

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1695
Wednesday, **May 4, 1988**, 1:30 p.m.
City Commission Room, Plaza Level, Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Carnes	Harris	Frank	Linker, Legal
Coutant, Secretary	Randle	Gardner	Counsel
Doherty		Lasker	
Draughon		Setters	
Kempe, Chairman		Wilmoth	
Paddock, 2nd Vice-Chairman			
Parmeale, 1st Vice-Chairman			
Wilson			
Woodard			

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, May 3, 1988 at 10:30 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Kempe called the meeting to order at 1:33 p.m.

MINUTES:

Approval of the Minutes of April 20, 1988, Meeting #1693:

On **MOTION** of **DOHERTY**, the TMAPC voted **9-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Randle, "absent") to **APPROVE** the **Minutes of April 20, 1988, Meeting #1693**.

REPORTS:

Chairman's Report:

Chairman Kempe advised receipt of a letter from Ms. Shirley Hoppes of the Mid-Tulsa Neighborhood Association regarding suggestions for "zoning ordinance changes or sexually-oriented businesses for the City of Tulsa". The letter was addressed to Mayor Randle with copies forwarded to the City Commissioners and the TMAPC.

Committee Reports:

Mr. Paddock advised the **Rules & Regulations Committee** had met this date to review the finalized language for the proposed amendments to the Zoning Codes as relates to the spacing of sexually-oriented businesses. He stated the Committee also continued their discussion and review of the proposed amendments regarding manufactured housing. Mr. Paddock moved to approve the final language of the amendments to the Zoning Codes, as modified by Legal Counsel, pertaining to spacing requirements for sexually-oriented businesses.

TMAPC ACTION: 9 members present

On **MOTION** of **PADDOCK**, the TMAPC voted **9-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Randle, "absent") to **APPROVE** the **Amendments to the Tulsa City and County Zoning Codes, Section 750.2**, establishing spacing requirements for sexually-oriented businesses, as recommended by the Legal Department, as follows:

"750.2 Prohibition

No person shall exercise supervisory control, manage, operate, cause the establishment or permit the establishment of any of the sexually-oriented businesses as defined in Section 750.1, in an area zoned other than CS, CG, CH, and/or CBD. (*) In addition, no person shall exercise supervisory control, manage, operate, cause the establishment or permit the establishment of any of the sexually-oriented businesses, as defined in Section 750.1, to be located closer than:

- A. **1,000 feet from any other sexually-oriented business.** The 1,000 feet shall be measured in a straight line from the nearest point of the exterior wall of a building or portion of a building in which a sexually-oriented business is conducted, to the nearest point of the exterior wall of a building or portion of a building in which another sexually-oriented business is conducted;
- B. **500 feet from a church.** Church as used herein shall mean all contiguous property owned or leased by a church upon which is located the principal church building or structure irrespective of any interior lot lines. The 500 feet shall be measured in a straight line from the nearest point of the exterior wall of the building or portion of the building in which a sexually-oriented business is conducted to the nearest point on the property of the church. Provided, however, for a church use located in a building principally used for commercial or office purposes (as in a shopping center), the 500 feet shall be measured to the nearest exterior building wall of the portion of the building used for church purposes;

Committee Reports - Cont'd

- C. **500 feet from a school** of the type which offers a compulsory education curriculum. School as used herein shall mean all contiguous property owned or leased by a school upon which is located the principal school building(s) irrespective of any interior lot lines. The 500 feet shall be measured in a straight line from the nearest point of the exterior wall of the building or portion of the building in which a sexually-oriented business is conducted to the nearest point on the property of the school;
- D. **500 feet from a public park.** Public park as used herein shall mean a publically owned property designated and used for recreational activities. The 500 feet shall be measured in a straight line from the nearest point of the exterior wall of the building or portion of the building in which a sexually-oriented business is conducted to the nearest point on the property of the public park; and
- E. **300 feet from areas zoned residential.** The 300 feet shall be measured in a straight line from the nearest point of the exterior wall of a building or portion of a building in which a sexually-oriented business is conducted, to the nearest point on a Residential Zoning District boundary line; provided, however, the sexually-oriented business shall not be required to be located 300' from expressway right-of-way zoned in a residential classification. (**)

Provided further that the Board of Adjustment may permit by special exception sexually-oriented businesses, as defined in Section 750.1 in an IL, IM or IH District, subject to the distance limitations set forth herein.

The establishment of a sexually-oriented business shall include the opening of such business as a new business, the relocation of such business, the enlargement of such business in either scope or area, or the conversion of an existing business location to any of the uses described in Section 750.1."

* For County Zoning Code, delete reference to CBD.

** Distances in Paragraph E of the County Zoning Code were adopted at 500', not 300'. The measurement criteria remains the same.

Committee Reports - Cont'd

Mr. Parmele advised of a work session scheduled this date with the joint Committees of the TMAPC, as requested by the **Budget & Work Program Committee (BWP)**. He commented the BWP would have a follow up meeting on May 11th.

Director's Report:

Mr. Jerry Lasker advised of a Fixed Guideway Study underway to review mass transit in this area, and stated the group conducting the Study would be in Tulsa next week. Mr. Lasker commented he has asked this group to brief the TMAPC as to how the study could impact planning. Therefore, the group was interested in obtaining input from the TMAPC. The consensus of the Commission was to place this item on the May 11th TMAPC agenda.

RESOLUTION(S):

Resolution No. 1693:663

Amending the **Subdivision Regulations** pertaining to sewage disposal and water supply, lot splits and health department requirements for subdivisions.

Resolution No. 1692:661

Amending the **District 8** Comprehensive Plan Map and Text pertaining to changes resulting from the Arkansas River Task Force report and related changes.

Resolution No. 1692:662

Amending the **District 11** Comprehensive Plan Map and Text changing the boundaries.

TMAPC ACTION: 9 members present

On **MOTION** of **PARMELE**, the TMAPC voted **9-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Randle, "absent") to **APPROVE** Resolution No. 1693:663, Resolution No. 1692:661 and Resolution No. 1692:662, as recommended by Staff and as described above.

CONTINUANCE(S):

Z-6180 Jones SE/c of the proposed Riverside Pkwy & East 91st St. (OL to CS)

Z-6178 & PUD 306-B Jones (Grupe Development) NE/c & SE/c of East 95th Street
and South Delaware (RS-3 to CS)

Z-6185 Norman (Elson Oil Co.) NW/c of South Delaware & East 95th Street
(Jenks Bridge) AG to CS

Comments & Discussion:

Mr. Gardner commented that the reason these applications were being continued once again was due to the final disposition of the alignment of the Riverside Parkway extension in conjunction with the 96th Street expressway. He added that the engineering firm has now released this information to Commissioner Metcalfe, and once the right-of-way costs are agreed upon, these applicants can proceed with their planning. Therefore, he suggested a two week continuance instead of the customary four weeks.

TMAPC ACTION: 9 members present

On **MOTION** of **PARMELE**, the TMAPC voted **9-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Parmele, Paddock, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Randle, "absent") to **CONTINUE Consideration of the Above Listed Zoning/PUD Applications** until Wednesday, **May 18, 1988** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

SUBDIVISIONS:

PRELIMINARY PLAT:

Forest Park South 2nd (2783) East 104th & South Sheridan Road (RS-2)

This plat has a sketch plat approval on 1/14/88, subject to conditions. It should be noted that this plat will be connected to the sanitary sewer system, so the special conditions relating to septic systems is no longer applicable. A copy of the minutes of 1/14/88 was provided with staff comments in the margin.

The Staff presented the plat with the applicant represented by E. C. Summers and E. O. Sumner.

The TAC voted unanimously to recommend **approval** of the PRELIMINARY plat of Forest Park South 2nd, subject to the following conditions:

Forest Park South 2nd - Cont'd

1. 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. Show 17.5' utility easement parallel to South Sheridan. (Other easements required for storm and sanitary sewers.)
2. Water plans shall be approved by the Water and Sewer Department prior to release of final plat. Include language for Water and Sewer facilities in covenants.
3. 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).
4. A request for creation of a Sewer Improvement District shall be submitted to the Water and Sewer Department prior to release of final plat.
5. Paving and/or drainage plans shall be approved by Stormwater Management and/or City Engineer, including storm drainage, detention design and Watershed Development Permit application subject to criteria approved by City Commission.
6. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer.
7. Add the following to Section II of the Covenants: "LANDSCAPE/PAVING REPAIR: THE OWNER SHALL BE RESPONSIBLE FOR THE REPAIR AND REPLACEMENT OF ANY LANDSCAPING AND PAVING LOCATED WITHIN THE UTILITY EASEMENTS IN THE EVENT IT IS NECESSARY TO REPAIR ANY UNDERGROUND WATER OR SEWER MAINS, ELECTRIC, NATURAL GAS, COMMUNICATIONS OR TELEPHONE SERVICE.
8. 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.
9. All (other) Subdivision Regulations shall be met prior to release of final plat.

Comments & Discussion:

In response to Mr. Paddock, Mr. Wilmoth confirmed this subdivision would be sewerred and not on septic tanks.

TMAPC ACTION: 9 members present

On **MOTION** of **PARMELE**, the TMAPC voted **9-0-0** (Carnes, Coutant, Doherty, Draughton, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Randle, "absent") to **APPROVE** the **Preliminary Plat for Forest Park South 2nd**, subject to the conditions as recommended by the TAC and Staff.

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Chartwell Place (PUD 388)(683) NW/c of 71st and Trenton (CS, OM, OL)

On **MOTION** of **DOHERTY**, the TMAPC voted **9-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Randle, "absent") to **CONTINUE Consideration of the Preliminary Plat for Chartwell Place** until Wednesday, **May 18, 1988** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

* * * * *

7000 Riverside Drive (182) NW/c of Peoria & Riverside Drive (CH, CS)

All of this plat except a small triangle at the northwest corner is zoned CH by application Z-849, 4/25/58, Ordinance #8441, Study Area #12, and is not "subject to plat" by zoning. The small triangle of CS (portions of Lots 10 - 13) was zoned by Z-4937 on 2/8/77 and is subject to a plat. Since the total number of lots being created still classifies this as a "subdivision", it is being platted as a commercial subdivision. No setbacks are required in the CH district, so the building lines as shown are volunteered. The building lines on Lots 10-13 are under application to the Board of Adjustment to approve a variance from 50' as required to the 25' as shown (Case #14825, pending 5/19/88).

The Staff presented the plat with the applicant represented by Jack Cox.

Traffic Engineering noted for the record, but not a condition of approval, that there are three options for the access at the northwest corner of the plat to Riverside: (1) A fully dedicated street; (2) a mutual access agreement with this owner and the abutting owner to the north; or (3) private access as shown on the plat.

The TAC voted unanimously to recommend **approval** of the PRELIMINARY plat of 7000 Riverside Drive, subject to the following conditions:

1. Final plat shall not be released until approval of the Board of Adjustment for the lot frontage and setback. (Staff recommends approval as submitted, since this does not create any more access points on the arterial street and the lots actually face the interior private street.)
2. The Private Street should also include provision that it is a utility easement.
3. Include brief legal under title block. Show a graphic scale.
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. Include language for Water and Sewer facilities in covenants.

7000 Riverside Drive - Cont'd

6. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owner(s) of the lot(s).
7. A request for creation of a Sewer Improvement District shall be submitted to the Water and Sewer Department prior to release of final plat.
8. Paving and/or drainage plans shall be approved by Stormwater Management and/or City Engineer, including storm drainage, detention design and Watershed Development Permit application subject to criteria approved by City Commission (100 year capacity storm sewer to Arkansas River).
9. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer.
10. It is recommended that the developer coordinate with Traffic Engineer during the early stages of street construction concerning the ordering, purchase, and installation of street marker signs. (Advisory, not a condition for release of plat.)
11. Limits of Access or (LNA) shall be approved by Traffic Engineer. Show as recommended by Traffic Engineer. Encourage use of mutual access along lots on South Peoria.
12. 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.
13. A "Letter of Assurance" regarding installation of improvements shall be submitted prior to release of final plat, including documents required under Section 3.6-5 of Subdivision Regulations.
14. All (other) Subdivision Regulations shall be met prior to release of final plat.

Comments & Discussion:

Mr. Coutant advised that, due to a conflict of interest, he would be abstaining on this case.

TMAPC ACTION: 9 members present

On MOTION of PARMELE, the TMAPC voted 7-0-2 (Carnes, Doherty, Draughton, Kempe, Paddock, Parmele, Woodard, "aye"; no "nays"; Coutant, Wilson, "abstaining"; Harris, Randle, "absent") to APPROVE the Preliminary Plat for 7000 Riverside Drive, as recommended by Staff.

FINAL PLAT APPROVAL & RELEASE:

Fox Pointe Amended (PUD 354-6)(1583) East 91st Street & South Canton (RM-1)
(Approval of Amendment to the Deeds of Dedication)

On **MOTION** of **DOHERTY**, the TMAPC voted **9-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Randle, "absent") to **APPROVE** the Final Plat of Fox Pointe Amended and release same as having met all conditions of approval, and **APPROVE** the Amendment to the Deeds of Dedication as recommended by Staff.

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Owasso Assembly of God (2114) South of East 96th & North 129th East Ave (AG)

Eastland Hills Christian Church (1094) 1700 Blk of South 145th East Ave (RS-3)

On **MOTION** of **PARMELE**, the TMAPC voted **9-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Randle, "absent") to **APPROVE** the Final Plat of Owasso Assembly of God and Eastland Hills Christian Church, and release same as having met all conditions of approval.

REQUEST FOR WAIVER (Section 260):

Z-5282 (Unplatted)(3214) 7200 Block of North Mingo Valley Expressway (IL)

This is a request to waive plat only on a 20' x 50' strip of land containing an outdoor advertising sign. The overall tract along the expressway is about one-half mile long and under more than one ownership. The TMAPC recently waived the plat requirement on a small tract north of 69th Street for expansion of an existing warehouse. In this case, the applicant is only doing maintenance and replacement work on the existing outdoor sign. Since the waiver request includes only the sign plus some working area around it, Staff recommends APPROVAL as submitted, noting the remainder of the tract is still subject to platting.

TMAPC ACTION: 9 members present

On **MOTION** of **DOHERTY**, the TMAPC voted **9-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Randle, "absent") to **APPROVE** the **Waiver Request for Z-5282 Unplatted**, as recommended by Staff.

LOT SPLITS FOR WAIVER:

L-17015 Morgan (1793)

2450 East 24th Street

(RS-2)

The following is from the TAC minutes of 4/14/88:

This is a request to split a 200' x 210' tract into four separate lots. While all the proposed lots exceed the minimum lot area required in the RS-2 District, the north three lots are below the minimum land area requirements and only the south lot has frontage on a dedicated street (24th Street). This lot split will require several variances from the City Board of Adjustment, including land area, lot width, and frontage.

The Staff advised that this approval would be subject to the following conditions:

1. Approval from the Water and Sewer Department for extension of water and sewer lines (6" water line required).
2. Any additional utility easements that may be required for the extensions.
3. That a mutual access and utility easement be filed of record at the Courthouse and a copy of that document kept in the lot split file.
4. Approval from the City Board of Adjustment for Case #14801 on 4/21/88.

Staff advised also that should the applicant reduce the total proposed lots to three instead of four, he probably could meet all of the zoning requirements except one, that being the frontage requirement. If a redesign is submitted, the TAC may want to look at it prior to submission to the Planning Commission.

Traffic Engineering recommended a dedicated turnaround, which would make a redesign necessary. A drainage plan will be required by Stormwater Management.

Since the applicant was not represented, and the recommended changes will require a redesign, the TAC felt this item should be tabled until the developer can study the recommendation and make the necessary changes.

Mr. H. Dickson was present as a neighbor and interested party.

The TAC voted unanimously to **TABLE** L-17015, pending design changes as recommended.

The applicant was not present at the 4/20/88 TMAPC hearing, so the Commission continued the application for two weeks to 5/4/88. In the meantime, the Board of Adjustment DID hear the application since the applicant WAS present as well as protestants. The Board of Adjustment approved the variances, conditioned upon returning to the Board 5/5/88 with specific guidelines for the development of the tract. The applicant was present at the TAC meeting 4/28/88, represented by Jack Arnold. A revised plot plan was submitted at the TAC meeting that date.

Staff inquired of Traffic Engineering if the turn-a-round was to be dedicated or private. Traffic Engineering had no problem with turn-a-round as shown as long as there were written or recorded provision it was a mutual access and the public could use it to turn around. (It would not have to be a standard dedicated cul-de-sac.)

In discussion there was no objection to the concept, but it would be subject to certain restrictions as listed in the motion.

The TAC voted unanimously to recommend **approval** of the L-17015 on 4/28/88, subject to the following conditions:

1. Water and sewer line extensions required (6" water line). Easements 20' in width for water line or as recommended by Water and Sewer Department.)
2. Provisions for access, as well as utility use, to be included in the development standards required by the Board of Adjustment.
3. Release letters will be required from each department or agency prior to release of deeds.

TMAPC Comments & Discussion:

Mr. Paddock inquired of Legal Counsel as to how the BOA could proceed on lot splits before TMAPC action. He stated that this seemed to happen one way one time, and a different way another time. Mr. Linker advised that the the reason for this was that there was no requirement to waiver; therefore, either the BOA or the TMAPC could act first. Mr. Linker commented that the usual procedure has been to come before the TMAPC first, but he reiterated that he was not aware of any formal procedure on this. In further response to Mr. Paddock, Mr. Gardner stated that this particular item was scheduled to be heard by the TMAPC before going to the BOA, and the TMAPC continued the application; therefore, it ended up at the BOA. As the BOA had a room full of interested parties, both for and against the application, they decided to proceed with hearing the case, making their approval subject to the TMAPC action. Mr. Gardner advised that the TMAPC held the key in that, should the TMAPC deny the application, then the BOA action would have no bearing.

Mr. Doherty inquired if these proposed lots would be the smallest lots between 23rd and 25th Streets, east of Lewis. Mr. Wilmoth commented that there were some lots along Birmingham Avenue that might be comparable size, and he pointed out that the lots had more than 9,000 square feet net area. Mr. Gardner added that it was true that these were the smallest fronting 24th Street, but noted that even though this was under RS-2 zoning, the lots on either side of the proposed development were closer to RS-1 standards except for the frontage.

Interested Parties:

Mr. Jack Arnold, Architectural Resources, and Mr. John Woolman of Woolman Properties represented the applicant. They explained the configuration proposed for this development and answered Mr. Doherty's questions as to placement of the houses which will face each other.

Mr. Bob Nichols (111 West 3rd Street) appeared on behalf of some of the residents on 24th Street protesting this application. Mr. Nichols commented he was retained for this case after it went before the BOA. As a zoning attorney, Mr. Nichols advised he was very familiar with the PUD process, and he felt this application was attempting to circumvent provisions of the Zoning Code and appeared to be using the variance procedures through the BOA to get a "back door PUD". Mr. Nichols commented on the danger of not having the development standards, site plans, restrictive covenants, etc. in place through a PUD to assure the property owners that what was presented to them would, in fact, be built. He added that, even if this was presented as a PUD, he felt it was truly a rezoning issue, as the maximum number of lots permitted under RS-2 zoning would be three lots. Mr. Nichols submitted a site plan commissioned by the interested parties which illustrated a three lot configuration, which would not require TMAPC approval and/or BOA approval for a variance for lot sizes. Mr. Parmele pointed out that the Staff recommendation indicated they had advised the applicant of zoning conformance with a three lot proposal.

Mr. Nichols advised that his clients have filed an appeal to the decision of the BOA on their granting of a variance.

Mr. Paddock inquired of Mr. Wilmoth as to the Staff recommendation advising of three lots instead of four lots, and it appeared to him that the BOA took action before they should have, as the matter should have come to the TMAPC first. Mr. Wilmoth confirmed Staff's recommendation for a three lot configuration, and added that Staff's main concern was with Traffic Engineering. However, since the Traffic Engineer did not require a dedicated turnaround, this area was still included in the lot areas. Mr. Wilmoth clarified that the BOA had placed conditions that, essentially, were similar to the requirements of a PUD in that they were requiring development standards.

Mr. Parmele asked Mr. Arnold if they had considered the possibility of a three lot configuration. Mr. Arnold confirmed they had tried the three lots, but that they stayed with the four lots for financial reasons. He confirmed that they had agreed with the BOA to submit development standards as though this was a PUD. Mr. Parmele stated curiosity as to why the applicant didn't just apply for a PUD, and he had trouble approving an application "carte blanche", without knowing what the BOA might do.

Chairman Kempe commented that the feeling of the Commission appeared to agree with the thought that this was more appropriately a PUD than a lot split. Mr. Doherty confirmed his feelings for a PUD and that his personal thought was that the BOA was not in the PUD business, as this was more under the province of the TMAPC to review the development standards.

Mr. Arnold reiterated that the applicant from the beginning had approached this as a lot split, and considering the time element involved, they proceeded with the lot split. Mr. Woolman commented as to the economic impact of getting a PUD filed on small tracts of land such as this for in-fill developments, i.e. one acre or less. Mr. Woolman advised that this project has been discussed with the property owners at four different neighborhood developments and was not being "railroaded" through the process.

Mr. Doherty inquired of Staff, if this application was meeting the standards of a PUD concept, what additional expense would the developer have in filing a PUD. Mr. Gardner explained that the fee would be approximately \$400. However, the impact comes from the procedure associated with a PUD in that it involved a 90 day time element, a subdivision plat versus a lot split, engineering and other fees. Staff continued discussions as to the elements involved in filing a PUD application, processing the development standards, the various fees involved for platting, engineering, etc., i.e. \$50 for a lot split waiver versus several thousand dollars for the PUD process.

Mr. Gardner pointed out that the issue before the Commission was not whether or not they file a PUD, but whether the Commission would even support a four lot configuration if a PUD was filed. He noted the applicant had already stated they could not go with three lots; therefore, the issue was the four lots.

Mr. Coutant requested Mr. Woolman to address the issue of the costs of a PUD versus the costs of a lot split waiver. Mr. Woolman reiterated the applicant has drawn up development standards and covenants for the four lot configuration lot split in an effort to follow the PUD concept, and was done in order to maintain reasonable costs and not done to circumvent the Code provisions. Mr. Woolman agreed with Mr. Wilmoth's estimate that the costs would be approximately \$30,000 - \$40,000 for engineering and platting fees involved with a PUD.

In response to Mr. Paddock, Mr. Nichols advised he was representing three homeowners residing west of the subject tract and east of Lewis. Mr. Nichols pointed out this his concern was that, without a PUD, there were several elements that could not be guaranteed and/or enforced, such as a plot plan, design concept, the restrictive covenants, etc. He added that the applicant could not come to the TMAPC with just a PUD, but they would also have to rezone a portion of the property to RS-3 in order to get more lots, which raised a density issue. Ms. Wilson asked Mr. Nichols if, philosophically, he viewed this more as a subdivision within a subdivision? Mr. Nichols replied that he was a little uncomfortable answering this as he was appearing as a protestant, but he guessed it might be considered as such, but he looked at it as a replat of one lot. In response to Mr. Paddock, Mr. Nichols agreed this was involved more than a lot split as the applicant was increasing the density 25% without having to rezone, publish as an increase, etc.

Mr. Gardner reiterated, in reply to Mr. Draughon, the sequence of events as to why this went to the BOA before the TMAPC. Mr. Draughon inquired if the Legal Department should possibly consider establishing a policy that cases such as these not go to the BOA before the TMAPC hearing. Mr. Gardner commented that, in this instance, the BOA had a room full of people to consider, and they chose to hear the case rather than ask all those in attendance to leave and come back at a later time, but they conditioned their approval upon TMAPC approval of the application. Mr. Doherty asked Mr. Gardner what his recommendation might have been if this had been presented as a PUD with regard strictly to the number of lots, without any of the other conditions. Mr. Gardner stated it would probably have been supportive if the standards were appropriate.

Mr. Paddock stated this application reminded him of other instances where the issue was a matter of density, and where some Commissioners took the position of not approving a lot split unless it met the required standards of the applicable RS zoning. For this reason, Mr. Paddock stated he would be voting to deny this application. In reply to Chairman Kempe, Mr. Wilmoth clarified the waiver request involved the lot width (from 75' to 68'), the frontage on a dedicated street, and the land area per unit (a shortage of 240 square feet over the entire project).

Ms. Wilson commented that she felt one of the key factors was the 25% increase in density in an RS zoned area; therefore, she moved for denial of the waiver. Mr. Coutant referred to Section 205 of the Zoning Code, and asked Legal Counsel if his interpretation was correct that this section suggested the TMAPC did not have the authority to approve a lot split that resulted in lots smaller than required by the underlying zoning, regardless of the BOA action. Mr. Linker answered in the affirmative, and he added that if the applicant complies with getting BOA approval, then they comply with Section 205.

Chairman Kempe noted there were a few interested parties indicating they wished to address the Commission at this point. However, she remarked that she would not call on them as the Commission had already heard from the applicant and the attorney for the protestants. Further, a motion had been made and seconded and was pending on the floor. Mr. Parmele called for the question, which required a second, and one was obtained. Therefore, the Commission proceed with the vote on calling for the question (original motion for denial).

TMAPC ACTION: 9 members present

On **MOTION** of **PARMELE**, the TMAPC voted **4-5-0** (Carnes, Draughon, Parmele, Woodard, "aye"; Coutant, Doherty, Kempe, Paddock, Wilson, "nay"; no "abstentions"; Harris, Randle, "absent") to **PROCEED** with the voting on the original motion for denial, and close the TMAPC review session.

Chairman Kempe advised there was not the required two-thirds affirmative vote, so the motion fails. Therefore, the review session continued. Mr. Doherty commented that he did not feel this involved a true 25% increase in the density and based on the BOA approval, he would, therefore, vote against the motion to deny.

L-17015 Morgan - Cont'd

Chairman Kempe further explained for the interested parties that she had called for those wishing to speak at the onset of this case and no one had signed in; therefore, the TMAPC would proceed with the vote on the motion for denial.

TMAPC ACTION: 9 members present

On **MOTION** of **WILSON**, the TMAPC voted **8-1-0** (Carnes, Coutant, Draughon, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; Doherty, "nay"; no "abstentions"; Harris, Randle, "absent") to **DENY** the **Lot Split Waiver** for **L-17015 Morgan**.

LOT SPLITS FOR DISCUSSION:

L-17003 Hellard (2602) South of the SE/c of Woodrow Pl & Victoria St (RS-2)

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 owner(s). Deeds for such lot splits shall not be stamped or released until the TMAPC has approved said lot split in a public hearing. Staff noted that the sole purpose of this split is to exchange a small strip of land between the two property owners in order to correct encroaching improvements, i.e. fence/retaining wall, etc. No new building lots are created. Therefore, Staff recommends **APPROVAL** on this application.

TMAPC ACTION: 9 members present

On **MOTION** of **PARMELE**, the TMAPC voted **8-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Paddock, Parmele, Wilson, "aye"; no "nays"; no "abstentions"; Harris, Randle, Woodard, "absent") to **APPROVE** the **Lot Split** for **L-17003 Hellard**, as recommended by Staff.

LOT SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-17029 (1893) White	L-17036 (994) City of Tulsa
L-17031 (1274) Woodard	L-17037 (883) Lee
L-17032 (1292) Williamson	L-17038 (794) Hunter
L-17034 (2502) Francis	

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Paddock, Parmele, Wilson, "aye"; no "nays"; no "abstentions"; Harris, Randle, Woodard, "absent") to **APPROVE** the Above Listed Lot Splits for Ratification of Prior Approval, as recommended by Staff.

OTHER BUSINESS:

Z-6010-SP-3: West of the NW/c of East 51st Street & South 129th East Avenue

Staff Recommendation: Corridor Sign Plan

The subject tract is the site of the Regional Headquarters for State Farm Insurance and is located west of the northwest corner of East 51st Street and South 129th East Avenue. The applicant is requesting TMAPC approval of a temporary construction sign which meets all display surface area requirements of the Corridor Chapter of the City of Tulsa Zoning Code.

Therefore, Staff recommends **APPROVAL** of Z-6010-SP-3 Corridor Sign Plan per the submitted plans for a temporary construction sign.

TMAPC ACTION: 9 members present

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Paddock, Parmele, Wilson, "aye"; no "nays"; no "abstentions"; Harris, Randle, Woodard, "absent") to **APPROVE** the **Corridor Sign Plan for Z-6010-SP-3**, as recommended by Staff.

There being no further business, the Chairman declared the meeting adjourned at 2:43 p.m.

Date Approved

May 18, 1988

Cherry Kempe
Chairman

ATTEST:

Kevin C. Coutant

Secretary