

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1674
Wednesday, **November 25, 1987**, 1:30 p.m.
City Commission Room, Plaza Level, Tulsa Civic Center

MEMBERS PRESENT

Carnes
Doherty, 2nd Vice-
Chairman
Draughon
Kempe
Paddock, 1st Vice-
Chairman
Parmele, Chairman
VanFossen, Secretary
Wilson
Woodard

MEMBERS ABSENT

Crawford
Rice

STAFF PRESENT

Frank
Gardner
Setters
Wilmoth

OTHERS PRESENT

Linker, Legal
Counsel

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, November 24, 1987 at 9:08 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 1:30 p.m.

REPORTS:

Committee Reports:

Mr. Paddock advised the **Rules & Regulations Committee** met November 24th to discuss the establishment of an Advisory Board for the Sign Code ordinances. He stated the Committee supported the proposal for a seven member Board, to be appointed by the Mayor and confirmed by the City Commission. He further announced the Rules & Regulations Committee would be meeting on December 2nd to discuss possible changes to the Subdivision Regulations with respect to the use of septic systems in south Tulsa.

Director's Report:

Mr. Gardner distributed and reviewed a map prepared by the Oklahoma Turnpike Authority showing the various alternative turnpike alignments for a proposed Tulsa South Bypass. He stated the Turnpike Authority would be selecting a route and providing cost figures during the month of February 1988. Chairman Parmele mentioned the TMAPC would need to review the Major Street and Highway Plan in conjunction with the decision of the Oklahoma Turnpike Authority.

SUBDIVISIONS:

FINAL APPROVAL AND RELEASE:

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

Mr. Wilmoth reviewed the Commission's action of last week when this case was continued to allow time for the interested parties to submit their concerns, and to ask for representatives from the Department of Stormwater Management (DSM), Water and Sewer Department (W/S), City-County Health Department, etc. to be present for questions/answers and clarification of the platting process.

Mr. Linker reviewed the document submitted by the protestants indicating four main areas of concern, which was stamped and entered as an exhibit.

1. Zoning for Sewage Treatment Facility. In regard to the protestants concern that a Special Exception would be required through the BOA for the sewage disposal facility, Mr. Linker stated that the minutes of the PUD hearing indicate that it was made very clear that a package plant would be used. Therefore, Mr. Linker advised that with the PUD, BOA action on a Special Exception was not needed.
2. Final Resolution of Watershed Development Permit #894. The protestants indicated that if an agreement was reached between DSM and the protestant's expert hydrologists, then an appeal of the Permit would not be pursued. Mr. Linker stated that the appeal process on determinations made by DSM was under the Stormwater Ordinance, whether or not the TMAPC approved this plat. Therefore, the protestants would not have to worry about appealing the plat at this time.
3. Sewage Treatment Plant Considerations (Oklahoma Department of Health). Mr. Linker stated that considerations concerning Standards for Water Pollution Control Facilities should be deferred to the Department of Health. He remarked that, should there be some violation of the health regulations or statutes, then the protestants had a remedy through the District Courts.
4. Creation of a Sewage Improvement District. The protestants refer to a requirement advising a Sewage Improvement District must have the consent of the affected landowners, and that no such district had been petitioned. Mr. Linker stated that the statute mentioned dealt with an assessment district, and that was not what was envisioned in this case as the sewers would be paid for by the developers; therefore, negating the need for an assessment.

Mr. Doherty inquired what the position of the TMAPC might be should they approve a plat, and then at a future time, the plat was found to be invalid due to distances regulations, etc. Mr. Linker agreed the applicant might have to replat, however, if the plat approved by the TMAPC specifically set out locations that might, inadvertently, be found to be in violation of regulations, then it could not be approved by the Health Department. He reminded the Commission that the TMAPC conditions for plats most always reference "subject to approval of the Health Department".

Francis Hills (Final Plat) - Cont'd

In reply to Chairman Parmele, Mr. Wilmoth explained that the plat located the sewage treatment facility in the northwest corner of the subdivision. He commented the facility was not specifically shown on the plat because, as a general rule, buildings were not shown on the plat. Mr. Wilmoth advised that, as far as Staff was concerned, this did meet the Health Department criteria and this did meet the Subdivision Regulations. He deferred to the engineer as to specific location, etc.

Mr. Paddock inquired as to the best method for "red flagging" this case for the City Commission hearing so as to pass on the concerns of the interested parties. Mr. Linker clarified that the matters concerning the Stormwater Ordinance would have to be pursued whether or not the TMAPC approved the plat (i.e. if the applicant obtains approval of the plat, but does not comply with the drainage ordinance or health requirements, then there would be no building permits issued and, therefore, no development. Mr. Linker stated that the plat must comply with all City department regulations, whether the interested parties bring the matter up or not.

In response to Chairman Parmele, Mr. Wilmoth confirmed that this plat does meet all of the Subdivision Regulations, based on the criteria for release letters and departmental approvals. For Mr. Paddock's interest, Mr. Wilmoth added that any plat going to the City Commission was forwarded with a transmittal letter and eight copies of the TMAPC minutes. Further, should there be an item of special interest or concern, he brings it to the attention of the Secretary to the City Commission.

Comments & Discussion: (Engineer, DSM, W/S, etc.)

Mr. Bill Lewis (6420 South 221st East Avenue, Broken Arrow), **Engineer** for the developer, reviewed the plans for the proposed extended air plant (sewage treatment plant) as to distances of the plant from residences and property lines, and the technical specifications of a facility of this type. He pointed out the facility would be located in a heavily treed area which offered screening. In regard to the issue of odor, Mr. Lewis stated that there have been no problems or complaints with the two other facilities of this type in the Tulsa area. Mr. Lewis answered questions from the Commissioners as to specific technical information relating to size, type of pumps, life span of the facility, etc.

Mr. Monte Hannon, Water & Sewer Department, explained that the use of the word "tentative" was in keeping with the normal process for plats as W/S initially reviews the plans and releases the plat. Therefore, the developer is not required to submit final plans at the platting stage, only a concept of the proposed development, i.e. sewer layout. Mr. Hannon commented that, in regard to this particular plant, according to the Oklahoma State Department of Health regulations, since it was located within the city limits, the permit for operation of the plant was issued to the City and not to the developer or private enterprise. Therefore, this put the State in a position to have someone to fall back on should there be problems with the plant. Mr. Hannon advised that the Water and Sewer Department would be taking over the operation of the plant since the City of Tulsa would be responsible for the plant and its maintenance.

Francis Hills (Final Plat) - Cont'd

Therefore, W/S had a great deal of interest in assuring the proper provisions were provided by the engineer in the construction and capabilities of the plant. Mr. Hannon estimated this plant would be in operation approximately five years pending funding and construction of the City's permanent sewage facilities.

Mr. Terry Silva, Tulsa City-County Health Department, advised that all sewage treatment facilities were approved and permitted by the State Department of Health, which was a separate agency from the City-County Health Department. Therefore, the City-County Health Department does not see or review any plans until approved by the State, but does monitor and advise should the State need assistance. He added that, for information purposes, W/S forwards copies of the plans after approval by the State and after the permit has been issued. Mr. Silva commented that the local health agency does do site inspections in conjunction with the State Inspection. Chairman Parmele confirmed that the City-County Health Department does not sign off on plats for sewage facilities, only W/S.

Mr. Jack Page, Watershed Management Division of DSM, stated DSM provided notification to those within 300' from the proposed development. He commented that the drainage to the south caused the greatest concern in this rather complex plan. Mr. Page advised the applicant, upon the suggestion of DSM, proposed to intercept the southern flow through a pipe system to the onsite detention facility. In regard to the appeal filed by the protestants (M/M Wheatley) who were located to the north, Mr. Page stated DSM had met with their attorney and explained the drainage to the north would be reduced with the plans for the proposed facility. He added that the Wheatley's had hired a professional engineer, who had also met with DSM and seemed pleased that the drainage would not be increased. However, the appeal on the Watershed Permit had not been rescinded as of this date.

Mr. Page advised that DSM's position was that the applicant had met and, in many instances, exceeded the requirements of the ordinance. In reply to Chairman Parmele, Mr. Page confirmed that DSM followed the procedure to not hold up the platting of a project, since a homeowner usually does not buy a home until such time the infrastructure was in place. Historically, DSM has had preliminary approval on the basis of drainage for residential subdivisions, but they were much more reluctant on commercial property. On this particular project, Mr. Page advised DSM had been working with the applicant since last April; therefore, there was not just a cursory or preliminary review, but DSM had a much detailed review.

Interested Parties:

Mr. Mark Lyons
Mr. Eric Nelson
Mr. Roy Gann
Mr. Bill Puroff
Mr. Roy Johnsen
Mr. John Wheatley

Address:

8939 South Norwood
9216 South 91st East Avenue
(Address not given on record)
10505 South Delaware
324 Main Mall
(Address not given on record)

Francis Hills (Final Plat) - Cont'd

Mr. Mark Lyons, attorney for the Wheatleys, advised their appeal on the Watershed Permit would be withdrawn if their engineer's calculations concurred with those of DSM. He inquired if the State Department of Health had granted a permit, and was informed that a permit had not yet been granted. Mr. Lyons commented that, if the City or County does not issue a permit, he was not clear where the applicant was in the platting process, if the State has not done anything.

Mr. Linker stated that the City and the TMAPC have the ability under State law to require that all of these improvements be put in place before final plat approval, but has not done so, which follows a procedure that has been followed for years in working with the development community, yet assuring that all regulations are met. He further commented that it appeared to him there would not be any development, regardless of the plat, if the applicant did not get clearance for a sewage treatment plant. Mr. Linker clarified that the Commission could, although not a normal practice, withhold approval of the plat subject to everything being in place.

Mr. Lyons stated that the Wheatley's were not opposed to development, but they feel it should be a reasonable development. He added that they felt that, as a policy consideration, the City of Tulsa should not allow a sewage treatment plant in this development when a bond had been approved to extend city facilities, and the City should proceed to do so.

Ms. Kempe commented that it has never been the policy of this Commission to block development pending construction of infrastructure (i.e. water, sewer, street, etc.)

Mr. Lyons expressed his concerns as to meeting the distance requirements for location of the plant from residential structures. He also expressed concerns as to the developer obtaining drainage easements to the Arkansas River.

Mr. Linker, in reply to Mr. Doherty, stated in his opinion, the City would not accept the plant unless the easements had been obtained or arrangements had been made with property owners for the easements. In reply to Mr. VanFossen, Mr. Wilmoth explained an applicant has a two year period to complete improvements, once a plat is filed of record. After that time, the applicant can file for an extension, if needed. He added that a Building Permit could not be obtained until all the improvements were completed, and Staff did have the agreement letters on file from the applicant that these would be completed. In regard to Mr. Lyons' concerns about BOA action for Special Exceptions, Mr. Gardner reiterated that this was taken care of through the PUD process.

Mr. Lyons repeated his concerns as to the State Health Department not having granted an approval as yet. Mr. Gardner asked Mr. Lyons if his client would accept the treatment plant any more readily if they knew the State had approved it, as he felt they did not want the package plant regardless of approvals. Mr. Lyons commented this was probably correct but his client, at least, had the opportunity to go through this hearing process.

Francis Hills (Final Plat) - Cont'd

Mr. Eric Nelson, representing Mr. Roy Gann, the property owner to the west. Mr. Nelson stated concerns as to the force main that looked as if it might go across Mr. Gann's property. He requested that the plans be firmed and in place before granting approvals. Mr. Nelson stated there were too many conditions outside the control of the developer to warrant approval of the plat at this time. In reply to Mr. Doherty, Mr. Nelson commented that the problem Mr. Gann had was not with the City developing the South Slope Drainage Plan (a self-contained sewage system) which utilized an easement he had deeded to the public. The problem dealt with a 4" main dumping ethylene into the Arkansas River serving only a limited number of housing sites.

Mr. Wilmoth commented, for the benefit of the homeowners, that the PUD offered a double control, as the City would eventually be a third party beneficiary to this plat. Further, all the restrictions of the PUD also ran to the City as third party. Therefore, offering the controls of the City agencies, plus the controls and restrictions of the PUD.

Mr. Roy Gann expressed strong opposition to a private developer with private funds coming across his property, as the easement he dedicated was to the City, not an individual.

Mr. Bill Puroff inquired, since the developer will be turning the treatment plant over to the City, if the City could then come in and condemn property to allow sewer lines across certain homeowners property. A discussion ensued on this question, with Mr. VanFossen commenting he felt the City would have obtained the necessary permission from property owners prior to construction, but it was stated the City did have certain rights of condemnation and/or eminent domain.

Mr. Roy Johnsen, representing the developers, stated a foremost point to remember was that the proposed subdivision did meet the Subdivision Regulations as presently adopted. Mr. Johnsen commented that, in regard to the package treatment plant, the whole process began with the concept that septic systems in this part of the city were not appropriate. Therefore, the alternative suggested and encouraged to the developers by the City was package treatment plants. In regard to the concerns of Mr. Puroff, Mr. Johnsen clarified there was no intent by the developer to cross the Puroff property, as any easement not presently acquired would go north of the Puroff's.

In regard to involvement of the State Health Department, Mr. Johnsen advised a preliminary submittal had been made, to which the Department responded on May 27, 1987: "The preliminary review of the referenced project indicates compliance with standards for water pollution control facilities amended April 2, 1987. The site location is the responsibility of the community officials, and local zoning requirements must be met. The proposed discharging facility must be in the 208 Plan and comply with discharge limits." Mr. Johnsen added that the State Health Department would also be reviewing the final plans at the appropriate time. He pointed out that the entire risk was on the developer to obtain the needed approvals and permits, or there would be no project.

Francis Hills (Final Plat) - Cont'd

In regard to location and distance concerns, Mr. Johnsen stated this issue would be resolved during the final plans in order to meet the setbacks. He commented that, topographically, the developer had a very favorable location, and he reviewed this for the Commission. Mr. Johnsen pointed out that the distance requirements of the Health Department would also apply to a major City facility and were not designed just for a small package treatment plant.

Regarding the zoning/special exception issue, Mr. Johnsen stated that the Commission's Legal Counsel and Staff had addressed this and the Code was apparently clear and he felt there was no ambiguity at all. The TMAPC did have the authority under the PUD to approve the package treatment plant. In regard to Mr. Gann's concern about the existing easement, Mr. Johnsen cited a legal opinion from the Utility Board that the construction of sewer lines that would be owned by the City were public purposes, even though funded through private dollars. He further informed that, even though a private party was funding these public improvements, the contract was with the City and the developer; therefore, making the City a party to the contract. Mr. Johnsen advised that the permits for the easements were not issued separately from the permits for the facility, as the developer would have to have the easements at the time of construction of the package plant.

Mr. Doherty asked Mr. Johnsen, as an experienced zoning attorney, if he felt the Commission had followed the proper sequence and timing on this case. Mr. Johnsen stated he felt the Commission had offered all concerned parties an opportunity to address their concerns, and he felt the City was quite good at having an "open City Hall" so an interested party could find out information and provide input to the technical agencies involved. He cautioned the TMAPC from getting into a position of trying to judge technical issues that were under the jurisdiction of other departments, but he felt the process was working.

Mr. Paddock inquired if preliminary engineering plans were available at the time the preliminary plat was discussed, and he asked Mr. Johnsen how he might quantify the amount of deviation from the preliminary and final drawings. Mr. Johnsen stated that, in almost every instance, he felt there were drawings of concepts at the time of preliminary platting, and he felt any deviation was basically insignificant. He pointed out that the concerns a property owner might have were addressed by extensive regulations (drainage, easements, etc.) and, therefore, as long as these regulations were met, slight changes in the interior design would seem to be insignificant.

Mr. John Wheatley, abutting property owner to the north, asked how to proceed should he feel he and/or his property has been damaged by this development. Mr. Linker referred Mr. Wheatley to his own attorney or legal counsel.

Francis Hills (Final Plat) - Cont'd

Review Session:

Mr. VanFossen commented that all interested parties had been given an opportunity to speak and a great deal of information had come out of the two hearings on this matter. However, based on what he has heard and advice from the Commission's Legal Counsel, he could see no basis not to approve this plat. Therefore, Mr. VanFossen moved for approval of the final plat. Mr. Paddock suggested that notification of final plats be reviewed by the Rules and Regulations Committee so as to be included in the TMAPC General Policies on notification. Ms. Wilson commented that, during the zoning and PUD, it was well known that a package treatment facility was being considered, although the location and distance was not known. Therefore, she felt these proceedings brought forward on public record the concerns of the surrounding property owners regarding location. Further, it has been brought out that the development may or may not happen, since this hinges on the permit approval of the exact location to meet all of the State Health Department requirements. Ms. Wilson observed that the Final Approval and Release process was actually a grand "to do list", and she felt this plat had more "to do's" than any other final approval and release she has reviewed since being on the Commission in 1985.

TMAPC ACTION: 8 members present

On **MOTION** of **VANFOSSEN**, the TMAPC voted **7-1-0** (Carnes, Doherty, Kempe, Paddock, Parmele, VanFossen, Wilson, "aye"; Draughon, "nay"; no "abstentions"; Crawford, Rice, Woodard, "absent") to **APPROVE** the **Final Plat of Francis Hills** and release same as having met all of the Subdivision Regulations and conditions accordingly.

Chairman Parmele thanked all those from City agencies who spoke, as well as Mr. Lyons and the other interested parties, as the hearing proved to be very informative. He assured the interested parties their concerns would be carried forward to the City Commission hearing.

REQUEST FOR WAIVER (Section 260):

Z-6170 Olivers Addn. (PUD 430)(1993) North of East 35th St., East of Peoria

This is a request to waive plat requirements on Lot 11, Block 2 of the above named plat. This lot had been used for a parking lot and residential building and contains approximately .32 acres. Two one-story office buildings are planned with the controls provided by PUD 430. The PUD conditions have already been met as the TMAPC approved the Detail Site Plan, Detail Sign Plan and the Declaration of Covenants (10/28/87). Since the property is already platted and the controls of development filed in the Declarations of Covenants, the Staff has no objection to the applicant's request. APPROVAL is recommended, noting that the provisions of Section 260 have been met.

TMAPC ACTION: 8 members present

On MOTION of DOHERTY, the TMAPC voted 8-0-0 (Carnes, Doherty, Draughon, Kempe, Paddock, Parmele, VanFossen, Wilson, "aye"; no "nays"; no "abstentions"; Crawford, Rice, Woodard, "absent") to APPROVE the Waiver Request for Z-6170 Olivers Addition, as recommended by Staff.

ZONING PUBLIC HEARING:

Application No.: PUD 434 Present Zoning: CS, OL, RS-3
Applicant: Johnsen (Tulsa Heart Center) Proposed Zoning: Unchanged
Location: East of the SE/c of South Utica & 14th Place
Size of Tract: .55 acres, approximate

Date of Hearing: November 25, 1987 (Continuance Requested to 1/6/88)
Presentation to TMAPC by: Mr. Roy Johnsen, 324 Main Mall (585-5641)

Staff Recommendation:

The subject tract has CS, OL and RS-3 underlying zoning and is located at the southeast corner of South Utica and East 14th Place. No change is being requested in the underlying zoning. Existing development on the subject tract consists of a two story medical office building which has 6,750 square feet of floor area. PUD 434 requests approval for approximately 3,500 additional square feet of office space which requires displacement of a residence to the east for the required off-street parking. A total of 10,000 square feet of floor area is proposed although the underlying zoning would support more than 12,000 square feet providing off-street parking could be accommodated. The Board of Adjustment has approved two variances for increased floor area ratios on the subject tract and denied a use variance to use the displaced residence for offices in the abutting RS-3 District.

PUD 434 Johnsen (Tulsa Heart Center) - Cont'd

The demarcation of nonresidential versus residential uses is a well established line approximately two lots deep on the east side of South Utica from the Broken Arrow Expressway for some distance south of East 15th Street. To approve PUD 434 would allow encroachment of a nonresidential use into the abutting residential area at this location and could be a precedent for similar encroachments. Analysis of PUD 434 also indicates that the intensity of the proposed development is such that open space would be minimized because of the need for off-street parking, and only a screen fence is planned along the eastern boundary and no buffer along the north boundary which abuts the residential neighborhood. In this respect, PUD 434 is not considered innovative land development while maintaining appropriate limitation on the character and intensity of use and assuring compatibility with adjoining and proximate properties.

Therefore, Staff recommends DENIAL of PUD 434 as it is not considered to be in harmony with the existing and expected development of surrounding areas, nor is it consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

NOTE: If the Commission is supportive of PUD 434, Staff recommends a continuance for three weeks to allow time to formulate suggested development standards for landscaped open space, buffers, screening, lighting, and similar design considerations.

Comments & Discussion:

Mr. Roy Johnsen, attorney for the applicant, stated the applicant had just advised him, as recent as last night, that due to internal decisions within the organization, it was very likely that this application might become moot. Therefore, Mr. Johnsen requested a six week continuance due to the probability that this matter may not be pursued. He commented that he would like the application to stay active, however, if it was essential to all concerned, the application could be withdrawn. Mr. Johnsen offered apologies to the interested parties in attendance, as he was unable to contact the homeowners due to the short notice from the applicant.

Mr. Jim Rand (2019 East 14th) requested the TMAPC deny a continuance as there were representatives from the neighborhood who had made special arrangements to attend this hearing.

Chairman Parmele suggested that, should the TMAPC vote to continue, the interested parties leave their name and address with the Recording Secretary so as to receive notice prior to the continued hearing date. Mr. VanFossen commented that, he usually did not like to continue a request not submitted on a timely basis. However, under the circumstances that the application might be dropped and not just amended, he was hesitant to consider the case this date only to ultimately find that it was dropped or withdrawn. Therefore, Mr. VanFossen moved for a six week continuance, and that the interested parties be notified of the continued date, or be advised should the application be withdrawn.

PUD 434 Johnsen (Tulsa Heart Center) - Cont'd

Mr. Doherty commented for the interested parties in attendance, that the Staff had recommended a denial, which was an indication there were some problems with the application. He further commented that, in the past Mr. Johnsen had always acted in good faith with the Commission; therefore, he would be voting for the continuance even though it was not a timely request. Mr. Paddock suggested those leaving their name and address be furnished with a copy of the Staff recommendation. Staff provided a copy to Mr. Rand for distribution to the neighborhood.

TMAPC ACTION: 8 members present

On **MOTION** of **VANFOSSEN**, the TMAPC voted **8-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Crawford, Kempe, Rice, "absent") to **CONTINUE Consideration of PUD 434 Johnsen (Tulsa Heart Center)** until Wednesday, **January 6, 1988** at 1:30 p.m. In the City Commission Room, City Hall, Tulsa Civic Center.

* * * * *

Application No.: **PUD 410-A** Present Zoning: **RM-1 & RD**
Applicant: **Wilkerson (Major Amendment)** Proposed Zoning: **Unchanged**
Location: **South & East of the SE/c of East 36th Street & South Yale Avenue**
Size of Tract: **6.3 acres**
Date of Hearing: **November 25, 1987**
Presentation to TMAPC by: **Mr. Ted Sack, 3143 East 3rd** (592-4111)

Staff Recommendation:

The subject tract has underlying RM-1/RD zoning and an area of 6.3 acres. It is located south and east of the southeast corner of East 36th Street and South Yale Avenue. South Yale is classified as a Primary Arterial and East 36th Street is a Residential Collector at this location. PUD 410 was approved for 70,000 square feet of building floor area, including Use Unit 11, Offices and Studios, excluding funeral homes and drive-in bank facilities. The original PUD also included extensive building setback requirements from existing abutting single-family residential development on the east and south, and limitations on building heights which are included in PUD 410-A. The original concept of managing stormwater on the subject tract is also to be included in this major amendment.

PUD 410-A will be divided into development areas as follows: Area A - 3.10 acres to be used for offices per Use Unit 11; and Area B - 3.27 acres to be used for Use Unit 5 being a privately operated school for handicapped children. The building floor area for PUD 410-A will be 36,000 square feet for Area A and 23,000 square feet for Area B, for a total of 59,000 square feet. Internal landscaped open space will be a minimum of 39% in Area A and 25% in Area B.

PUD 410-A Major Amendment - Cont'd

Staff has reviewed PUD 410-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.

Therefore, Staff recommends APPROVAL of PUD 410-A, as follows:

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

2) **Development Standards:**

Land Area (Gross):	277,387 sf	6.36 acres
(Net):	251,693 sf	5.78 acres
RM-1 Zoned Area:	180,216 sf	4.13 acres
RD Zoned Area:	97,171 sf	2.23 acres
Maximum Floor Area:	59,000 sf; .23 FAR net	

A R E A A

Land Area (Gross):	135,000 sf	3.10 acres
Permitted Uses:	Use Unit 11, Offices and Studios, excluding funeral homes and drive-in bank facilities.	
Maximum Building Floor Area:	36,000 sf	
Maximum Building Height:	Two story, except no roof line shall exceed 752' mean sea level elevation	
Minimum Building Setbacks:		
from North Interior Boundary	70'	
from West Boundary (Yale)	70'	
from East Boundary and Common Boundary with Area B	10'	
from South Boundary	70'	
Minimum Off-Street Parking:	Per the applicable Use Unit	
Minimum Internal Landscaped Open Space:	52,650 sf; 39% (see Note 7)	
Signs:	One ground identification sign on South Yale which shall not exceed 6' in height nor 32 sf of display surface area. Sign shall be of a monument type with constant lighting directed away from abutting residential areas. No sign is permitted within 150' of the south boundary and must be spaced a minimum of 100' from any other permitted sign.	

PUD 410-A Major Amendment - Cont'd

A R E A B

Land Area (Gross):	142,387 sf	3.27 acres
Permitted Uses:	Use Unit 5, Community Service and Similar Uses, being a privately operated school for handicapped children.	
Maximum Building Floor Area:	23,000 sf	
Maximum Building Height:	1 story	
within East 150'	One story, except no roof line shall exceed 755' mean sea level elevation to the top of the top plate; 35' maximum building height to the roofline is permitted subject to approval of a Detail Site Plan.	
Balance of Area B		
Minimum Building Setbacks:		
from North Interior Boundary	70' *	
from West Boundary and Common Boundary with Area A	10'	
from East Boundary	70'	
from South Boundary	70'	
Minimum Off-Street Parking:	Per the applicable Use Unit	
Minimum Internal Landscaped Open Space:	25% (see Note 7)	
Signs:	One ground identification sign on South Yale which shall not	

*Corrected
Per TM/ape
12/22/87*

PUD 434 Johnsen (Tulsa Heart Center) - Cont'd

The demarcation of nonresidential versus residential uses is a well established line approximately two lots deep on the east side of South Utica from the Broken Arrow Expressway for some distance south of East 15th Street. To approve PUD 434 would allow encroachment of a nonresidential use into the abutting residential area at this location and could be a precedent for similar encroachments. Analysis of PUD 434 also indicates that the intensity of the proposed development is such that open space would be minimized because of the need for off-street parking, and only a screen fence is planned along the eastern boundary and no buffer along the north boundary which abuts the residential neighborhood. In this respect, PUD 434 is not considered innovative land development while maintaining appropriate limitation on the character and intensity of use and assuring compatibility with adjoining and proximate properties.

Therefore, Staff recommends DENIAL of PUD 434 as it is not considered to be in harmony with the existing and expected development of surrounding areas, nor is it consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

NOTE: If the Commission is supportive of PUD 434, Staff recommends a continuance for three weeks to allow time to formulate suggested development standards for landscaped open space, buffers, screening, lighting, and similar design considerations.

Comments & Discussion:

Mr. Roy Johnsen, attorney for the applicant, stated the applicant had just advised him, as recent as last night, that due to internal decisions within the organization, it was very likely that this application might become moot. Therefore, Mr. Johnsen requested a six week continuance due to the probability that this matter may not be pursued. He commented that he would like the application to stay active, however, if it was essential to all concerned, the application could be withdrawn. Mr. Johnsen offered apologies to the interested parties in attendance, as he was unable to contact the homeowners due to the short notice from the applicant.

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Chairman Parmele suggested that, should the TMAPC vote to continue, the interested parties leave their name and address with the Recording Secretary so as to receive notice prior to the continued hearing date. Mr. VanFossen commented that, he usually did not like to continue a request not submitted on a timely basis. However, under the circumstances that the application might be dropped and not just amended, he was hesitant to consider the case this date only to ultimately find that it was dropped or withdrawn. Therefore, Mr. VanFossen moved for a six week continuance, and that the interested parties be notified of the continued date, or be advised should the application be withdrawn.

PUD 434 Johnsen (Tulsa Heart Center) - Cont'd

Mr. Doherty commented for the interested parties in attendance, that the Staff had recommended a denial, which was an indication there were some problems with the application. He further commented that, in the past Mr. Johnsen had always acted in good faith with the Commission; therefore, he would be voting for the continuance even though it was not a timely request. Mr. Paddock suggested those leaving their name and address be furnished with a copy of the Staff recommendation. Staff provided a copy to Mr. Rand for distribution to the neighborhood.

TMAPC ACTION: 8 members present

On **MOTION** of **VANFOSSEN**, the TMAPC voted **8-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Crawford, Kempe, Rice, "absent") to **CONTINUE Consideration of PUD 434 Johnsen (Tulsa Heart Center)** until Wednesday, **January 6, 1988** at 1:30 p.m. In the City Commission Room, City Hall, Tulsa Civic Center.

* * * * *

Application No.: **PUD 410-A** Present Zoning: **RM-1 & RD**
Applicant: **Wilkerson (Major Amendment)** Proposed Zoning: **Unchanged**
Location: **South & East of the SE/c of East 36th Street & South Yale Avenue**
Size of Tract: **6.3 acres**

Date of Hearing: **November 25, 1987**
Presentation to TMAPC by: **Mr. Ted Sack, 3143 East 3rd** (592-4111)

Staff Recommendation:

The subject tract has underlying RM-1/RD zoning and an area of 6.3 acres. It is located south and east of the southeast corner of East 36th Street and South Yale Avenue. South Yale is classified as a Primary Arterial and East 36th Street is a Residential Collector at this location. PUD 410 was approved for 70,000 square feet of building floor area, including Use Unit 11, Offices and Studios, excluding funeral homes and drive-in bank facilities. The original PUD also included extensive building setback requirements from existing abutting single-family residential development on the east and south, and limitations on building heights which are included in PUD 410-A. The original concept of managing stormwater on the subject tract is also to be included in this major amendment.

PUD 410-A will be divided into development areas as follows: Area A - 3.10 acres to be used for offices per Use Unit 11; and Area B - 3.27 acres to be used for Use Unit 5 being a privately operated school for handicapped children. The building floor area for PUD 410-A will be 36,000 square feet for Area A and 23,000 square feet for Area B, for a total of 59,000 square feet. Internal landscaped open space will be a minimum of 39% in Area A and 25% in Area B.

PUD 410-A Major Amendment - Cont'd

Staff has reviewed PUD 410-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.

Therefore, Staff recommends APPROVAL of PUD 410-A, as follows:

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

2) Development Standards:

Land Area (Gross):	277,387 sf	6.36 acres
(Net):	251,693 sf	5.78 acres
RM-1 Zoned Area:	180,216 sf	4.13 acres
RD Zoned Area:	97,171 sf	2.23 acres
Maximum Floor Area:	59,000 sf; .23 FAR net	

A R E A A

Land Area (Gross):	135,000 sf	3.10 acres
Permitted Uses:	Use Unit 11, Offices and Studios, excluding funeral homes and drive-in bank facilities.	
Maximum Building Floor Area:	36,000 sf	
Maximum Building Height:	Two story, except no roof line shall exceed 752' mean sea level elevation	
Minimum Building Setbacks:		
from North Interior Boundary	70'	
from West Boundary (Yale)	70'	
from East Boundary and Common Boundary with Area B	10'	
from South Boundary	70'	
Minimum Off-Street Parking:	Per the applicable Use Unit	
Minimum Internal Landscaped Open Space:	52,650 sf; 39% (see Note 7)	
Signs:	One ground identification sign on South Yale which shall not exceed 6' in height nor 32 sf of display surface area. Sign shall be of a monument type with constant lighting directed away from abutting residential areas. No sign is permitted within 150' of the south boundary and must be spaced a minimum of 100' from any other permitted sign.	

AREA B

- Land Area (Gross): 142,387 sf 3.27 acres
- Permitted Uses: Use Unit 5, Community Service and Similar Uses, being a privately operated school for handicapped children.
- Maximum Building Floor Area: 23,000 sf
- Maximum Building Height:
within East 150' 1 story
Balance of Area B One story, except no roof line shall exceed 755' mean sea level elevation
- Minimum Building Setbacks:
from North Interior Boundary 70' *
from West Boundary and Common Boundary with Area A 10'
from East Boundary 70'
from South Boundary 70'
- Minimum Off-Street Parking: Per the applicable Use Unit
- Minimum Internal Landscaped Open Space: 25% (see Note 7)
- Signs: One ground identification sign on South Yale which shall not exceed 6' in height nor 32 square of display surface area. Sign shall be of a monument type which constant lighting directed away from abutting residential areas. No sign is permitted within 150' of the south boundary and must be spaced a minimum of 100' from any other permitted sign.
- * No buildings are permitted in the north 314.39' of Area B as measured from the centerline of East 36th Street.
- 4) Access to East 36th Street shall be shared by this PUD and the existing church to the north and east resulting in one less curb cut on East 36th Street. Traffic conditions of approval shall be subject to approval of the Traffic Engineer. Further, consideration is recommended for addition of a north bound right turn deceleration lane on Yale for safer and more protected turning movements into this project, if feasible, with turning moving onto Yale being restricted to right turn only.
- 5) That all parking lot lighting shall be restricted to a maximum of 8' in height, and be directed downward away from adjacent residential areas, and not be permitted within the east and south 30' of the subject tract.

- 6) That a 5' landscape buffer be required along the south and east boundaries, plus a 6' tall screening fence; further that if a grade cut is required along these boundaries, it will not exceed 5' and the landscape buffer be preserved by construction of a retaining wall of comparable height to the cut.
- 7) 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. Internal landscaped open space includes landscaped areas, landscaped parking islands, landscaped yards and plazas, but excludes parking lots, building and driveway areas, and areas designated solely for pedestrian circulation.
- 8) That all trash, utility and equipment areas shall be screened from public view and from ground level view of persons in adjacent residential areas, which shall include a screening requirement for roof mounted mechanical equipment.
- 9) Subject to review and approval of conditions, as recommended by the Technical Advisory Committee, including the approval of all access points by the Traffic Engineer.
- 10) That a Detail Site Plan, which must include building elevations, shall be submitted to and approved by the TMAPC prior to issuance of a Building Permit.
- 11) That a Detail Sign Plan shall be submitted to and approved by the TMAPC prior to issuance of an Occupancy Permit. All signs shall be in accordance with the PUD Chapter of the Zoning Code and as further restricted herein.
- 12) That no Building Permit shall be issued until the requirements of Section 260 of the Zoning Code have 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.

Comments & Discussion:

Mr. VanFossen advised he would be abstaining from the vote on this application. Mr. Gardner stated that a change had been made in the recommendation to reduce the maximum building height for the balance of Area B from two stories to one story, and the 752' mean sea level elevation should be modified to 755'.

The applicant confirmed his agreement with the Staff recommendation, and the amendment to the height in Area B.

Interested Parties:

Mr. Mike Bollick (6614 East 57th Place), representing St. Andrews Church, commented that there appeared to be an error in the notification on this application, as they had not received notice and they were within the 300' radius. Mr. Bollick requested it be stipulated that their stormwater tie-ins would not be disconnected, nor have their curb cuts removed. He stated that if these two requests could be met, they would not protest this application.

Discussion followed with Legal Counsel as to the notification issue, and Mr. Bollick stated they would waive their notice provisions, if the above stipulations were met involving the two 12" stormwater lines and the curb cuts. Mr. Gardner clarified that they would not be losing any curb cuts on their property. In regard to the two 12" stormwater lines, Mr. Doherty suggested adding a condition that these connections be maintained.

Mr. Ted Sack, representing the applicant, commented that the existing storm sewer going across the church property was a private storm sewer that was installed when the church owned the entire property. He added there was no record of this anywhere within the City, and was placed on their drawings at a "best guess" location. Mr. Sack stated they were in the process of locating these as to depth and elevation.

Mr. Larry Morgan, project manager for the church, agreed that these two stipulations should be met before proceeding with any approvals. The Commissioners assured that a condition could be added to address these needs.

Mr. Gardner reiterated the conditions involving the curb cuts, and confirmed this was still subject to a Detail Site Plan. Mr. Doherty agreed that this was not the time to discuss final plans for curb cuts and this was only a conceptual plan. He suggested Mr. Sack work with the church before presentation of the Detail Site Plan; Mr. Sack concurred.

Mr. Doherty suggested a 15th condition stating "the applicant would accept responsibility for the conveyance of stormwater from the two existing 12" storm drains from the property adjacent to the north, subject to the approval of Stormwater Management". Mr. Sack stated he had no problem with this condition. Mr. Carnes moved for approval, with the inclusion of the condition as suggested by Mr. Doherty.

TMAPC ACTION: 8 members present

On **MOTION** of **CARNES**, the TMAPC voted 7-0-1 (Carnes, Doherty, Draughon, Kempe, Paddock, Parmele, Wilson, "aye"; no "nays"; VanFossen, "abstaining"; Crawford, Rice, Woodard, "absent") to **APPROVE** the **Major Amendment to PUD 410-A**, subject to the conditions as recommended by Staff, and amended to include condition #15: The applicant will accept responsibility for the conveyance of stormwater from the two existing 12" storm drains from the property adjacent to the north, subject to the approval of Stormwater Management.

Legal Description:

A tract of land containing 5.8403 acres in the NW/4 of the NW/4 of the SW/4 of Section 22, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma, being more particularly described as follows, to-wit: Beginning at a point at the SE/c of said NW/4 of the NW/4 of the SW/4; thence N 89°57'56" W along the southerly line for a distance of 608.74'; thence due north along a line parallel to and 50.00' easterly of the westerly line for a distance of 375.73'; thence S 89°57'56" E for a distance of 503.84'; thence N 00°00'55" E for a distance of 244.39'; thence 89°57'58" E along a line parallel to and 40.00' southerly of the northerly line of said NW/4 of the NW/4 of the SW/4 for 105.00'; thence south 00°00'55" W along the easterly line thereof for 620.12' to the POB.

* * * * *

Application No.: **Z-6179** Present Zoning: RS-3, RM-2
Applicant: **Westervelt** Proposed Zoning: OM
Location: NE/c of East 66th Place South & the Riverside Parkway
Size of Tract: 1.3 acres, approximate
Date of Hearing: November 25, 1987
Presentation to TMAPC by: Mr. Joe Westervelt, 320 So Boston, #1025 (582-3624)

Relationship to the Comprehensive Plan:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Medium Intensity - No Specific Land Use and Arkansas River Corridor Special District.

According to the "Zoning Matrix", the requested OM District is in accordance with the Plan Map.

Staff Recommendation:

Site Analysis: The subject tract is approximately 1.3 acres in size and is located at the northeast corner of East 66th Place South and the Riverside Parkway. It is partially wooded, gently sloping, vacant and is zoned RS-3 and RM-2.

Surrounding Area Analysis: The tract is abutted on the north by vacant property and multifamily dwellings zoned RS-3 and RM-2; on the west by Riverparks and the Arkansas River zoned RM-2, AG and FD; on the south by vacant property zoned RM-2; and on the east by both vacant property and multifamily dwellings zoned RM-2.

Zoning and BOA Historical Summary: RM-2 Medium Intensity Residential zoning has been approved in the area surrounding the subject tract.

Conclusion: Although there is no OM zoning in the immediate area, the Comprehensive Plan would support the request. Likewise, the location of the Riverside Parkway would support medium intensity office development as a buffer between the Parkway and the residential uses to the east.

Therefore, Staff recommends **APPROVAL** of OM zoning for Z-6179 as requested.

Comments & Discussion:

In reply to Chairman Parmele, the applicant confirmed agreement to the Staff recommendation.

TMAPC ACTION: 8 members present

On **MOTION** of DOHERTY, the TMAPC voted **8-0-0** (Carnes, Doherty, Draughon, Kempe, Paddock, Parmele, VanFossen, Wilson, "aye"; no "nays"; no "abstentions"; Crawford, Rice, Woodard, "absent") to **APPROVE Z-6179 Westervelt for OM Zoning**, as recommended by Staff.

Legal Description:

A combined tract of land. Tract One being a part of Lot 2, Block 1, Riverbank Plaza, and Tract Two being an unplatted tract within government Lot 7 and the SE/4 of the NE/4 of Section 1, T-18-N, R-12-E of the IBM in the City of Tulsa, Tulsa County, Oklahoma, more particularly described as follows:

Tract One: Commencing at the SE/c of Lot 2, Block 1, Riverbank Plaza thence N 88°50'59" W along the north right-of-way of East 66th Place South a distance of 348.80', thence due north a distance of 26.40' to a point on the west boundary of Lot 2, Block 1, Riverbank Plaza as the POB, thence N 20°22'23" W along the west boundary of said Lot 2, a distance of 180.13' to the NW/c of said Lot 2, thence S 88°50'59" E along the north line of Lot 2 a distance of 62.72' to a point, thence due south a distance of 167.60' to the POB. Tract One contains 0.12 acres, more or less.

Tract Two: Commencing at the SE/c of said Lot 2, Block 1, Riverbank Plaza, thence N 88°50'59" W along the north right-of-way of East 66th Place South a distance of 348.80' to the POB, thence continuing N 88°50'59" W along said right-of-way a distance of 176.02' to a point on the east right-of-way of Riverside Parkway, thence along said Riverside Parkway right-of-way on a 5,656.51' radius curve to the right having an initial tangent bearing of N 16°35'31.5" W and a central angle of 1°59'18.5' for an arc distance of 196.31' to a point of tangency, thence N 14°36'13" W a distance of 136.61' to a point, thence S 88°50'59" E a distance of 153.57' to a point on the west boundary of Riverbank Plaza, thence S 20°22'23" E along said boundary a distance of 134.90' to the NW/c of Lot 2, Block 1, Riverbank Plaza, thence S 20°22'23" E continuing along said boundary a distance of 180.13'; thence due south a distance of 26.40' to the POB. Tract Two contain 1.25 acres, more or less.

The combined area of Tracts One and Two being 59,690.89 square feet or 1.3703 acres, more or less.

* * * * *

Application No.: Z-6180 Present Zoning: OL
Applicant: Jones Proposed Zoning: CS
Location: SE/c of the proposed Riverside Parkway & East 91st Street
Size of Tract: 18 acres, approximate
Date of Hearing: November 25, 1987 (Continuance requested)
Presentation to TMAPC by: Mr. Bill Jones, 3800 1st National Tower (581-8200)

Comments & Discussion:

Mr. VanFossen inquired as to the number of continuance on this application. Chairman Parmele commented that PUD 418, which included the subject tract, had been continued several times before being withdrawn, and the same reason for a continuance request applied to this application. The applicant was working with City Engineers and the Street Commissioner's office regarding the exact alignment of the proposed Riverside Parkway south of 81st Street.

TMAPC ACTION: 8 members present

On **MOTION** of **WOODARD**, the TMAPC voted **8-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Crawford, Kempe, Rice, "absent") to **CONTINUE Consideration of Z-6180 Jones** until Wednesday, **January 20, 1988** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

OTHER BUSINESS:

PUD 108-A-1: Southeast of the Intersection of East 31st Street
and South 73rd East Avenue

Staff Recommendation: **Minor Amendment to Detail Site Plan
and Detail Landscape Plan**

The subject tract has an area of 1.5 acres and is located southeast of the intersection of East 31st Street and South 73rd East Avenue. PUD 108-A was approved for a church parking lot for the Woodlake Assembly of God Church; the parking lot is in the final stages of construction at this time. The applicant is requesting approval to delete the berming requirement along the north and that portion of the west boundary north of a relocated directional driveway to South 73rd East Avenue. No changes have been requested in requirements for landscape materials, although the berming is a part of the Detail Landscape Plan and a PUD condition of approval.

The final design and construction of the parking lot along the north and west edges merits consideration of deleting the berming requirement. Deletion of the berm in this area will reduce otherwise steep slopes to a grade which can be properly mowed and maintained and retaining landscaping will provide a needed buffer. The President of the Woodlake Village Homeowner's Association has signed the revised plans indicating approval of the changes per PUD 108-A-1. Notice of this amendment has been given to all abutting property owners.

Therefore, Staff recommends APPROVAL of PUD 108-A-1 per the submitted plans deleting the berming requirement north of the relocated driveway subject to previous approvals and landscape requirements in particular.

November 25, 1987: PUD 108-A-1 was continued from November 4, 1987 to allow the applicant to coordinate the request to delete the berming from the north and northwest perimeter of the parking lot with the Department of Stormwater Management (DSM). It was determined that during the permitting process, DSM required the berm as a detention measure for storm water and, therefore, it could not be deleted. This requirement was enforced by separate easements and engineering design that took place after TMAPC approval of the Detail Site Plan and the berming requirement for stormwater detention was not known by the INCOG Staff until the November 4, 1987 meeting. Additional information will be included in the November 25th TMAPC agenda packet if it is available prior to the meeting.

Comments & Discussion:

Mr. Ray McCollum (3135 South 76th East Avenue), President of Whitney Community Homeowner's Association, stated protest to this application due to concerns with stormwater and drainage. Mr. McCollum advised the residents want the berming left in place so as to provide additional safety until the work has been completed on the Audobon Creek.

Chairman Parmele read a memo submitted by DSM whereby they investigated the matter and advise they have no objection to removal of the berm. Chairman Parmele commented he understood that placement of the berm was a landscaping requirement of the PUD and not a requirement of DSM.

In reply to Mr. Doherty, Mr. McCollum stated that they would prefer having the berm reduced in size rather than having it totally removed.

Mr. Bob Swanson, architect for the church, stated they had no objection and could be satisfied with a reduction from 3' to 1', as suggested by Mr. VanFossen. He pointed out that the proposed berm was for screening purposes only and had no affect on stormwater due to the curb cuts.

TMAPC ACTION: 8 members present

On MOTION of VANFOSSEN, the TMAPC voted 8-0-0 (Carnes, Doherty, Draughon, Kempe, Paddock, Parmele, VanFossen, Wilson, "aye"; no "nays"; no "abstentions"; Crawford, Rice, Woodard, "absent") to APPROVE the Minor Amendment to Detail Site Plan and Detail Landscape Plan for PUD 108-A-1, keeping the berm, but reducing the height from 3' to 1'.

* * * * *

PUD 354-5: East of the NE/c of East 91st Street & South Yale,
being Lot 8, Block 4, Fox Pointe Addition

Staff Recommendation: Minor Amendment and Amended Deeds of Dedication

The Fox Pointe Addition is located east of the northeast corner of East 91st Street and South Yale. PUD 354 has RM-1 underlying zoning and has been approved for zero lot line patio homes type development, and also for office uses in the southwest part of the Addition. The applicant is requesting a minor amendment for Lot 8, Block 4, under which a line 3.5' north and parallel with the south line of said lot be considered the zero lot line and that windows be permitted to penetrate the wall on the relocated lot line. The submitted plot plan indicates that a 10' setback from the north property line will be maintained. All other building setbacks will be met as required by PUD 354.

A similar application, PUD 354-4, was approved by the TMAPC on 2/11/87, which addressed Lots 6 and 14 of Block 4. The current application has been filed to allow the dwelling unit on Lot 8 to be built 3.5' north of the platted zero lot line on Lot 8. Notice of this application has been given. Similar language is included in the language of the approved Deeds of Dedication for the Fox Pointe Addition as it applies to Lot 7, Block 8; this language is required by an existing 10' drainage easement along what would normally have been the zero lot line for Lot 7. Granting the present request will facilitate future construction on Lot 7, and make the buildable areas of said lot 3.5' wider while maintaining the minimum 10' separation between buildings on Lots 7 and 8 as required by PUD 354.

Therefore, Staff recommends **APPROVAL** of the Minor Amendment and Amended Deeds of Dedication per 354-5 as follows:

- 1) Subject to the submitted plot plans.
- 2) Subject to approval of the submitted Amended Deeds of Dedication by the City Legal Staff, TMAPC, and filing of said documents of record in the County Clerk's Office.
- 3) That the proposed changes be in compliance with all other applicable codes of the City of Tulsa, including, but not limited to, the Building Code.

TMAPC ACTION: 7 members present

On **MOTION** of **KEMPE**, the TMAPC voted **7-0-0** (Carnes, Doherty, Draughon, Kempe, Paddock, Parmele, VanFossen, "aye"; no "nays"; no "abstentions"; Crawford, Rice, Wilson, Woodard, "absent") to **APPROVE** the **Minor Amendment and Amended Deeds of Dedication**, as recommended by Staff.

* * * * *

PUD 405-2: SW/c of East 91st Street & South Memorial Drive; Lot 3, Block 2,
9100 Memorial Addition

Staff Recommendation: Minor Amendment and Amended Detail Sign Plan

The subject tract is located at the southwest corner of East 91st Street South and South Memorial Drive and is platted as Lot 3, Block 2, 9100 Memorial Addition. The tract has an area of .77 acres and has been approved for a gasoline service station and related uses. The subject tract received Detail Site Plan, Detail Landscape Plan and Detail Sign Plan approval on March 18, 1987. The applicant is now requesting a Minor Amendment and to amend the Detail Sign Plan by switching the location of a monument sign and pole sign and reducing the square footage.

Review of the applicant's plans indicate a monument sign to be located at the southwest corner of the intersection as well as to the south at the South Memorial entrance. The applicant has relocated the pole sign with reader board from the corner to the East 91st Street entrance. All square footages of signs are within the permitted size by the PUD. The applicant also shows a flag pole, 30 feet in height, located at the corner of the intersection. Staff finds the request to be consistent with the original PUD and compatible with existing signage in the area.

Therefore, Staff recommends **APPROVAL** of the Minor Amendment and Amended Detail Sign Plan per the applicant's submitted plans and elevations and subject to the applicant coordinating the exact location of the various signs on utility easements prior to construction with the various utilities.

TMAPC ACTION: 7 members present

On **MOTION** of **CARNES**, the TMAPC voted **7-0-0** (Carnes, Doherty, Draughon, Kempe, Paddock, Parmele, VanFossen, "aye"; no "nays"; no "abstentions"; Crawford, Rice, Wilson, Woodard, "absent") to **APPROVE** the **Minor Amendment and Amended Detail Sign Plan for PUD 405-2**, as recommended by Staff.

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

Date Approved Dec 9 1987
Rust J. [Signature]
Chairman

ATTEST:
[Signature]
Secretary