Commission.

PUD 420 (See Z-6119 & PUD 380-A)

Application No.: **PUD 420 (See Z-6119 & PUD 380-A)** Present Zoning: AG, RS-1
Applicant: **Pittman Poe (Nassif)** Proposed Zoning: RS-2
Location: East of the SE/c of 101st & Yale
Size of Tract: 40 acres
Date of Hearing: August 6, 1986

Staff Recommendation:

The subject tract is approximately 40 acres in size and is located east of the southeast corner of South Yale and East 101st Street. It is partially wooded, vacant and characterized as a "sump area" according to the City Hydrologist. The tract is currently zoned RS-1 on the west part, RS-2 with PUD 380 in the central area, and AG on the east part. Companion applications with this request are as follows: Z-6119 requesting RS-2 on the entire tract, and PUD 380-A which requests abandonment of PUD 380 and retention of RS-2. The Comprehensive Plan for this Special District states that zoning shall be a maximum of RS-1 unless accompanied by a PUD so that drainage problems can be resolved by site design and development. Z-6119 and PUD 380-A were continued by the TMAPC from July 23, 1986 until August 6, 1986 at the applicant's request in order to file the PUD in accordance with the Comprehensive Plan and requests several variances to the Zoning Code.

The proposed PUD 420 will include 91 large lot homesites, located on public minor streets and cul-de-sacs. A "Reserve Area" for storm water and site drainage management is proposed in the south central area of the development. A homeowner's association will be established to maintain the water retention area, entry medians, and landscaped islands in the streets. The Text is requesting variances as follows: side yard requirements on corner lots and lots abutting a nonarterial street to be 15'; the minimum 75' lot width in RS-2 on cul-de-sac and pie-shaped lots be allowed to be less than the 75' minimum as required in RS-2; front yards be 25' rather than 30' per RS-2; minimum side yards be 5' on each side for cul-de-sac and pie-shaped lots, RS-2 would require 5' on one side and 10' on the other.

These variances are typical of requests that would be presented to the Board of Adjustment and can be granted under a PUD by the Commission. Staff is supportive of these requests. The average lot size is shown to be 80' x 135' on the Illustrative Site Plan. Average land area per lot in PUD 420 is 19,238 square feet which compares to 10,875 square feet minimum in RS-2. All other development standards are generally in accordance with or exceed conventional RS-2 criteria.

Therefore, Staff supports the companion zoning case Z-6119 to RS-2, abandonment of PUD 380-A with retention of RS-2 subject to APPROVAL of PUD 420 as it is found to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (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.

Staff recommendation for approval is further based upon the following conditions:

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

2) **Development Standards:**

Land Area (Gross):	40.19 acres
(Net):	38.67 acres
Existing Zoning:	AG, RS-1 and RS-2/PUD 380
Proposed Zoning:	RS-2 with PUD
Permitted Uses:	Use Unit 6 single-family detached dwelling units and accessory uses.
Maximum No. of Dwelling Units:	91
Minimum Lot Width:	75' average per lot/RS-2*
Minimum Lot Area:	9,000 sf/RS-2
Minimum Land Area per Dwelling Unit:	10,875 sf/RS-2
Maximum Structure Height:	35'
Minimum Livability Space per Dwelling Unit:	5,000 sf
Minimum Lot Depth:	120'
Minimum Front Yard Abutting a Nonarterial Public Street:	25'
Minimum Rear Yard:	25'
Minimum Side Yard Abutting a Nonarterial Public Street:	15'
Minimum Side Yard: **	
One Side	10'
Other side	5'
Open Space/Recreational Area/ Detention Area:	Maintenance of these private facilities shall be by a Homeowner's Association created for that purpose.

* The minimum 75' lot width may be varied according to the approved plat on cul-de-sacs and pie-shaped lots and be less than the minimum as measured at the building line.

** Side yards on cul-de-sacs and pie-shaped lots are permitted to be a minimum of 5' on either side according to the approved plat.

- 3) Subject to the review and conditions of the Technical Advisory Committee.
- 4) That the development be in general compliance with the RS-2 Zoning Code provisions unless modified by the PUD Text and approved by the Commission.
- 5) That a Homeowner's Association be created to provide for the maintenance of reserve areas, detention areas, cul-de-sac islands, and other private facilities.
- 6) That the requirement for submission and approval of a Detail Site Plan is considered to be satisfied by the filing and approval of a Final Plat by the TMAPC and acceptance by the City of Tulsa. If the detail for construction of entry ways and similar facilities is not covered on the plat, these details shall be submitted to the TMAPC for review and approval prior to issuance of a Building Permit.
- 7) That a Detail Landscape Plan and Sign Plan be submitted to and approved by the TMAPC for public and common areas only. Installation of said materials is required prior to issuance of an Occupancy Permit for any residential units in the development.
- 8) That no Building Permit shall be issued until the requirements of Section 260 of the Zoning Code has been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the Restrictive Covenants the PUD conditions of approval, making the City of Tulsa beneficiary to said Covenants.

Note: Early transmittal of this case to the City Commission is requested by the applicants.

Comments & Discussion:

Mr. Carnes inquired if the applicant was familiar with the Staff recommendations and, if so, was the applicant in agreement. Mr. Gardner replied that the applicant had seen the Staff recommendations and he thought the applicant was in agreement. Therefore, Mr. Carnes made a motion for approval. Chairman Parmele called on the applicant to confirm his agreement to the recommendations.

Applicant's Comments:

Mr. Don Walker, 9410-E East 51st Street, in reply to Mr. VanFossen, stated they have worked to meet the concerns of the Department of Stormwater Management (DSM) as to retention/detention. Mr. Walker advised they have retained an engineer, specializing in stormwater management, that is preparing a detailed report for presentation to the DSM.

Mr. Dale Reynolds of DSM, emphasized that the DSM condition for approval is retention, and not detention. The difference being is that retention is a more severe requirement. Mr. Reynolds added that, upon review of the calculations, DSM may place a requirement for a larger retention area later. In regard to the area that may be placed under a development moratorium, Mr. Reynolds commented the subject property is in this area,

PUD 420 - Cont'd (with Z-6119 & PUD 380-A)

and while the project will be developing on a sewer system, there could still be drainage problems in the surrounding areas (using septic systems).

In reply to Mr. Draughon, Mr. Reynolds confirmed that the applicant has been in contact with DSM on development of the subject tract. Mr. Draughon then inquired if DSM would be holding their approval, pending the outcome of the proposed Soils Conservation Study. Mr. Reynolds commented that DSM probably would not defer their decision.

TMAPC ACTION: 8 members present

On **MOTION** of **CARNES**, the Planning Commission voted **7-1-0** (Carnes, Kempe, Paddock, Parmele, VanFossen, Wilson, Woodard, "aye"; Draughon, "nay"; no "abstentions"; Doherty, Selph, Crawford, "absent") to **APPROVE Z-6119 Walker (Nassif) for RS-2, APPROVE Abandonment of PUD 380-A, and APPROVE PUD 420 Pittman Poe (Nassif, et al), as recommended by Staff.**

Legal Description:

Z-6119 & PUD 420: The NE/4 of the NW/4, Section 27, T-18-N, R-13-E, Tulsa County, State of Oklahoma.

PUD 380-A: A tract of land lying in the NE/4 of the NW/4, Section 27, T-18-N, R-13-E, more particularly described as follows: The point of beginning being 450.00' west of the NE corner of the NW/4 of said section; thence N 89°51'03" W along the north line of said Section a distance of 475.45'; thence S 00°17'23" W a distance of 1,321.14'; thence S 89°51'37" E a distance of 475.45'; thence N 00°16'36" E a distance of 1,320.99' to the POB, containing 14.45 acres, more or less, Tulsa County, State of Oklahoma.

OTHER BUSINESS:

PUD 197-1: South of the SW/c of East 31st Street South and South Yale being Methodist Manor (4134 East 31st Street)

Staff Recommendation: Detail Landscape Plan for Phase III

The total area of PUD 197 is 40 acres, which has been approved for, and is being developed as a Retirement Facility. Phase III of PUD 197-1 is being developed for single-family attached housing units in the southwest portion of the subject tract. The construction of the dwelling units is in the final stages and the applicant is requesting Detail Landscape Plan approval from the TMAPC. Phase III is divided into two areas, referred to as Phase III-A and Phase III-B. The detail landscape for Phase III-A will be typical for Phase III-B.

The landscaping materials include several varieties of trees and shrubs, ground cover and grassed areas to be planted around the dwelling units, in parking lot islands and along driveways. The plan includes a detailed schedule of plant types, locations and sizes.

Staff recommends APPROVAL of the Detail Landscape Plan as submitted for PUD 197-1, Phases III-A and III-B.

TMAPC ACTION: 8 members present

On MOTION of VANFOSSEN, the Planning Commission voted 8-0-0 (Carnes, Draughon, Kempe, Paddock, Parmele, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Doherty, Selph, Crawford, "absent") to APPROVE the Detail Landscape Plan for Phase III of PUD 197-1, as recommended by Staff.

* * * * *

PUD 190-24: SW/c of South Fulton Avenue and East 73rd Street
Lot 32, Block 4, Minshall Park III

Staff Recommendation: Minor Amendment

The subject tract is located at the southwest corner of South Fulton Avenue and East 73rd Street and has a zoning of RS-3/PUD 190. The subject tract contains a single-family dwelling and is abutted on all sides by either similar structures or vacant residential lots. The applicant is now requesting a minor amendment to allow a 10 foot rear yard as opposed to the required 20 feet and a minor amendment to the required 50 foot setback from East 73rd Street South to 44 feet. Notice of the application was given to abutting property owners.

After review of the applicant's submitted plot plan, Staff finds the request to be minor in nature. The subject tract is located at the end of a block with the north property line of both the subject and abutting lot to the west to be irregular and at an angle from northeast to southwest. This allowed the dwelling on the subject tract to be constructed approximately 25 feet north of the abutting dwelling to the west. The impact is somewhat lessened by the fact that the subject tract has access from East 73rd Street and the abutting lot to the west has access off South Erie Avenue. With the proposed addition extending 22 feet to the west along the same front elevation, the offset between the dwelling on the subject tract and dwelling to the west would be increased.

Staff cannot support the requested minor amendment as submitted due to the East 73rd Street relationship with the abutting dwelling to the west. Staff could support the request if the proposed addition would meet the 50 foot setback requirement from the centerline of East 73rd Street. Staff recommends APPROVAL of the minor amendment to allow a 10 foot rear yard and DENIAL of the requested 44 foot setback from the centerline of East 73rd Street, per the applicant's submitted plot plan.

PUD 190-24

Staff has been in contact with the applicant and he and the lot owner are agreeable to meeting the 50 foot setback requirement with the new structure.

TMAPC ACTION: 7 members present

On **MOTION** of **KEMPE**, the Planning Commission voted **6-0-1** (Carnes, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; Draughon, "abstaining"; Doherty, Selph, VanFossen, Crawford, "absent") to **APPROVE** the minor amendment to allow a 10 foot rear yard and **DENIAL** of the requested 44 foot setback from the centerline of East 73rd Street, per the applicant's submitted plot plan for **PUD 190-24**, as recommended by Staff.

* * * * *

PUD #281-7: NE/c of South 91st East Avenue and East 64th Street South
Lot 1, Block 6 of Gleneagles

Staff Recommendation: Minor Amendment and Amended Detail Site Plan

The subject tract is 7.5589 in size (gross) and has been approved for a 3 story multi-family complex for elderly housing with a maximum of 144 living units. The applicant is now requesting a minor amendment to the PUD to allow 197 parking spaces instead of the approved 273 spaces which would be required for conventional apartments. This works out to a parking ratio of approximately 1 parking space per 1.4 dwelling units; the Zoning Code would permit .75 spaces per dwelling unit for elderly housing. Notice of the application has been given to the attorney for the Burning Tree Master Association.

After review of the applicant's submitted plot plan, Staff finds the request to be minor in nature. Because the 1.4 ratio of parking spaces to dwelling units is consistent with or exceeds past elderly housing PUD's, Staff can supports the requested minor amendment. Staff recommends **APPROVAL** of the minor amendment for 197 parking spaces subject to the entire 144 dwelling units being restricted for elderly housing and **APPROVAL** of the Amended Detail Site Plan.

Note: The applicant has demonstrated the capability to meet the conventional parking requirement on the initially approved Detail Site Plan; however, should be reminded that the only approved use for this tract is for elderly housing.

TMAPC ACTION: 7 members present

On **MOTION** of **WOODARD**, the Planning Commission voted **6-1-0** (Carnes, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; Draughon, "nay"; no "abstentions"; Doherty, Selph, VanFossen, Crawford, "absent") to **APPROVE** the **Minor Amendment** to allow reduced parking requirements for elderly housing and the Amended **Detail Site Plan** for **PUD 281-7**, as recommended.

* * * * *

PUD 128-A-17: North of the NE/c of 74th Street & Trenton, being Lot 8, Block 3 of Kensington II Addition, Amended

Staff Recommendation: Minor Amendment & LNO 16726

PUD 128-A is located on the south side of East 71st Street South on both sides of Trenton Avenue. This addition has been platted into 104 single-family lots and 66 duplex lots. Several minor amendments have been approved in the subdivision, mostly due to irregular lot sizes and shapes. The applicant is requesting several amendments to the development standards to allow a single-family residence on a lot platted for a duplex.

After review of the applicant's submitted plot plan, the Staff finds the request to be minor in nature and consistent with the original PUD. Staff recommends APPROVAL of the request subject to the submitted plot plan, and based on the following conditions:

- 1) The PUD allows for either single-family or duplex units on the subject lots.
- 2) The density would not be increased.
- 3) Other amendments comparable to the above have previously been approved in this addition.

4) Development Standards:	<u>Required</u>	<u>Submitted</u>
Minimum Lot Width:	80'	48'
Minimum Lot Size:	9,000 sf (duplex)	+7,900 sf/south part +8,900 sf/north part
Maximum Building Height:	20'	20'
Minimum Livability Space: Single-Family	4,000 sf	Exceeds 4,000 sf/lot
Minimum Building Setbacks:		
Front	25'	25'
Rear	20'	20'
Side One	5'	10'
Other Side	0'	1'
Minimum Separation Between Buildings:	10'	Meets (see Note)
Minimum Off-Street Parking:	2 enclosed spaces per dwelling unit	Same

NOTE: Applicant owns all abutting lots that would be directly affected by the amendments. A 9' side yard setback is required on the south side of Lot 7, Block 3 which abuts one of the lots requested in this application. This setback is necessary to maintain the 10' minimum separation between buildings.

TMAPC ACTION: 8 members present

On **MOTION** of **CARNES**, the Planning Commission voted **6-1-1** (Carnes, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; Draughon, "nay"; VanFossen, "abstaining"; Doherty, Selph, Crawford, "absent") to **APPROVE** the Minor Amendment and LNO 16726 to allow a duplex lot to be split in order to develop a single-family residence for **PUD 128-A-17**, as recommended by Staff.

* * * * *

PUD 298-5: Lots 7 & 11, Block 4, Shadowridge Estates Addition

Staff Recommendation: Minor Amendment to Side Yard Setbacks

The applicant is requesting a minor amendment to the PUD which would allow a 4.5' setback on side yards. No structures are built on the adjacent lots. The approved PUD would require 5', however, it allows a .5' encroachment for masonry or facia materials. The case before the Commission is to permit the .5' encroachment for nonmasonry and facia materials. Discussions with the applicant indicate that the maximum roof eave overhang on the side yards will be 16", which means that the setback distance to the side yards would be 3'-2" (3' is the minimum setback on one side that has been permitted).

Staff supports this request for a minor amendment on the subject property to permit 4.5' side yard setbacks, as follows:

- 1) Subject to the submitted plot plan, as marked.
- 2) Subject to meeting all applicable codes and ordinances, particularly the Building Code and Fire Code.
- 3) Minimum 6' separation between the roof eaves (side yards) on abutting lots.

TMAPC ACTION: 8 members present

On **MOTION** of **VANFOSSEN**, the Planning Commission voted **7-0-1** (Carnes, Kempe, Paddock, Parmele, VanFossen, Wilson, Woodard, "aye"; no "nays"; Draughon, "abstaining"; Doherty, Selph, Crawford, "absent") to **APPROVE** the Minor Amendment to Side Yard Setbacks for **PUD 298-5**, as recommended by Staff.

* * * * *

PUD 379-A Lot 2, Block 2, The Village at Woodland Hills

Staff Recommendation: Amendment to the Deed of Dedication

PUD 379-A is located in the 6800 Block of South Memorial Drive and is platted as Lot 2, Block 2, The Village at Woodland Hills. The TMAPC recommended approval of the major amendment on June 11, 1986 and the City Commission concurred on July 1, 1986. The purpose of the amendment is to correct language which presently restricts the subject tract to restaurants only, within the CS underlying zoning. The amended language also increases permitted maximum square footage for buildings from 28,000 square feet to 52,500 square feet, as approved per PUD 379-A.

Staff recommends APPROVAL of the Amendment to the Deed of Dedication for PUD 379-A, as submitted, subject to approval by the City of Tulsa Legal Department and the City Commission.

TMAPC ACTION: 8 members present

On MOTION of KEMPE, the Planning Commission voted 7-0-1 (Carnes, Kempe, Paddock, Parmele, VanFossen, Wilson, Woodard, "aye"; no "nays"; Draughon, "abstaining"; Doherty, Selph, Crawford, "absent") to APPROVE the Amendment to the Deed of Dedication for PUD 379-A, as recommended by Staff.

* * * * *

PUD 166-D: Located at the NE/c of South Sheridan & East 93rd Street South

Staff Recommendation: Declaration of Covenants

PUD 166-D is located at the northeast corner of South Sheridan and East 93rd Street South and was approved by the TMAPC on January 29, 1986; by the City Commission on July 1, 1986. The applicants are requesting approval from the TMAPC of the covenants which are required to be filed in accordance with the PUD.

Staff has reviewed the submitted Declaration of Covenants and recommends APPROVAL, subject to review and approval by the City Legal Staff.

TMAPC ACTION: 8 members present

On MOTION of KEMPE, the Planning Commission voted 7-0-1 (Carnes, Kempe, Paddock, Parmele, VanFossen, Wilson, Woodard, "aye"; no "nays"; Draughon, "abstaining"; Doherty, Selph, Crawford, "absent") to APPROVE the Declaration of Covenants for PUD 166-D, as recommended by Staff.

* * * * *

On MOTION of VANFOSSEN, the Planning Commission voted 7-0-1 (Carnes, Kempe, Paddock, Parmele, VanFossen, Wilson, Woodard, "aye"; no "nays"; Draughon, "abstaining"; Doherty, Selph, Crawford, "absent") to APPROVE the Early Transmittal of the TMAPC Minutes for Z-6119, Walker (Nassif), PUD 380-A (Nassif), PUD 420 Pittman Poe (Nassif, et al) and PUD 166-D Declaration of Covenants to the City Commission, as recommended by Staff.

* * * * *

There was general discussion among the Commission and Staff as far as the upcoming public hearing for the Creek Freeway, scheduled for August 13, 1986. Staff was asked to provide information from the November 20, 1985 TMAPC hearing on this matter, provide copies of minutes from the recent TMATS Policy Committee and TAC meetings, etc.

There being no further business, the Chairman declared the meeting adjourned at 3:45 p.m.

Date Approved 020-86
[Signature]
Chairman

ATTEST:

[Signature]
Secretary *1st vice-chmn.*

