

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1673
Wednesday, November 18, 1987, 1:30 p.m.
City Commission Room, Plaza Level, Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Carnes	Crawford	Frank	Linker, Legal Counsel
Doherty, 2nd Vice-Chairman		Gardner	
Draughon		Setters	
Kempe		Wilmoth	
Paddock, 1st Vice-Chairman		Matthews	
Parmelee, Chairman		Dickey	
Rice			
VanFossen, Secretary			
Wilson			
Woodard			

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, November 17, 1987 at 9:08 a.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

Approval of Minutes of October 28, 1987, Meeting #1671:

On **MOTION** of **WILSON**, the TMAPC voted **8-0-1** (Doherty, Draughon, Kempe, Paddock, Parmelee, VanFossen, Wilson, Woodard, "aye"; no "nays"; Carnes, "abstaining"; Crawford, Rice, "absent") to **APPROVE** the **Minutes of October 28, 1987, Meeting #1671.**

Approval of Minutes of November 4, 1987, Meeting #1672:

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-1** (Doherty, Draughon, Kempe, Paddock, Parmelee, VanFossen, Wilson, Woodard, "aye"; no "nays"; Carnes, "abstaining"; Crawford, Rice, "absent") to **APPROVE** the **Minutes of November 4, 1987, Meeting #1672.**

Approval of Amendment to the Minutes of August 12, 1987, Meeting #1661:

On **MOTION** of **KEMPE**, the TMAPC voted **9-0-0** (Carnes, Doherty, Draughon, Kempe, Paddock, Parmelee, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Crawford, Rice, "absent") to **APPROVE** the **Amendment to the Minutes of August 12, 1987, Meeting #1661, by adding page 10.a to include the revised legal description for CZ-160.**

REPORTS:

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

On **MOTION** of **KEMPE**, the TMAPC voted **9-0-0** (Carnes, Doherty, Draughon, Kempe, Paddock, Parmele, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Crawford, Rice, "absent") to **APPROVE** the **Report of Receipts & Deposits for the Month Ended October 31, 1987**, as confirmed by Staff to be in order.

Chairman's Report:

Chairman Parmele advised that, in regard to TMAPC liaison designations to the District Planning Teams, Mr. Carnes will now be serving Districts 16 and 24; Mr. Draughon, Districts 10 and 25; and Mr. Doherty, Districts 4 and 11. This action was taken on a suggestion from the Commission that the Commissioners serve in the areas under the jurisdiction of the City or County Commission appointments (i.e. County Commission Lewis Harris, District 1, appointed Mr. Carnes, therefore, he wished to be a liaison in this area). Chairman Parmele commented that Staff would be preparing a new listing showing the TMAPC liaison designations, who will serve for a two year period.

Committee Reports:

Mr. VanFossen announced the **Comprehensive Plan Committee** will be meeting on Wednesday, November 25th, at noon to review amendments to the District 11 Plan, the District 17 Plan and the District 18 Plan.

Mr. Paddock advised the **Rules & Regulations Committee** will meet on Tuesday, November 24th, in the INCOG offices to discuss the creation of a Technical Advisory Committee (TAC) with respect to Sign Code standards. He clarified that the meeting would be only to discuss the creation of a TAC - Signs, and not to discuss revisions to the Sign Code relating to backlit awnings, etc. Chairman Parmele added that any TMAPC action on revisions to the Sign Code should not be expected until February or March 1988. Mr. Paddock further announced this Committee would also be meeting on December 2, 1987 to discuss proposed revisions to the Subdivision Regulations as relates to the septic system situation in South Tulsa.

Director's Report:

- a) Approval of the 1988 Calendar of Meetings and Cutoff Dates for the TMAPC and the Tulsa City and County Boards of Adjustment.

TMAPC ACTION: 9 members present

On **MOTION** of **WILSON**, the TMAPC voted **9-0-0** (Carnes, Doherty, Draughon, Kempe, Paddock, Parmele, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Crawford, Rice, "absent") to **APPROVE** the **1988 Calendar of Meetings and Cutoff Dates** for the TMAPC, as recommended by Staff.

Director's Report - Cont'd

- b) Approval of a resolution regarding Urban Renewal Plan amendments, finding them in conformance with the Comprehensive Plan for Districts 1 and 2. (Submitted by the Tulsa Development Authority, Neighborhood Development Program.)

TMAPC ACTION: 9 members present

On **MOTION** of **DOHERTY**, the TMAPC voted **9-0-0** (Carnes, Doherty, Draughon, Kempe, Paddock, Parmele, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Crawford, Rice, "absent") to **APPROVE** the Resolution regarding Urban Renewal Plan Amendments, as confirmed by Staff to be in accord with the Comprehensive Plan for Districts 1 & 2.

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 December 16, 1987)

TMAPC ACTION: 9 members present

On **MOTION** of **PADDOCK**, the TMAPC voted **9-0-0** (Carnes, Doherty, Draughon, Kempe, Paddock, Parmele, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Crawford, Rice, "absent") to **CONTINUE Consideration of the Public Hearing** as relates to a **Historic Preservation Zoning District** until Wednesday, **December 16, 1987** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

Comments & Discussion:

Chairman Parmele advised that the Rules & Regulations Committee had suggested a letter be issued from the TMAPC requesting the City Legal Department prepare a master working document of the proposed HP Ordinance so as to have an idea of how the final draft ordinance will be structured.

PUBLIC HEARING:

- a) Consider approval of amendments to the Comprehensive Plan, being the **District 7 Plan Text**, pertaining to the type of development in Area D, and related matters, as reviewed by Ms. Dane Matthews.

TMAPC ACTION: 9 members present

On **MOTION** of **KEMPE**, the TMAPC voted **9-0-0** (Carnes, Doherty, Draughon, Kempe, Paddock, Parmele, Rice, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Crawford, Rice, "absent") to **APPROVE** Amendments to the **District 7 Plan Text**, as recommended by Staff, specifically amending **Section 3.4.2** to read: "This is a Medium Intensity, largely residential area. Any new development or redevelopment that occurs within Area D should be restricted to residential development only."

- b) Consider approval of amendments to the Comprehensive Plan, being the **District 9 Plan Text**, pertaining to the Arkansas River Corridor Special District, and related matters, as reviewed by Ms. Matthews.

TMAPC ACTION: 9 members present

On **MOTION** of **KEMPE**, the TMAPC voted **9-0-0** (Carnes, Doherty, Draughon, Kempe, Paddock, Parmele, Rice, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Crawford, Rice, "absent") to **APPROVE** Amendments to the **District 9 Plan Text**, as recommended by Staff, as follows:

1. Change to 6.2.2.18: "All publicly-held River Parks lands, as designated on the Plan Map by the public use overlay and park symbol, are Intended for park and open space uses, with appropriate accessory buildings as necessary."
 2. Add 6.2.3.7: "All publicly-held park lands, as designated on the Plan Map by the public use overlay and park symbol, are Intended for park and open space uses, with appropriate accessory buildings as necessary."
- c) Consider approval of amendments to the **Tulsa City/County Major Street and Highway Plan** and the **District 13 Plan Map and Text** to add secondary arterial street designations along 176th Street North, 166th Street North and 156th Street North between Harvard Avenue and Yale Avenue.

Ms. Carol Dickey briefed the Commission on these housekeeping amendments, clarifying that the area on the plan map under the jurisdiction of the Owasso Planning Commission would be amended at their meeting later this month to coincide with the above stated amendments.

TMAPC ACTION: 9 members present

On **MOTION** of **DOHERTY**, the TMAPC voted **9-0-0** (Carnes, Doherty, Draughon, Kempe, Paddock, Parmele, Rice, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Crawford, "absent") to **APPROVE** Amendments to the **Major Street and Highway Plan** and the **District 13 Plan Map and Text**, as recommended by Staff, to: Add secondary arterial street designations along 176th Street North, 166th Street North and 156th Street North between Harvard Avenue and Yale Avenue.

SUBDIVISIONS:

PRELIMINARY PLAT:

Family Worship Center Extended (1094)

15303 East 21st Street

(AG)

This is the second phase of an overall project started in May 1985. The first phase was platted as Family Worship Center. The plat was originally submitted for a preliminary approval on the first phase and a sketch plat approval on the remaining land. However, since there were problems regarding street extensions, drainage, etc., the TAC and TMAPC granted a sketch plat approval only on Phase I and no approval on the remainder (6/13/85 and 6/19/85). Eventually the first Phase Plat was approved by the TMAPC and filed of record, and applied only to Phase I, Family Worship Center.

A condition of the Board of Adjustment approval for church use, was that the applicant return to the Board with a detailed site plan for the next phase(s) of the development. This was scheduled for BOA review on 11/5/87 but since the TAC had not reviewed the proposal, it was continued to 11/19/87.

Staff is still concerned about stub streets into the remainder of the property. Not all of the tract is being platted, leaving a strip on the west and a square tract on the north. Applicant is reminded again that the extension of South 151st East Avenue and East 16th Street, as well as a half-street dedication on East 15th Street must be considered in future development. Extensions may be required, to City standards. The strip on the west side is particularly important, since it would only be wide enough for one row of houses and the street right-of-way if developed residentially. No proposal has been made by applicant to address any of the stub street questions that have been of concern since this property was reviewed the first time in 1985.

Traffic Engineering advised for the record, that when the remainder of the property is platted or used, consideration must be made for the extension of South 151st East Avenue and they will recommend it be extended to East 21st Street.

There was further discussion regarding the location of the septic system drain field and its relation to the utility easement and water line extension. Proper separation of the septic tight line and the water line will be required.

Some discussion was made regarding the designation of the detention facility. Mr. Roy Johnsen, representing the applicant, suggested it be labeled as a lot instead of a "Reserve". Mr. Jack Hubbard was also present for the applicant.

The TAC voted unanimously to recommend **approval** of the PRELIMINARY PLAT of Family Worship Center Extended, subject to the following conditions:

Family Worship Center Extended - Cont'd

1. Septic System:

Special conditions apply, since provisions must be made to tie to sanitary sewer when it is available. Language in the restrictive covenants shall meet the approval of the City-County Health Department and the Water and Sewer Department.

Further requirements of installation of connecting sewer lines within the plat may be made, if same is required.

The site plan shows the septic system tight line within the boundaries of the 17.5' perimeter easement. This should be relocated so it will not encroach in the general utility easement.

2. Drainage:

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.

A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer.

Identify the detention area on face of plat as a "Reserve" or "Lot". Also show drainage easements if required by Department of Stormwater Management.

3. Show adjacent dedicated streets in dashed lines, including South 152nd East Avenue at the intersection with 21st Street, South 151st East Avenue, East 16th Street and East 15th Street. (For reference and clarity.)

4. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements should be tied to or related to property lines and/or lot lines.

5. Water plans shall be approved by the Water and Sewer Department prior to release of final plat.

6. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owner(s) of the lot(s).

7. Limits of Access or (LNA) as applicable shall be shown on the plat as approved by Traffic Engineer. Initiate an Access Change request to eliminate the west access point on the present first phase plat.

8. 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.)

Family Worship Center Extended - Cont'd

9. 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.
10. The method of sewage disposal and plans therefore, shall be approved by the City-County Health Department. Percolation tests required prior to preliminary approval.
11. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size, and general location. This information is to be included in the restrictive covenants on 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. Plugging records were furnished only for the first phase of this tract.
13. Site plan review is required by the Board of Adjustment. All conditions of the Board of Adjustment review that may affect the plat shall be shown on plat or as directed. Site plan approval is required prior to final approval and release of the plat. (BOA Case #13551)
14. 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.
15. All (other) Subdivision Regulations shall be met prior to release of final plat.

Comments & Discussion: TMAPC

There was continued discussion among the Commission members, Legal and Staff as to the identifying the detention area as "reserve" or "lot". Mr. Wilmoth suggested amending the text of condition #2 to read, "...Lot 2 shall be reserved for stormwater detention". Mr. Doherty included this suggestion as a part of his motion for approval.

TMAPC ACTION: 9 members present

On **MOTION** of **DOHERTY**, the TMAPC voted **9-0-0** (Carnes, Doherty, Draughon, Kempe, Paddock, Parmele, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Crawford, Rice, "absent") to **APPROVE** the **Preliminary Plat for Family Worship Center Extended**, subject to the conditions as recommended by the TAC and Staff, amending condition #2, paragraph 3, to read: "Identify the detention area on the face of the plat as Lot 2, reserved for stormwater detention. Also show drainage easements if required by the Department of Stormwater Management."

FINAL PLAT APPROVAL & RELEASE:

Francis Hills (PUD 426)(2883) SW/c of East 102nd & South Louisville (RS-1)

Mr. Wilmoth advised all of the release letters had been received, as well as a copy of the Department of Stormwater Management (DSM) work order request for clean out of the old Vensel Creek. Chairman Parmele confirmed that all conditions of the Subdivision Regulations had been met and Staff was recommending approval of the final plat and release of same.

Mr. VanFossen commented that he had previously attended a meeting where the property owners had been advised by a representative from the Water & Sewer Department (W/S) that the plans for the proposed sewage package plant had not been submitted. Chairman Parmele confirmed with Staff that a release letter from W/S had been received, and Mr. Wilmoth confirmed the letter was the standard letter used by W/S which stated that "W/S has given tentative approval to the plans for the sanitary sewer system to serve the area...". Mr. VanFossen and Mr. Paddock voiced concerns as to the "tentative" approval, as they interpreted this as an indication that final approval was not being granted. Mr. Wilmoth stated that, as far as the final plans were concerned, they would have to have approval of all of the engineers. However, this process was not usually done at the time of the final plat as the plat must be filed of record before finalizing the plans. Ms. Kempe agreed with Mr. Paddock as to the misuse of the term "tentative".

Mr. VanFossen stated that property owners were informed that the TMAPC hearing was the proper place to voice their concerns as to any preliminary or final plat approvals. In reply to Mr. VanFossen, Mr. Wilmoth explained that the plans for the sewage system were not submitted to the TMAPC for approval, but were submitted to Water & Sewer and/or to DSM for drainage. Mr. VanFossen commented that the Commission did approve a concept of those plans, and this particular case presented a unique concept.

Chairman Parmele suggested a one week continuance of this application in order to request W/S appear to explain the process and exactly what the TMAPC would be approving.

Additional Comments and Discussion:

Mr. Bill Lewis (6420 South 221st East Avenue, Broken Arrow), Engineer for the developer, explained that this case was similar to all plats, in that final approval of all the plans was not necessary when the final plat was presented for approval. He added that no Building Permits were issued until construction plans were approved and the improvements were in place. Mr. Lewis stated they were working with the City, but the plans were not ready to be submitted for final approval.

Mr. VanFossen commented that, in this particular case, most of the concerns were with the proposed plans for the sewage treatment plant; however, the Commission could not give final approval and release the plat subject to a condition on these plans. Ms. Wilson stated she felt W/S should be able to assure the Commission, in a nontentative way, that the conditions were proper and could be met. She agreed that a continuance was in order.

Francis Hills - Cont'd

Chairman Parmele asked Legal as to the Commission's position because, according to the TMAPC guidelines, the applicant had met all conditions for final approval and release. Mr. Linker advised that the procedure the TMAPC has followed for years was that their approval was on plans that were not final, as the applicant was not required to submit final plans at the time of final plat approval. Mr. Linker continued by commenting that under the statutes a city could do differently, in that the city could require the facility be constructed before final approval of the plat. However, the City of Tulsa has never used this process.

Mr. Doherty inquired as to what stage of the process the surrounding property owners would be offered an opportunity to voice concerns about the sewage system. Mr. Linker stated concerns as to specific type of sewage system proposed (package plant, lagoon, etc.) was material at the time of the TMAPC hearing. However, concerns as to the actual construction was an administrative function and, therefore, a part of the W/S process.

Mr. VanFossen expressed concerns as to the applicant not having submitted a general concept plan for the sewage treatment plant. Mr. Lewis clarified that the concept plan had been submitted to the City with preliminary design criteria, and they had given tentative approval. He added that the concept plan had also been submitted to the Health Department and the Environmental Protection Agency. Mr. VanFossen remarked that these concept plans had not yet been presented to the public; therefore, he concurred with the suggested continuance to allow these plans to be presented.

Interested Parties:

Mr. Mark Lyons (8939 South Norwood), attorney for the abutting property owners to the north of the subject tract, stated their major concerns were with the sewage and the watershed.

Before proceeding with the subject of watershed, Chairman Parmele asked Staff if they had received any approvals or comments from DSM. Mr. Lyons interjected that a DSM permit had been tentatively issued, subject to an appeal, and the property owners had filed an appeal, but a hearing date had not yet been set on the appeal.

In reply to Chairman Parmele, Mr. Linker advised that under the Subdivision Regulations, the developers were to, at the end of the platting process, enter into an agreement to provide facilities as represented by the plans submitted to and approved by the TMAPC. However, the plans submitted were not final construction plans. He stated this was the procedure that has been followed for years. In this particular instance, Mr. Linker stated the TMAPC's jurisdiction would involve design, appropriate location, Health Department approval, W/S approval, etc. After the TMAPC hearing, the matter then became administrative as to the following of the law.

Francis Hills - Cont'd

Mr. Steve Bunting (525 South Main), representing Mr. Roy Gann, commented that an additional point he wanted to raise was an objection to a plat which incorporated sewage treatment facilities and lines that were not called for or needed under the South Slope Facilities Plan, the bond issue just passed in Tulsa.

Discussion continued among the Commission and Legal as to the Commission's position. The general consensus among the Commission was that a one week continuance was appropriate and would give time for the interested parties to submit their concerns in writing to Staff, and would allow Staff time to request W/S, DSM, the Health Department, etc. be present to answer any questions, as the TMAPC hearing appeared to be the only public forum offered on a plat.

TMAPC ACTION: 10 members present

On **MOTION** of DOHERTY, the TMAPC voted **10-0-0** (Carnes, Doherty, Draughon, Kempe, Paddock, Parmele, Rice, VanFossen, Wilson, Woodard, "aye"; no "nays", no "abstentions"; Crawford, "absent") to **CONTINUE Consideration of the Preliminary Plat for Francis Hills** until Wednesday, **November 25, 1987** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

EXTENSION OF FINAL APPROVAL: (1 yr recommended)

Riverbridge Center (683) NE/c of East 71st Street & South Peoria (CS)

On **MOTION** of PADDOCK, the TMAPC voted **8-0-2** (Carnes, Doherty, Draughon, Kempe, Paddock, Rice, VanFossen, Woodard, "aye"; no "nays"; Parmele, Wilson, "abstaining"; Crawford, "absent") to **APPROVE the Extension of Final Approval for One Year**, as recommended by Staff.

REQUEST FOR WAIVER (Section 260):

Interchange Business Park (3104) 10838 East Marshall Street (IL)

This is a request to waive plat on Lot 1, Block 2 of the above named plat. The BOA permitted church and related uses on this lot which contains an existing building (case #14657). Since the building, parking and improvements are existing, and this lot is in a recently platted subdivision processed by TMAPC under the current regulations and policies, Staff recommends **APPROVAL** as requested. The provisions of Section 260 have already been met by the existing plat.

TMAPC ACTION: 10 members present

On **MOTION** of KEMPE, the TMAPC voted **10-0-0** (Carnes, Doherty, Draughon, Kempe, Paddock, Parmele, Rice, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Crawford, "absent") to **APPROVE the Request for Waiver on Interchange Business Park**, as recommended by Staff.

LOT SPLIT FOR WAIVER:

L-16957 Drury (593)

2824 & 2828 East Admiral Court

(RS-3)

This is a request to split two 66.9' x 93' lots into three lots. The proposed eastern lot measures 48.65' x 93', the middle lot measures 36.5' x 93', and the western lot measures 48.65' x 93' with a 5' x 50' handle to the south in order to attach to the sewer. This action will require a variance of the bulk and area requirements because the proposed lots are below the minimum allowed in the RS-3 district.

For the record, this tract was split into two 66.9' x 93' lots by virtue of L-16775, and BOA Case #14317 in January of 1987. There were two conditions of the approval that still have not been met:

- 1) The extension of the sewer main to both of the subject tracts.
- 2) Additional utility easement that are needed for the sewer extension.

Since the previous split has not yet met all conditions, it would seem premature to recommend further lot split approvals. The 36.5' wide lot to be created by this split has only 3,395 square feet, far below the minimum RS-3 requirements and smaller than most lots of record in the area. Staff cannot support the request, based upon the zoning alone, but it should be noted that there are other lots with 29' or 35' widths.

In discussion, the TAC listed a number of requirements if the split were to be approved. These would include all the previous conditions plus additional requirements for the additional lot being created. Mr. Drury objected to the DSM fees, but Staff and TAC advised that he would have to work directly with the Department of Stormwater Management regarding their requirements.

The TAC voted unanimously to recommend **approval** of L-16957, subject to the following conditions:

- a) Board of Adjustment approval of bulk and area waivers (BOA #14699, scheduled for 12/3/87).
- b) Sewer main extension as required by the Water and Sewer Department (8"), and necessary easement therefore.
- c) Separate water meters for each lot.
- d) Drainage plan approval required by DSM. If this lot split creating a third lot is approved, the applicant will be required to pay fees-in-lieu-of detention for any increase in the impervious area on the third lot.
- e) Occupancy permit to be withheld until these conditions have been met.

Comments & Discussion:

In reply to Mr. Doherty, Mr. Wilmoth reviewed side lot requirements under RS-3 zoning. Mr. VanFossen stated having a problem with the 36.5' lot width, but would not have a problem with three 40' lots. Staff agreed with this concern of lot width.

Applicant's Comments:

Mr. Charles Drury (2305 East 5th Place) advised that these were move in houses and he was not always able to know the exact size of the house, compared to the lot. He commented that he did have a 5' setback on the two lots that had been developed (the end lots).

Ms. Kempe commented the previous lot split had not yet met all the conditions, and she inquired if this would be taken care of before the BOA hearing. Mr. Drury confirmed these would all be taken care of at one time for the three lots.

Mr. VanFossen reiterated his concerns with the middle lot being less than 40'. Discussion followed with the consensus of the Commission and Staff that the middle lot be larger than the proposed 36.5'. Mr. VanFossen suggested a condition that each lot be a minimum of 40', and the applicant confirmed he could work within this dimension. Therefore, Mr. VanFossen moved for approval with a minimum lot dimension of 40' on each lot, and subject to all other conditions listed above.

TMAPC ACTION: 10 members present

On **MOTION** of **VANFOSSEN**, the TMAPC voted **10-0-0** (Carnes, Doherty, Draughon, Kempe, Paddock, Parmele, Rice, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Crawford, "absent") to **APPROVE L-16957 Drury**, subject to the conditions as recommended by the TAC and Staff, and subject to a minimum lot dimension of 40' on each of the three lots.

LOT SPLITS FOR DISCUSSION:

L-16952 Edwards/Stockholm (1582) East of West 91st & South 33rd West Ave (AG)

In the opinion of the Staff, the lot split(s) listed above meets the Subdivision and Zoning Regulations, but all residential lot split applications which contain a lot having more than three side lot lines cannot be processed as a prior approval lot split. Such lot splits shall require a five day written notice to the abutting owners. Deeds for such lot splits shall not be stamped or released until the TMAPC has approved said lot split in a public hearing. APPROVAL is recommended on this application.

NOTE: The only change is an INCREASE in the width of the two acre tract from 200' to 212', with access provided to the rear 4.12 acre tract by private easement. The 88' wide lot to the east is not part of this transaction and has an area of 2.5 acres.

Comments & Discussion:

Mr. Michael Conger (525 South Main), representing some of the affected land owners in the area, inquired if the resulting 12' strip would be part of the legal description of 2.12 acre, and he was advised this was correct. Mr. Conger stated they had no objections as long as the resulting lot would be one lot.

TMAPC ACTION: 10 members present

On **MOTION** of **VANFOSSEN**, the TMAPC voted **10-0-0** (Carnes, Doherty, Draughon, Kempe, Paddock, Parmele, Rice, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Crawford, "absent") to **APPROVE L-16952 Edwards/Stockholm**, as recommended by Staff.

* * * * *

L-16953 Hester/PSO North of the NE/c of West 41st & South 49th West Ave (AG)

In the opinion of the Staff, the lot split(s) listed above meets the Subdivision and Zoning Regulations, but all residential lot split applications which contain a lot having more than three side lot lines cannot be processed as a prior approval lot split. Such lot splits shall require a five day written notice to the abutting owners. Deeds for such lot splits shall not be stamped or released until the TMAPC has approved said lot split in a public hearing. APPROVAL is recommended on this application.

NOTE: Area A has been purchased by PSO for a substation site. The access handle has 30' of frontage and the average width of the large tract remaining is over 200'.

Comments & Discussion:

Mr. Doherty pointed out that, although there was 30' of frontage, it narrowed down at the turning radius to only a 10' driveway. Mr. VanFossen stated he had a problem with just a 10' access to any property this size, and he suggested 15' as an absolute minimum. Mr. Carnes moved for approval, subject to a 30' access; however, at the suggestion of the Commission, he amended his motion to a 15' access minimum.

Mr. Paddock inquired of Legal if the Commission was properly handling this lot split with the 15' requirement. Mr. Linker stated that if the Commission has uniformly been requiring 15', then it was proper. In reply to Chairman Parmele, Mr. Wilmoth advised that 15' was the standard minimum width for access, unless there were two drives together that could provide 10' each.

TMAPC ACTION: 10 members present

On **MOTION** of **CARNES**, the TMAPC voted **10-0-0** (Carnes, Doherty, Draughon, Kempe, Paddock, Parmele, Rice, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Crawford, "absent") to **APPROVE L-16953 Hester/PSO**, subject to a 15' access minimum with 30' of street frontage.

* * * * *

L-16960 Johnson/Heatherly (1392) NE/c of East 24th & South Owasso Place (RS-2)

Chairman Parmele advised a continuance to December 16, 1987 had been requested for this application.

TMAPC ACTION: 10 members present

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-1** (Doherty, Draughon, Kempe, Paddock, Parmele, VanFossen, Wilson, Woodard, "aye"; no "nays", Carnes, "abstaining"; Crawford, Rice, "absent") to **CONTINUE Consideration of L-16960 Johnson/Heatherly** until Wednesday, December 16, 1987 at 1:30 p.m. In the City Commission Room, City Hall, Tulsa Civic Center.

OTHER BUSINESS:

PUD 313-3: Lot 9, Block 5, Golf Estates II Amended Addition,
being 2814 West 61st Place

Staff Recommendation: Minor Amendment to Rear Yard Setback

The subject tract is located at 2814 West 61st Place and described as Lot 9, Block 5, Golf Estates II Amended Addition. The minimum rear yard setback, per PUD 313, is 20'. The applicant is requesting that the rear yard be reduced from 10' to 17' per the enclosed plot plan. Underlying zoning of this part of PUD 313 is RS-3. All other building setback requirements will be met. The subject tract is located at the end of a cul-de-sac and has an irregular shape.

Staff considers this request to be minor and recommends APPROVAL of PUD 313-3 per the submitted plot plan (except a 17' rear yard), with the condition that no windows be permitted on a second floor west elevation, as was a TMAPC requirement on PUD 313-2 for Lot 8, Block 5, Golf Estates II Amended Addition.

Comments & Discussion:

Mr. Howard Kelsey (5815 South 94th East Place), representing the owner/developer stated agreement to the condition of the Staff recommendation regarding windows. Mr. Kelsey submitted photographs of the subject tract.

Ms. Debra Sampson (2915 West 61st Place), District 8 Chairman, stated concerns as to encroachment on privacy, not just encroachment on property. Ms. Sampson advised of meeting with the developer and commented she felt the developer was making a good effort to work with the neighborhood. However, she suggested an 8' privacy fence be installed behind the three lots affected by PUD 313-2 and PUD 313-3 to

offer more privacy and cosmetic treatment, as well as provide more salability of the homes in the area. Ms. Sampson remarked that Mr. Kelsey advised he would relay this request to the lender. In regard to the six other lots on cul-de-sacs, Ms. Sampson advised the residents requested fencing requirements and conditions to relocate the west facing windows, and that no variance/amendment be granted without these requirements. Ms. Sampson stated that, with these requirements, the neighborhood would be protected should any other builder take over the development in the future.

Mr. Kelsey stated that, in regard to the suggested fencing, he could not commit the owner financially, but would relay the request, and would continue efforts to work with the residents. Mr. Doherty inquired as to who owned the other six lots, and Mr. Kelsey advised they were owned by the mortgage holder. In regard to the fence height, Mr. Kelsey advised that the private restrictive covenants limited the fence height to 6'.

TMAPC ACTION: 9 members present

On **MOTION** of **RICE**, the TMAPC voted **8-0-1** (Carnes, Doherty, Paddock, Parmele, Rice, VanFossen, Wilson, Woodard, "aye"; no "nays"; Draughon, "abstaining"; Crawford, Kempe, "absent") to **APPROVE** the **Minor Amendment to Rear Yard Setback for PUD 313-3**, as recommended by Staff.

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PUD 304-2: SE/c of East 71st Street and South Trenton

Staff Recommendation: Minor Amendment and Detail Sign Plan

The subject tract has underlying CS/OL zoning and is located at the southeast corner of East 71st Street and South Trenton. PUD 304 permitted one ground sign on East 71st Street to be a maximum of 120 square feet of display surface area, or two ground signs which could be 80 square feet of display surface area for each sign.

The applicant is requesting approval to delete two existing signs (160 square feet of display surface area total) and to construct one sign with an area of 182 square feet being 20' tall. The location of the proposed sign is at the southeast corner of the main parking lot entrance and East 71st Street; East 71st Street frontage of the property at this location is 365', and a center median prohibits westbound turns onto East 71st Street from this driveway.

Staff review of the sign design indicates that the sign face is 13' wide x 14' tall, with the majority of this sign being dedicated to a reader board for tenant identification. The bottom of the reader board is 6' above ground level. The proposed sign height is in accordance with PUD 304, and the requested increase is considered minor considering what could be permitted under the PUD Chapter of the Zoning Code.

PUD 304-2 Minor Amendment - Cont'd

Therefore, Staff recommends **APPROVAL** of PUD 304-2 per the submitted plans. If the proposed location is on a utility easement, coordination with the various utilities is suggested prior to construction and final placement of the sign.

TMAPC ACTION: 9 members present

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, Rice, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Crawford, Kempe, "absent") to **APPROVE** the **Minor Amendment and Detail Sign Plan for PUD 304-2**, as recommended by Staff.

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PUD 393-3: South & East of South Marion Avenue and East 97th Street; being Lot 31, Block 3, and Lot 39, Block 3 Crown Pointe Addition.

Staff Recommendation: Minor Amendment & L-16965 to Allow a Lot Split

This is a request to split the irregular shaped drainage way easement from the east boundary of Lot 31, Block 3 Crown Pointe and attach it to the abutting tract to the east, which is Lot 39, Block 3 Crown Pointe Addition.

The original PUD 393 was approved by the TMAPC on 4/24/85 which allowed a total of 71 residential dwelling units on 60 acres that is located east of South Harvard Avenue and south of East 91st Street South.

After careful review of the applicant's plan, the staff finds the request to be minor in nature. Staff recommends **APPROVAL** of the request as presented subject to the following conditions:

- 1) That the language be placed on the face of the deed tying the east portion of Lot 31 to Lot 39.
- 2) This action does not change any easements of record, all of which still apply and any easement vacation or relocation of existing service lines would be at the property owner's expense.
- 3) That this application meet all other requirements of PUD 393 unless revised herein and be in compliance with all applicable codes of the City of Tulsa, including but not limited to the Building Code.

NOTE: The applicant feels that because this amendment did not affect land use or building setback, no notice was needed to the abutting owners.

Comments & Discussion:

In reply to Mr. Doherty, Mr. Frank advised that there was a house on the east lot, but the house had not sold as yet. Mr. Doherty inquired as to why the drainage easement was being attached to the house instead of the reserve area. Mr. Frank advised the reserve area was totally maintained by the homeowner's association. Therefore, if attached to the reserve area, it would be passing on the burden of maintenance to the neighborhood association and would also require an amendment to the Declaration of Covenants.

TMAPC ACTION: 10 members present

On **MOTION** of **DOHERTY**, the TMAPC voted **10-0-0** (Carnes, Doherty, Draughon, Kempe, Paddock, Parmele, Rice, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Crawford, "absent") to **APPROVE** the **Minor Amendment and L-16965 to Allow a Lot Split for PUD 393-3**, as recommended by Staff.

There being no further business, the Chairman declared the meeting adjourned at 3:05 p.m.

Date Approved 12-2-87

RBPaddock
acting Chairman

ATTEST:

[Signature]
Secretary

