

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
Minutes of Meeting No. 1666  
Wednesday, **September 16, 1987**, 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 Doherty, 2nd Vice- Chairman Draughon Kempe Paddock, 1st Vice- Chairman Parmele, Chairman VanFossen, Secretary Wilson Woodard	Crawford Rice	Frank Gardner Matthews Setters Wilmoth	Linker, Legal Counsel

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, September 15, 1987 at 9:50 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 1:34 p.m.

**MINUTES:**

**Approval of Minutes of September 2, 1987, Meeting #1664:**

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Crawford, Kempe, Rice, "absent") to **APPROVE** the **Minutes of September 2, 1987, Meeting #1664**.

**REPORTS:**

**Report of Receipts & Deposits for the Month Ended August 31, 1987:**

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Crawford, Kempe, Rice, "absent") to **APPROVE** the **Report of Receipts & Deposits for the Month Ended August 31, 1987**.

**RESOLUTIONS:**

CONSIDER ADOPTION OF THE FOLLOWING RESOLUTIONS AMENDING THE DISTRICT PLAN MAP AND/OR TEXT, AS LISTED BELOW, DESIGNATING AND ESTABLISHING POLICIES FOR LOW AND MEDIUM INTENSITY LINEAR DEVELOPMENT AREAS, HOUSEKEEPING AMENDMENTS, ARKANSAS RIVER CORRIDOR AMENDMENTS AND RELATED MATTERS.

Resolution No. 1658:633	District 2 Plan Map
1658:634	District 5 Plan Map & Text
1658:635	District 6 Plan Map & Text
1658:636	District 7 Plan Map & Text
1658:637	District 9 Plan Map & Text
1658:638	District 10 Plan Map & Text
1658:639	District 26 Plan Map & Text
1660:640	District 8 Plan Map & Text

**TMAPC ACTION: 8 members present**

On **MOTION** of **CARNES**, the TMAPC voted **7-0-1** (Carnes, Doherty, Paddock, Parmele, VanFossen, Wilson, Woodard, "aye"; no "nays"; Draughon, "abstaining"; Crawford, Kempe, Rice, "absent") to **ADOPT** the Above Listed Resolutions amending the stated District Plan Maps and/or Text as relates to the the establishment of policies for Low and Medium Intensity Linear Development Areas, Housekeeping Amendments, and the Arkansas River Corridor, as recommended by Staff.

## SUBDIVISIONS

### PRELIMINARY PLAT APPROVAL:

#### Little Light House (PUD 410)(2293) SE/c of E. 36th St. & S. Yale (RM-1, RD)

This plat is the first phase of PUD 410. The site plan submitted with the plat does not exactly fit the conceptual plan approved in the PUD, so an amendment will be required during the site plan review process. (As of 9/9/87 no application had been made for site plan review.)

PSO advised that no trees should be planted along the east and south property lines so as not to interfere with overhead power lines. Utilities recommended a 25' utility easement and landscape buffer on the east and south. Utilities would locate in 17.5' of this easement, leaving the remainder clear. City and Traffic Engineers recommended that:

- (a) The access driveway be extended through to Yale for a second point of access.
- (b) The access point on Yale is subject to design approval by the Traffic Engineer, including left turn bays, sight distance and side slopes.

The TAC voted unanimously to recommend **approval** of the PRELIMINARY PLAT of Little Light House, subject to the conditions outlined above and the following conditions:

1. Covenants:

Section 1.3.5 could be all inclusive; could read as follows:

"The owner shall be responsible for the repair and replacement of any landscaping and paving located within the utility easements in the event it is necessary to repair any underground water or sewer mains, electric, natural gas, communications or telephone service."

Section 11. The ordinance number is 16575.

Section 2.1.10; omit the word "utility" in the first line of this paragraph.

2. Since this is only the first phase of the PUD and the remainder is still unplatted, the PUD conditions should be filed of record on the unplatted portion.
3. All conditions of PUD 410 shall be met prior to release of final plat, including any applicable provisions in the covenants or on the face of the plat. Include PUD approval date and references to Section 1100-1170 of the Zoning Code, in the covenants.
4. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements should be tied to or related to property lines and/or lot lines; 17.5' perimeter easements, including parallel to 36th Street, and as noted in discussion.
5. 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.

**Little Light House - Cont'd**

6. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owner(s) of the lot(s).
7. A request for creation of a Sewer Improvement District shall be submitted to the Water and Sewer Department prior to release of final plat.
8. Paving and/or drainage plans shall be approved by Stormwater Management and/or City Engineer, including storm drainage, detention design and Watershed Development Permit application subject to criteria approved by City Commission.
9. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer.
10. 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.
11. The key or location map shall be complete. Correct amount of area shown for this plat.
12. 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.
13. A "Letter of Assurance" regarding installation of improvements shall be submitted prior to release of final plat, including documents required under Section 3.6-5 of Subdivision Regulations.
14. All (other) Subdivision Regulations shall be met prior to release of final plat.

**TMAPC ACTION: 7 members present**

On **MOTION** of **WILSON**, the TMAPC voted **6-0-1** (Doherty, Draughon, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; VanFossen, "abstaining"; Carnes, Crawford, Kempe, Rice, "absent") to **APPROVE** the **Preliminary Plat for Little Light House**, subject to the conditions as recommended by the TAC and Staff.

REQUEST FOR WAIVER (Section 260):

CZ-128 (Unplatted)(3612)

6806 North Peoria Avenue

(IL)

This is a request to waive plat on approximately 3.5 acres of unplatted land at the above location. A gross five acres was submitted for the zoning application but the portion west of the tracks was not zoned, leaving the smaller tract size. Atlas sheets show water and sewer available, and right-of-way on Peoria meets the Major Street Plan requirements. The applicant advised Staff that he had a State Highway Permit for his access opening. Although this tract is larger than the 2.5 acre maximum for waiver of unplatted land, as per policy of the TAC and TMAPC, the applicant is requesting waiver in lieu of platting.

In discussion, some easements were needed, but there was no objection to the waiver request.

The TAC voted unanimously to recommend **approval** of the request, noting Section 260 would be met upon completion of the following conditions:

- (a) Grading and drainage plan approval by County Engineer in the permit process if required.
- (b) Provide 17.5' utility easement on north, east and west perimeters.

TMAPC ACTION: 7 members present

On **MOTION** of **WOODARD**, the TMAPC voted **7-0-0** (Doherty, Draughon, Paddock, Parmele, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Crawford, Kempe, Rice, "absent") to **APPROVE** the **Waiver Request for CZ-128**, subject to the conditions as recommended by the TAC and Staff.

\* \* \* \* \*

BOA 14603 Warrenton (383) S & E of East 61st Street & South Yale (RS-3, OL)

This is a request to waive plat on a 42.25' strip of land lying adjacent to the St. Francis Hospital and the WARRENTON and WARREN CENTER EAST additions. The existing parking garage has encroached into Reserve A of WARRENTON and has been constructed for some time. An addition to the parking garage is being made which has been approved by the BOA for "hospital use" in conjunction with existing facilities. The BOA application was to clear up any question regarding hospital use and approve this small strip as part of the entire hospital complex. Since it is already platted, contains the existing parking garage, and nothing would be gained by a replatting of a 42.25' x 1,512' strip, Staff recommends **APPROVAL**, noting that the provisions of Section 260 have been met by previous platting.

TMAPC ACTION: 7 members present

On **MOTION** of **WILSON**, the TMAPC voted **7-0-0** (Doherty, Draughon, Paddock, Parmele, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Crawford, Kempe, Rice, "absent") to **APPROVE** the **Waiver Request for BOA 14603 Warrenton**, subject to the conditions as recommended by the TAC and Staff.

LOT SPLIT FOR WAIVER:

L-16924 Anderson (3203)

SE of East Haskell & North Atlanta Place (RM-1)

This is a request for a lot split in order to clear up a fence line dispute that has been going on for 20 years. The request is to allow the east 10.5 feet of Lot 2 to be split off and attached to the abutting lot to the east which is Lot 7. This will allow all the fenced in property of Lot 7 to be legally on one lot. This lot split will require a variance from the Board of Adjustment since they do not meet the current lot size minimums. The original plat was filed 10/2/22.

The Staff recommended **APPROVAL** of this request subject to the following conditions:

- 1) Approval from the Board of Adjustment for variance of lot size and width.
- 2) Additional 5' utility easement being the west 5' of the east 15.5' of Lot 2 for PS0.
- 3) That tie language be placed on the face of the deed attaching the east 10.5 feet of Lot 2, Block 1, Bailes Addition to Lot 7, Block 1, Bailes Addition.

Staff noted that this was not an increase in density and did not involve any new construction.

The TAC voted unanimously to recommend **approval** of L-16924, subject to the conditions outlined by Staff and the Technical Advisory Committee.

Comments & Discussion:

Mr. VanFossen inquired as to the need for BOA approval since there were other lots more narrow than this. Mr. Wilmoth stated that this was a standard practice for lots less than 60'. Mr. VanFossen commented that, since this was an existing condition, he was a little concerned about sending an applicant through the process. Mr. Gardner clarified that this was governed by Section 205 of the Zoning Code (Division of Lots). Mr. Doherty asked Legal Counsel if this application would still fall within the regulations since area was just being transferred from one lot to another, and there was no altering of frontages, lot widths, etc. Mr. Linker stated that, although this was a technicality, he was in agreement with Staff. Mr. Wilmoth advised that the BOA usually handles matters such as this as a minor variance.

TMAPC ACTION: 7 members present

On **MOTION** of **VANFOSSEN**, the TMAPC voted **7-0-0** (Doherty, Draughon, Kempe, Paddock, Parmele, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Crawford, Kempe, Rice, "absent") to **APPROVE** the **Lot Split Waiver for L-16924 Anderson**, subject to the conditions as recommended by the TAC and Staff.

\* \* \* \* \*

L-16926 Snow (2792) S of the SW/c of West 47th Place & South Yukon Ave (RS-3)

This is a request to split an irregular-shaped 2.6 acre tract into four lots. While each of these lots exceed the minimum lot size requirements in the RS-3 district, they will have only a 12.5 foot access handle to Yukon Avenue. In order to approve this lot split, a variance will be required from the Board of Adjustment because 30 feet of frontage is required, and only 12.5 feet is being provided.

An approval of this request would be subject to the following conditions:

- 1) Approval from the BOA for a variance of the frontage.
- 2) Approval from the Water and Sewer Department for any extensions required in order to service the subject tracts.
- 3) Any additional utility easements that may be necessary.
- 4) The filing of a mutual access agreement covering the access handles.

Staff further advised, as a background note, the following information:

A sketch plat was received 9/25/80 titled "Lasting Hills" which proposed 15 lots in this area. Sketch plat approval was granted 10/9/80. No further action was taken on the plat and it was placed in the inactive files. Subsequently, a lot split was filed and approved for four lots (#15279) leaving 50 feet between the middle lots for a street access to the remainder of the property. Four lots was the maximum under statute that could be split before platting was mandatory. However, the property has now been sold and has a new owner, who is entitled to four splits. Four lots are being proposed, although the property will support 10 or 11 more lots if platted. If only four houses were ever to be built on this tract, Staff would not be too concerned. However, the large size of the lots leaves enough room for them to be split in the future. Eventually we would have the entire tract probably split into smaller lots without benefit of dedicated frontage and improvements. Staff would prefer the original plan proposed by the plat of "Lasting Hills", but acknowledges that the economy is such that this would not be possible at this time. The second choice would be a private street system (cul-de-sac) maintained by the owners of the adjacent lots. Staff has no objection to the lot configuration, but has been advised that the applicant is proposing four separate driveways in each of the 12.5 foot "handles". Staff preference would be for one central driveway, mutually maintained by the adjacent owners, with the necessary utility and/or water and sewer extensions being made to serve the tract.

After considerable discussion the TAC was of the opinion and recommended as a first choice of design, that a dedicated 50 foot public street be required, meeting all the subdivision and zoning regulations. Then no waivers would be required.

As a second choice, should the TMAPC choose not to require a dedicated street the following should apply:

- (a) Provide a 50' wide "Mutual Access and utility easement" over all the ownership "handles", further, providing one common improved driveway to be maintained by all the lot owners.
- (b) A 4" water main extended into the center of the tract with a hydrant on South Yukon.
- (c) Sewer main extensions as needed.
- (d) 17.5' utility easement on west and south and 11' on north.

NOTE: The TAC was **not** in favor of four separate driveways onto Yukon.

The TAC voted unanimously to recommend **approval** of L-16926 noting their first and second choices as discussed above, and subject to conditions "b", "c", and "d" regardless of the first or second choice design preferences.

Comments & Discussion:

Mr. Gerald Snow (820 North Lynn Lane), the applicant, after obtaining clarification that he would still be able to have the "handles" to the street, stated he had no problem with Staff's recommendation for the second choice which imposed the easement. Mr. Wilmoth explained that, in appearance, it would look like one driveway, but would be maintained by all four property owners. Therefore, Mr. Doherty moved for approval of this request, subject to the conditions listed above.

TMAPC ACTION: 7 members present

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-0** (Doherty, Draughon, Kempe, Paddock, Parmele, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Crawford, Rice, "absent") to **APPROVE** the Lot Split Waiver for L-16926 Snow, subject to the following conditions:

- (a) Provide a 50' wide "Mutual Access and utility easement" over all the ownership "handles", further, providing one common improved driveway to be maintained by all the lot owners.
- (b) A 4" water main extended into the center of the tract with a hydrant on South Yukon.
- (c) Sewer main extensions as needed.
- (d) 17.5' utility easement on west and south and 11' on north.



**LOT SPLITS FOR RATIFICATION OF PRIOR APPROVAL:**

L-16851 (1793) Warren/Sack	L-16933 (3602) Rainey/Bond
L-16927 (1993) Rogers/Crawford	L-16934 (3393) Johnsen
L-16930 (3004) General Prop/Kennedy	L-16935 (2502) TDA/Gilliland
L-16931 ( 893) Flaming	L-16938 (1793) Coury
L-16932 (1083) Vrooman Construction	

**TMAPC ACTION: 7 members present**

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-0** (Doherty, Draughon, Paddock, Parmele, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Crawford, Kempe, Rice, "absent") to **APPROVE** the Above Listed Lot Splits for Ratification of Prior Approval, as recommended by Staff.

**CHANGE OF ACCESS:**

**Family Worship Center (1094)** 15303 East 21st Street (AG)

Staff advised the purpose of this request was to add an access to permit a loop driveway.

**TMAPC ACTION: 8 members present**

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-0** (Doherty, Draughon, Kempe, Paddock, Parmele, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Crawford, Rice, "absent") to **APPROVE** the **Change of Access for Family Worship Center**, as recommended by Staff.

**CONTINUED PUBLIC HEARING:**

PUBLIC HEARING TO AMEND THE CITY OF TULSA ZONING CODE TO INCLUDE ESTABLISHMENT OF A HISTORIC PRESERVATION (HP) ZONING DISTRICT AND RELATED MATTERS.

(Request to continue to October 21, 1987)

**TMAPC ACTION: 7 members present**

On **MOTION** of **PADDOCK**, the TMAPC voted **7-0-0** (Doherty, Draughon, Paddock, Parmele, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Crawford, Kempe, Rice, "absent") to **CONTINUE Consideration of the Public Hearing** as relates to a **Historic Preservation Zoning District** until Wednesday, **October 21, 1987** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

ZONING PUBLIC HEARING:

Application No.: PUD 285-A Present Zoning: OL  
Applicant: Canyon Creek Proposed Zoning: Unchanged  
Location: East of the NE/c of East 68th Street & South Yale  
Size of Tract: 8.4 acres, approximate  
Date of Hearing: September 16, 1987  
Presentation to TMAPC by: Mr. Ken Smith, PO Box 1046, Tulsa 74101

Staff Recommendation: Major Amendment

PUD 285 has an area of approximately 8.4 acres and is located east of the northeast corner of East 68th Street and South Yale Avenue. A portion of the tract has been developed for two buildings comprising the Canyon Creek Office Park, which has frontage on East 68th Street. The underlying zoning for PUD 285 is OL - Office Light.

The applicant is requesting that the most northerly portion of PUD 285 be abandoned while retaining the underlying zoning, and that the existing office buildings be retained under the requirements of PUD 285-A. The area to be deleted from PUD 285 will include all of Lot 4 and a portion of Lot 3 of the Canyon Creek, A Private Office Park Addition. The tracts remaining under the controls of PUD 285-A will be Lot 2/Tract B, and Lot 1/Tract A of Canyon Creek.

The Canyon Creek addition is included in Special District 2 - Development Complex of the District 18 Plan. Based on the development policies of Special District 2, Staff supports retaining the OL zoning in the absence of PUD 285 on part of the subject tract to be deleted from PUD 285.

The tract which is being deleted from PUD 285 includes a detention pond, sanitary sewer facilities and easements, and stormwater facilities and easements. Field checking the site also indicated that a perpetual access easement across Lot 1/Tract A and Lot 2/Tract C would be required in order to eliminate the possibility of landlocking the parcel being deleted from PUD 285. The Outline Development Plan also indicates a Tract B, with an area of approximately 1.6 acres, will be established. It would appear that the concerns about access and private maintenance of heretofore commonly owned facilities could be accomplished by the filing of amended Deeds of Dedication or covenants, or by a replatting procedure. The exact nature of this procedure should be determined by those Staff departments and agencies typically involved in the Technical Advisory Committee process, with approval by the TMAPC and City Commission.

The Staff has reviewed PUD 285-A and finds that it is: (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.

PUD 285-A Canyon Creek - Cont'd

Therefore, Staff recommends APPROVAL of PUD 285-A and retaining the OL zoning on the deleted parcel, subject to the following conditions:

1. Deletion of Lot 4 and a portion of Lot 3 of Canyon Creek, a Private Office Park, per the submitted plot plan and text, retaining the OL zoning.
2. Retaining Lot 1/Tract A (being the site of the east building), and Lot 2/Tract C (being the site of the west building), and Tract B under the controls of PUD 285-A.
3. The applicant's Outline Development Plan and Text be made a condition of approval, except as revised herein.

4. **Development Standards:**

Permitted Uses:

Use Unit 11

	Lot 1/Tract A (East Building)	Lot 2/Tract C (West Building)
Land Area (net):	47,779.14	47,592.33
Floor Area of Existing Bldg:	17,336.00	14,568.00
Floor Area Ratio (net):	.36	.31
Maximum Building Height:	35.00' *	35.00' *
Minimum Landscaped Open Area of Combined Development Areas:	30% **	30% **
Minimum Building Setbacks:		
from 68th Street	30.00'	30.00'
from west boundary	n/a	20.00'
from north boundary	n/a	n/a
from east boundary	50.00'	n/a
Minimum Off-Street Parking:	58 spaces req'd (1 per 300 sf)	49 spaces req'd (1 per 300 sf)
Minimum Lot Frontage:	50' & Existing	50' & Existing
Abutting Public Street Setback:	20' & Existing	20' & Existing

\* As approved by the TMAPC in 1982, was measured from the ground elevation to the top of the top plate.

\*\* Utilizing 30' right-of-way in addition to square footage of development area (gross area of subject tract).

**NOTE:** The approved Detail Site Plan for the existing buildings is filed with PUD 285. Tract B has an area of 7,917.36 sf which is based on the OL zoning and a .30 Floor Area Ratio, would entitle this Tract to 2375 sf of building floor area plus any unallocated floor area from the remaining tracts which could be transferred in the future.

PUD 285-A Canyon Creek - Cont'd

5. All trash, mechanical and equipment areas shall be screened from public view.
6. All parking lot lighting shall be directed downward and away from adjacent residential areas.
7. All future signs shall be subject to Detail Sign Plan review and approval by the TMAPC prior to installation and in accordance with Section 1130.2(b) of the PUD Chapter of the Zoning Code.
8. A Detail Landscaped Plan shall be submitted to the TMAPC for review and approval and installed prior to issuance of an Occupancy Permit for future construction. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continued condition of the granting of an Occupancy Permit.
9. Subject to review and approval of conditions, as recommended by the Technical Advisory Committee for handling of matters pertaining to abandoning a portion of PUD 285.
10. That a Detail Site Plan shall be submitted to and approved by the TMAPC prior to issuance of a Building Permit on any future construction.
11. That the deleted tracts and PUD 285-A shall be subject to the requirements of Section 260 of the Zoning Code. These requirements shall be 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 for PUD 285-A. All other requirements pertaining to the deleted tracts shall be met in a similar manner subject to approval by the City Legal Department, subject to review and recommendation of the various related City departments and agencies, and as finally approved by the TMAPC and City Commission.
12. Lot split approval by the TMAPC shall be required to accomplish the lotting pattern indicated in the application. Allocation of square footage to Tract B, if any, may be permitted in accordance with a future minor amendment; however, approval of the necessary lot splits shall not require a minor amendment.

**NOTE:** The applicant has requested early transmittal to the City Commission and Staff concurs with this request.

Applicant's Comments:

Mr. Ken Smith advised, in reply to Mr. VanFossen, that the owners of the existing building were aware of this request and had been working with the applicant. Mr. VanFossen suggested written approval be submitted for the files. Mr. Paddock confirmed this was a request for partial abandonment of the PUD and Staff was recommending retention of the underlying OL zoning.

Comments & Discussion:

Mr. Roy Johnsen (324 Main Mall), representing the Warren Foundation, advised that the Foundation was the purchaser of the property being deleted from the PUD. He explained that they wished to tie this property with their present ownership to the north, and this tract would be developed under an overall plan for the St. Francis Hospital and Warren Foundation properties. Mr. Johnsen requested that the applicant's legal description of the property to be removed from the PUD be included in these minutes.

In regard to condition #11 dealing with Section 260 of the Zoning Code, Mr. Johnsen pointed out that this property had previously been platted and he could not see a basis for requiring the deleted portion to be subject to an additional platting requirement. Mr. Paddock agreed with Mr. Johnsen and suggested that the easiest method of handling this would be through a waiver of plat request. Mr. Linker pointed out that, if there was a platting requirement, the issue concerning a waiver of plat was not on the agenda and could not be handled at this time. Mr. Linker stated he was leaning toward Mr. Johnsen's comments, but in order to follow this thinking, the Commission would have to take the position that abandonment of a PUD was not rezoning, and he had a problem with this. Therefore, from a legal point of view, he could not agree with Mr. Johnsen.

Mr. Johnsen contended that the true Section 260 requirement became effective when the property was zoned OL and was met and had been platted. The PUD requirement had been met concurrently and covenants were adopted. He stated that, technically, the deletion of the tract could be construed as a form of rezoning, as suggested by Mr. Linker; however, he did not agree. Mr. Johnsen commented he would follow whatever action the Commission determined necessary.

Mr. Doherty asked Mr. Johnsen if he saw any need for "tie language" to avoid landlocking this particular tract. Mr. Johnsen answered he did not feel it was necessary, but he would not object to this. He pointed out that the Foundation would retain an easement across the property to the south, therefore, this property would not be landlocked.

Mr. VanFossen suggested a continuance might be in order to allow Mr. Johnsen and Mr. Linker time to consider the replatting issue. Mr. Johnsen inquired, under these circumstances, if it would be appropriate for the Commission to consider a plat waiver without going through the Technical Advisory Committee (TAC). Mr. Gardner pointed out that the deletion of the tract from the PUD did not affect the plat and, technically, there was nothing the TAC could review. Therefore, Mr. Johnsen stated he would file a plat waiver for TMAPC review.

Mr. VanFossen moved approval of PUD 285-A, retaining the underlying OL zoning, with the addition of conditions stating that the legal description of the deleted portion of the PUD be included in these minutes, and that written approval be received from owners of the remaining PUD 285. Mr. VanFossen included, as a part of the motion, that condition #11 be amended to delete TAC review, and approval of early transmittal.

**TMAPC ACTION: 8 members present**

On **MOTION** of **VANFOSSEN**, the TMAPC voted **8-0-0** (Doherty, Draughon, Kempe, Paddock, Parmele, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Crawford, Rice, "absent") to **APPROVE** the **Major Amendment to PUD 285-A Canyon Creek**, retaining the OL zoning as recommended by Staff, with the following modifications:

- Add condition #13 stating the legal description of the deleted portion of the PUD be included in the minutes. (See below)
- Add condition #14 requiring written approval from owners of the remaining PUD 285 as to this major amendment.
- Amend condition #11 so as to delete the need for TAC review of any (re)planning.

**Legal Description:**

All of Block 1, CANYON CREEK, a Private Office Park, to remain zoned as Office Light (OL).

**PROPERTY TO BE DELETED FROM PUD 285:** ALL of Lots 3, 4 and the detention pond area, Block 1, CANYON CREEK, a Private Office Park, an Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof, LESS AND EXCEPT, the following described tracts in Lot 3;

- a) BEGINNING at the southeast corner of Lot 3, Block 1, CANYON CREEK, a Private Office Park, said point being the northeast corner of Lot 1, Block 1; thence N 0°00'34" E, along the east line of CANYON CREEK, a Private Office Park, a distance of 12.0' to a point; thence due west a distance of 126.90' to a point; thence S 26°30'57" W a distance of 13.41' to a point on the north line of Lot 1, Block 1; thence due east along the north line of Lot 1, Block 1, a distance of 132.88' to the POB; AND,
- b) Commencing at the westerly most lot corner of Lots 2 and 3, Block 1, CANYON CREEK, a Private Office Park; thence due east along the south line of Lot 3 a distance of 65.0' to a point; thence N 47°00'00" E along the south line of Lot 3 a distance of 146.22' to the POB; thence S 43°00'00" E along south line of Lot 3 a distance of 132.0' to a point; thence N 52°09'19" E along the south line of Lot 3 a distance of 120.45' to a point; thence N 83°01'40" W a distance of 186.52' to the POB; AND
- c) Beginning at the southwest corner of Lot 3, Block 1, CANYON CREEK, a Private Office Park, said point being the northwest corner of Lot 2, Block 1; thence due north along the west line of Lot 3, Block 1 a distance of 99.72' to a point; thence due east a distance of 171.94' to a point, said point being on the south line of said Lot 3; thence S 47°00'00" W along the south line of said Lot 3 a distance of 146.22' to a point; thence due west along the south line of said Lot 3 a distance of 65.0' to the POB.

**PROPERTY TO REMAIN IN PUD 285-A:** All of Lots 1 and 2, Block 1, CANYON CREEK, a Private Office Park, and addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof, together with the tracts described above as a, b and c, situated in Lot 3, Block 1, CANYON CREEK.

OTHER BUSINESS:

**PUD 422:** East 33rd Street & South Peoria; Lots 2, 3 and 6, Block 1, Crow Creek Office Park

Staff Recommendation: Detail Site Plan

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

The elevations submitted with the application indicate a "Williamsburg" exterior facade. The maximum permitted building height is 30' on Lots 2 - 6 of this plat. The proposed building floor areas are as follows: Lot 2 - 3,330 sf; Lot 3 - 3,500 sf; and Lot 6 - 4,680 sf. Staff notes that 4,680 sf would be permitted on Lot 6 if shared parking agreements were filed; otherwise, the maximum permitted floor area on Lot 6 is 4,500 sf with 15 parking spaces. The building on Lot 1 has a floor area of 7,885 sf. A minimum landscaped area of 20% is required within PUD 422. According to the Final Plat, East 33rd Street has been vacated by an action of the District Court and became Reserve A, a private street and general utility easement.

Staff recommends **APPROVAL** of the submitted Detail Site Plans for Lots 2, 3 and 6, Block 1, Crow Creek Office Park subject to the following conditions:

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

2) **Development Standards:**

Land Area	(Gross):	138,162 sf	3.17 acres
	(Net):	111,220 sf	2.58 acres

Permitted Uses: Principal and accessory uses permitted as a matter of right in an OL district excluding drive-in banks and funeral homes.

Maximum Building Height:

East 165' from centerline of Peoria (Lot 1)	35'
Remainder of site (Lots 2 - 6)	30'

Maximum Building Floor Area:	36,000 sf *
Lot 1	7,885 sf constructed
Lot 2	3,330 sf proposed
Lot 3	3,500 sf proposed
Lot 6	4,500 sf **
Total	19,215 sf constructed/proposed

PUD 422 Crow Creek Office Park - Cont'd

Maximum Off-Street Parking:	As required by the applicable Use Units
Lot 2	13 spaces proposed
Lot 3	14 spaces proposed
Lot 6	15 spaces proposed **
Minimum Building Setbacks:	
from top of Crow Creek Bank	25', except existing building on Lot 1
from north boundary	Not applicable; improvements will be limited to only those areas south of Crow Creek ***
from south boundary	20'
Minimum Landscaped Open Space:	20% ****

- \* The maximum building size on Lot 1 is 10,000 sf. The maximum building size on the remainder of the lots is 6,000 sf per lot.
- \*\* 15 parking spaces on Lot 6 will limit the maximum building size to 4,500 sf. The proposed 4,680 sf building would be permitted only if shared parking agreements were filed of record or 16 parking spaces were built.
- \*\*\* Construction of parking, planting, or other improvements on the 25' drainageway maintenance and utility easement is subject to prior approval by the Department of Stormwater Management.
- \*\*\*\* Landscaped open space shall include internal and external landscaped open areas, parking lot islands and buffers, but shall exclude pedestrian walkways and parking areas designed solely for circulation.

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

- 3) That all trash, mechanical and equipment areas shall be screened from public view.
- 4) That all parking lot lighting shall be directed downward and away from adjacent residential areas. No pole light in excess of 8 feet tall shall be permitted along the north, west, and south boundaries of PUD 422.
- 5) All signs shall be subject to Detail Sign Plan review and approval by the TMAPC prior to installation and in accordance with Sections 620.2 (d) and 1130.2(b) of the PUD Chapter of the Zoning Code and as specified herein.
- 6) That a Detail Landscape Plan shall be submitted to the TMAPC for review and approval and installed prior to issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continued condition of the granting of an Occupancy Permit. Existing trees are being preserved on the site in accordance with the Landscape Plan element of the PUD Text and the submitted Detail Site Plan.



PUD 422 Crow Creek Office Park - Cont'd

- 7) Subject to review and approval of conditions, as recommended by the Technical Advisory Committee including specific reference to a Class A Watershed Development Permit and PFPI.
- 8) The Detail Site Plan includes elevations demonstrating a residential type Williamsburg exterior building facade within the development. The subject tract will be screened by a 6 foot tall wooden screening fence with masonry columns on the south and west boundaries of PUD 422. The elevations and screening fence are made conditions of approval of the Detail Site Plan where applicable (i.e., fencing south boundary only on Lot 6).
- 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.
- 10) Reconstruction and expansion of the existing office building within the east 165 feet (as measured from the centerline of South Peoria) which is presently zoned OM commenced during the review of the Crow Creek Office Park Planned Unit Development as permitted within although not officially bound by PUD 422 until approval, would comply with the intent of the various development standards, architectural, sign and other conditions, but is exempt from normal procedural requirements.
- 11) The covered parking area shown on Lot 6 is not included in this Detail Site Plan application.

Comments & Discussion:

Chairman Parmele confirmed the applicant's agreement with the Staff recommendation and the stated conditions. Mr. Paddock inquired as to assurances that the condition on Lot 6 would be fulfilled. Mr. Frank replied that this became the burden of the Protective Inspections Department, and Staff would "flag" this item during transmittal of this application.

TMAPC ACTION: 8 members present

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-0** (Doherty, Draughon, Kempe, Paddock, Parmele, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Crawford, Rice, "absent") to **APPROVE** the **Detail Site Plan for PUD 422 Crow Creek Office Park**, subject to the conditions as recommended by Staff.

\* \* \* \* \*

PUD 187-14: SW/c of East 65th Street & South 74th East Avenue

Staff Recommendation: Minor Amendment

The subject tract is located at the southwest corner of East 65th Street and South 74th East Avenue, being Lot 17, Block 12, Shadow Mountain Addition. The applicant is requesting approval of an accessory building (5' x 6') which has been placed one foot from the property line. The house to the west has no windows in the adjacent elevation and a wooden screening fence 8 feet tall encloses the building so that it will not be visible from the street or abutting lot.

Discussions with the applicant indicate that the roof of the building will be shake shingles and the building exterior will be finished to be compatible with the owner's house. Further, the area in which the building is built will be completely enclosed with a wooden screening fence and the owners of the house on the subject tract own the lot to the south.

Staff finds the request to be minor and recommends APPROVAL subject to the submitted plot plan, and as follows:

1. That the accessory building be completely enclosed by a wooden screening fence a minimum of 6 feet and not to exceed 8 feet tall.
2. The roof of the accessory building be finished with materials similar to those on the principal structure.
3. Use of the accessory building is limited to storage of household goods.

September 16, 1987 (continued from September 9, 1987): Staff had a meeting with the applicant for PUD 187-14 and the protestant at the first hearing following the meeting. A copy of the minutes of the June 23, 1976 TMAPC meeting was made available to both parties. Staff could find no prohibition of accessory buildings referenced in the minutes. A copy of the plat of Shadow Mountain was submitted to the Legal Department as to a determination of whether the references to "buildings" on lots was a development standard of the PUD or a private restriction.

Comments & Discussion:

Mr. Frank advised a letter had just been submitted by the Shadow Mountain Homeowner's Association stating the Association would withdraw their objections based on the applicant's proposed plan and intent to totally screen the building from view.

In response to Chairman Parmele, Mr. Linker commented that this was a situation where, if the tract had the usual zoning with no PUD, this would have been treated as a major amendment requiring BOA approval. He commented as to the inconsistency of treating this as a major amendment before the BOA, but treating it as a minor amendment before the TMAPC. Mr. Linker requested suggestions from Staff as to how best to review

situations such as this to avoid a conflict between these two boards. Chairman Parmele concurred that Staff and Legal review this matter, but added that this review not delay the Commission's decision today on the subject proposal.

Referring to a copy of the Shadow Mountain Declaration of Restrictive Covenants, Mr. Doherty requested clarification of a condition in Section II which appeared to prohibit accessory buildings. Mr. Frank advised this was a private restriction and, after review of the TMAPC minutes on PUD 187, he could find no previous discussions restricting accessory buildings. Mr. Doherty confirmed that, since these were private covenants, they were not the province of the Commission and should not be a factor in the Commission's decision.

Mr. VanFossen commented that his concerns have been addressed; therefore, he moved for approval of the minor amendment. He reiterated the need for a review of the differences between BOA and TMAPC determinations as to major/minor variances and notice requirements thereof. Ms. Wilson stated she felt the Commission would have come to a different conclusion had this been a commercial PUD. Further, she had difficulty in coming to terms with voting for the motion as she felt this was bad policy. Mr. Gardner commented that the Zoning Code provided the TMAPC jurisdiction on building heights and yards, with all other waivers being under the jurisdiction of the BOA. Mr. Gardner stated the PUD ordinance offered the TMAPC flexibility relating to building height and side yards and he cautioned the Commission against equating this to the BOA's list of minor variances and exceptions as to setbacks, as the BOA list was definitely more restrictive. In response to Ms. Kempe, Mr. Gardner confirmed that the Commission was being asked to waive the side yard requirements. Mr. Linker stated Legal Counsel was not questioning the Commission's jurisdiction, and the only problem they had involved differences as to notification on these matters.

**TMAPC ACTION: 8 members present**

On **MOTION** of **VANFOSSEN**, the TMAPC voted **6-2-0** (Doherty, Kempe, Paddock, Parmele, VanFossen, Woodard, "aye"; Draughon, Wilson, "nay"; no "abstentions"; Carnes, Crawford, Rice, "absent") to **APPROVE** the **Minor Amendment to PUD 187-14 Stromblad**, as recommended by Staff.

\* \* \* \* \*

Chairman Parmele advised that every member of the Commission had submitted to the Tulsa Trails project, bringing the total TMAPC contribution to \$358.00.

There being no further business, the Chairman declared the meeting adjourned at 2:34 p.m.

Date Approved 10-7-07  
Rant J. [Signature]  
Chairman

ATTEST:  
[Signature]  
Secretary