

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1703
Wednesday, July 6, 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			
Selph, County Designee			
Wilson			
Woodard			

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, July 5, 1988 at 11:05 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 1:34 p.m.

MINUTES:

Approval of the Minutes of July 15 & July 22, 1988, Meeting #1701 & #1702:

On **MOTION** of **CARNES**, the TMAPC voted **8-0-2** (Carnes, Coutant, Doherty, Draughon, Kempe, Parmele, Wilson, Woodard, "aye"; no "nays"; Paddock, Selph, "abstaining"; Harris, Randle, "absent") to **APPROVE** the **Minutes of July 15 & 22, 1988, Meeting #1701 & #1702, respectively.**

REPORTS:

Chairman's Reports:

Chairman Kempe asked Mr. Gardner to comment on the possibility of the July 13th meeting being cancelled. Mr. Gardner advised there was only one minor amendment item, and suggested that the TMAPC instruct Staff to post a notice that there would be no meeting due to lack of business items. Hearing no objection from the Commission, Chairman Kempe advised there would be no TMAPC meeting July 13, 1988 and asked Staff to post the proper notice.

Committee Reports:

Mr. Paddock advised the Rules & Regulations Committee had met this date to discuss House Bill 1828, amending the powers of the BOA, and to consider a proposed draft of related amendment to Chapter 16 of the City's Zoning Code. He announced the R & R Committee would be meeting on July 20th to discuss Zoning Code amendments relating to wild and exotic animals, and would also review the final draft of the amendments to Chapter 16 as discussed at today's meeting. Mr. Paddock also advised the R & R Committee would be meeting on August 3rd to review the final draft of amendments relating to manufactured housing.

Director's Report:

Mr. Jerry Lasker stated INCOG was developing a schedule for the new work program Staff assignments. He commented that INCOG will be providing a new service this fiscal year, as they were now tied in with the County Assessor's computer and could, therefore, generate the names of those within the 300' notification area for zoning and BOA cases.

Mr. Lasker advised that House Bill 1051, if it had passed in the Legislature, would have extended the extra territorial jurisdiction of the cities. This annexation bill had a clause stating that, if passed, then any cities over 70,000 exercising that jurisdiction, would have their Metropolitan Planning Commission abolished. Mr. Lasker advised that he contacted Chairman Kempe regarding this bill, and upon further investigation, found out that the bill only applied to Comanche County. Therefore, it would not have affected the TMAPC. In reply to Commissioner Selph as to why the bill applied only to Comanche County, Mr. Lasker stated that the bill identified a particular section number under which the Planning Commission was established, and that section number was a different section than that which established the Tulsa Metropolitan Area Planning Commission. He added that he did follow up on this through the Oklahoma Municipal League (OML), and that the City Attorney's office was aware of the provision and had assured the OML that it would not affect Tulsa.

SUBDIVISIONS:

PRELIMINARY PLAT APPROVAL:

Chartwell Place (PUD 388)(683) NW/c of East 71st & South Trenton (CS, OM, OL)
(Continued from 6/22/88)

Mr. Wilmoth advised this item was to be stricken. After obtaining confirmation from the applicant and hearing no objection from the Commission, Chairman Kempe declared this item be stricken from the agenda.

* * * * *

Edison Township (2993) East 44th Place & South Evanston Avenue (RS-1)

This property was reviewed by the TAC on 3/10/88 as PUD #436, and a sketch plat approval made, subject to conditions as listed in the minutes of that date. Subsequently, the PUD was denied so the plat is being resubmitted solely as a plat and NOT as a PUD.

The Staff presented the plat with the applicant represented by Phil Smith and Adrian Smith.

In discussion of the waivers involved, Traffic and City Engineering would rather see a waiver of the zoning setbacks and areas of the lots instead of a waiver of the right-of-way width.

The TAC voted unanimously to recommend **APPROVAL** of the **preliminary plat** of Edison Township, subject to the following conditions:

1. Although all of the lots meet the minimum 13,500 sf lot area, some do not meet the minimum 16,000 sf land area. There is more than adequate land area in the total development, but since this is NOT a PUD, the requirements must be considered on a lot by lot basis. Board of Adjustment approval would be required to waive this portion of the Zoning Code. TAC had no objections to this waiver.
2. Lot 5 shows a 25' building line, whereas a 35' building line is required. Board of Adjustment approval would be required to waive this portion of the Zoning Code, with no objections by TAC.
3. The property line radius at the end of the cul-de-sac is 40', whereby the Subdivision Regulations required 50' radius. An additional 10' is being provided as a utility easement and a street easement to enable the paving width to still meet the standard requirements. A waiver of the Subdivision Regulations is required. TAC recommends a 50' property line radius be retained with the waiver being lot area.
4. Staff has no objection to the 1" = 40' scale. However, this does require a waiver of the Subdivision Regulations, and same is recommended.

Edison Township - Cont'd

5. Final plat shall not be released until Board of Adjustment approval is granted or lot sizes meet the Zoning Code (#1 & #2 above).
6. Show a 35' building line parallel to East 44th Place on Lots 1 through 4.
7. 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.
8. 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.
9. 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).
10. A request for creation of a Sewer Improvement District shall be submitted to the Water and Sewer Department prior to release of final plat.
11. 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. (On-site detention to be provided. Designate "Reserve A" also as "Stormwater Detention Area".)
12. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer.
13. 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.)
14. 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.
15. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
16. 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.
17. All (other) Subdivision Regulations shall be met prior to release of final plat.

Edison Township - Cont'd

Comments & Discussion:

Mr. Wilmoth advised that a new 12 lot plat had been submitted so conditions 1, 2 and 5 were no longer applicable and could, therefore, be deleted. He pointed out that conditions 3 and 4 were the only two waivers being requested, and Staff had no objection. Mr. Wilmoth stated the TAC had not formally reviewed this 12 lot configuration; therefore, he suggested the preliminary approval be subject to TAC review prior to final approval and release.

Noting there were no interested parties in attendance, Mr. Parmele made a motion for approval of the preliminary plat, subject to the revised conditions and with a waiver of the Subdivision Regulations for conditions 3 and 4, as requested by the applicant.

TMAPC ACTION: 10 members present

On **MOTION** of **PARMELE**, the TMAPC voted **10-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Randle, "absent") to **APPROVE** the **Preliminary Plat for Edison Township**, subject to the revised conditions (delete #1, #2 and #5), Waiver of the Subdivision Regulations for conditions #3 and #4, with TAC review of the 12 lot configuration prior to final approval and release, as recommended by Staff.

PRELIMINARY AND FINAL PLAT APPROVAL (RELEASE AND REINSTATEMENT):

Forest Park Patio Homes (PUD 139)(3692) E. 57th Pl. & S. Owasso Ave. (RM-1)

This plat has been processed numerous times, as follows:

11/14/80	TAC review
12/10/80	TMAPC Approval preliminary plat
04/22/81	TMAPC approval final plat/released.
04/22/82	Plat approval expired before plat was filed of record.
08/15/85	TAC review of same plat as previously reviewed.
08/21/85	TMAPC approval, preliminary, final, released.
08/21/86	TMAPC approval expired before plat was filed of record.

The current application is identical to the previous plats, which had actually been signed by Planning Commission and City Commission and was ready to file. All buildings are already built and the plat will only serve to place each building on its own lot. No physical changes will be made. No changes in the PUD are necessary. This tract has been through an ownership change and/or foreclosures, this being the reason it had not been filed of record previously.

Forest Park Patio Homes - Cont'd

Staff recommends the plat be approved again by TAC, Planning Commission, and released so it can be filed of record. All release letters have previously been received and are part of the official file.

The Staff presented the plat with the applicant represented by Ted Sack.

TAC had no objection to the request, noting that their individual release letters already in the file would be adequate for this approval and release.

The TAC voted unanimously to recommend **approval** of the preliminary and final plat of Forest Park Patio Homes and release same as having met all conditions of approval.

TMAPC ACTION: 10 members present

On **MOTION** of **CARNES**, the TMAPC voted **10-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Randle, "absent") to **APPROVE** the **Preliminary and Final Plat (Release and Reinstatement) for Forest Park Patio Homes**, as recommended by the TAC and Staff.

FINAL PLAT APPROVAL & RELEASE:

Woodhill (1583)

East 89th Street & South Kingston Avenue

(RS-2)

Mr. Wilmoth commented that this was the case which had an appeal submitted by the protestants. He added that an Agreement to Stay was initiated in order to allow the TMAPC and City Commission to proceed with the Final Approval before the appeal was heard in District Court. The appeal was premature in that it was made at the time of the Preliminary Plat process. Mr. Linker confirmed that the appeal would be treated as an appeal to the Final Approval and Release of the plat.

Mr. Jim Gasaway (320 South Boston) advised he was representing the protestants of record at the previous hearing, and confirmed that Staff had correctly stated the situation, i.e. the TMAPC would be able to proceed with the Final Approval and Release.

TMAPC ACTION: 10 members present

On **MOTION** of **PARMELE**, the TMAPC voted **7-0-3** (Carnes, Coutant, Doherty, Kempe, Parmele, Selph, Woodard, "aye"; no "nays"; Draughon, Paddock, Wilson, "abstaining"; Harris, Randle, "absent") to **APPROVE** the Final Plat of Woodhill and release same as having met all conditions of approval.

BOA-14862 (Unplatted)(19 & 2002)(Osage County) NW/c of West 32nd Street North
& North 53rd West Avenue (AG)

This Item was informally reviewed by TAC on 5/26/88, but since it was not scheduled on that agenda, no action was officially taken. However, the comments would guide applicant in processing the waiver when filed. In discussion, the TAC agreed (informally) that there would probably be no objection to a plat waiver under certain conditions, including items (a) through (h) as listed in the minutes of that date. It is the policy of the TAC to not recommend waiver of plat for tracts that are unplatted and over 2.5 acres. However, due to the nature of the use of this tract and the rural setting an exception to that policy is warranted. Should the use of the property change or a rezoning occur from the present AG District, then the property should be plated in accordance with the rules and regulations in effect at that time.

The items listed are those discussed previously, and were listed for further discussion at TAC review.

The applicant was represented by Bill Breisch.

The TAC voted unanimously to recommend **APPROVAL** of the **waiver of plat** on BOA-14862 subject to the following conditions:

- a) Water line extension required (in process).
- b) Since there is no sewer, a lagoon will be required. City Ordinances prohibit lagoons, so waivers will be necessary in order to construct same. Input from the City-County Health Department will be essential and is required as a condition of this waiver.
- c) Special requirements relating to future sewer apply (as approved in amendments to Subdivision Regulations 4/20/88).
- d) The Major Street Plan indicates a 100' secondary arterial street bisecting this tract approximately along the alignment of the north/south road on the plot plan. A question of dedication and/or need must be resolved, and a waiver of the Subdivision Regulations complying with the Street Plan would be required to approve a plat or plat waiver as the case may be. (An agreement to dedicate when needed would satisfy this condition).
- e) The statutory section line easements should be retained.
- f) For information only, but since the mineral rights to all Osage County land is owned by the Osage Tribe, notice may be required to the Osage Tribal Council and/or Bureau of Indian Affairs (BIA). Applicant should check on this to insure proper notice is given for any applications requiring notification.
- g) There may be various pipeline easements over the tract that have an interest and they may also require notification.

- h) It should be noted that approximately the north 120 acres of this development is in Section 18, outside the City Limits and not subject to any land use control.
- i) Proof of access or "mutual access" to the dedicated street at West 31st Street North should be provided for the file (Traffic Engineer).
- j) Paving and/or grading plan approval required by Stormwater Management (no detention and/or fee). Grading permit required.
- k) Applicant to work out service and/or easements required by Public Service Company for power supply.

Comments & Discussion:

Mr. Wilmoth explained that the intended use for this tract was a church camp, and a large portion of the tract was outside the city limits and not subject to any jurisdiction. He added that the site was extensively wooded with an agricultural type environment. Mr. Wilmoth stated that, due to the size of the tract involved, the applicant requested a waiver of the platting requirement. He commented that the TAC normally would not recommend a waiver on anything this large; however, there were few applications of this nature. Therefore, the TAC recommended a waiver, subject to the above conditions.

In regard to condition "d" relating the question of dedication and waiver of the Subdivision Regulations, Mr. Wilmoth commented on the suggestion that, as long as the use remained for a church camp, an agreement could be entered to dedicate, if needed. In reply to Mr. Paddock, Mr. Wilmoth stated Staff's position would remain the same, should the grounds be used for a Girl/Boy Scout camp, etc., i.e. as long as it remained a "camp" use in order to preserve the open space.

In response to Mr. Parmele regarding "d", Mr. Wilmoth explained that dedication of right-of-way was not requested at this time as the exact location of the secondary arterial street was not known. Therefore, the suggestion for an agreement to dedicate when the exact location was determined. Mr. Wilmoth clarified condition "j" for Mr. Draughon, stating this tract had all natural drainage and there was no watershed plan developed for this area. Mr. Gardner explained the Building Permit process regarding construction for that portion of the tract in the city limits (approximately 5% of the tract). He added that this application would still have to go to the BOA for approval of the use and a plot plan.

To answer Mr. Coutant regarding condition "d", Mr. Linker stated he could not recall using an agreement of this type, but if the land owner consented to such an agreement, he felt the agreement could be initiated. In reply to Ms. Wilson, Mr. Gardner clarified that, should the church camp use be changed to a single church site, it would require BOA review. He pointed out that the BOA would restrict the applicant to the use stated on the submitted plot plan.

Mr. Carnes stated that he felt condition "d" was placing expenses on both the City and the developer; therefore, he would like to see this condition stricken. Mr. Gardner clarified that the TMAPC could not strike this condition, but they could waive the Subdivision Regulations with six affirmative votes. Mr. Carnes then made a motion for approval, waiving the Subdivision Regulations in regard to condition "d".

Mr. Doherty commented he would be voting in favor of the motion because he felt the Major Street and Highway Plan might be a little behind times in that the road being constructed at approximately 49th West Avenue would obviate any need for any future easement. Mr. Linker stated it should be made clear that the waiver of platting related only to the "camp" use, as approved by the BOA. Therefore, if another use which was more intensive was requested (residential, etc.), it would offer the opportunity to obtain dedication at that time. Chairman Kempe stated the record should reflect that, if approved, the application would be restricted to the specified use. In reply to Mr. Coutant, Mr. Linker reiterated that dedication could be reviewed and/or required at the time some new development might be presented in the future. Mr. Carnes stated he would like his motion to reflect Legal Counsel's opinion as to dedication.

Mr. Paddock pointed out that the wording of condition "d" only states that the "question of dedication and/or need must be resolved", and there was no recommendation as to which way this should be resolved. Mr. Wilmoth stated that this was, in effect, what the TMAPC was doing, in that if the waiver of the Subdivision Regulations were approved, it would apply to just this use as a more intense development would require another review.

Mr. Coutant commented he did not favor deletion of condition "d" as stated in the motion, as he felt the Street Plan should be followed if possible. Further, it appeared the applicant was not objecting to this condition, and Legal Counsel had indicated that, generally, this would work and be enforceable. Mr. Draughon agreed with Mr. Coutant in opposing the motion with regard to condition "d". Mr. Parmele stated that, as he read the condition, it appeared to mandate dedication, and he did not feel mandatory dedication for a street that may, or may not, be located on the property should be required, in that the land owner should be compensated if a street or highway went through the property.

TMAPC ACTION: 10 members present

On **MOTION** of **CARNES**, the TMAPC voted **6-4-0** (Carnes, Doherty, Kempe, Paddock, Parmele, Selph, "aye"; Coutant, Draughon, Wilson, Woodard, "nay"; no "abstentions"; Harris, Randle, "absent") to **APPROVE** the **Waiver Request for BOA 14862 (Unplatted)**, subject to the conditions as recommended by the TAC and Staff, **EXCEPT** condition "d". Further, the record should reflect that the waiver applies only to the specified use of this application.

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Z-6191 Interstate Central Extended (2893)

NW/c of East 51st Street and
South Yale Avenue (CS)

This property was originally zoned U3A and U3DH by Z-1681, 6/19/60. It was platted as Interstate Central Extended in compliance with the Ordinances in effect at that time.

Subsequently, Lots 9 & 10 were rezoned from CS (formerly U3DH and 3A) to OMH (office) by Z-5731 on 9/21/82. The owners requested a waiver of plat since the property had already been platted. The TAC reviewed the request on 5/26/83 and the Planning Commission approved it on 6/1/83, subject to the conditions outlined by TAC and Staff. Applicant complied with the conditions, including dedication of an additional 10' of right-of-way on South Yale with a 30' radius at the corner of 51st Street.

The property was not developed for offices as anticipated, so an application was filed to return the zoning classification to CS as it had been since 1960. The application (Z-6191) was approved by TMAPC 3/9/88 and by the City Commission 4/5/88 (Ordinance #16989). Section 260 of the Zoning Code requires a plat (or waiver) before a building permit can be issued. Since this has been reviewed and approved as a waiver before, Staff has no objection to the request, as the property is only returning to a classification (CS) where Section 260 had already been met or was not required.

The only difference evident to Staff is that since the previous plat waiver, the Major Street Plan requirements for intersections has been amended, requiring 70' of right-of-way from centerline on a primary, 388' back from the center of the intersection (for turn lanes). Applicant is requesting waiver of this additional right-of-way, beyond the additional 10' made in 1983, as it would not have been required had the property remained in the CS District, and no zoning application processed.

ONG and PSO required parallel utility easements along South Yale and 51st Street to provide room to relocate when street improvements were made. PSO expressed concern about the height of any signs near their lines, and particularly the proposed flagpole. The flag pole may need to be moved back to allow for PSO lines.

The applicant was represented by Ted Sack and Gordon McCune.

There was considerable discussion regarding the requirement for additional easement parallel to the arterial streets. The utilities felt that the easements were necessary since the intersection will soon be widened and updated, and they need a place to move to that will be out of the way of construction.

Traffic and City Engineering restated their policy of not recommending waiver of Street Plan requirement, regarding the additional 10' required on Yale.

The TAC voted unanimously to recommend **approval** of the waiver of plat on Z-6191, subject to the following conditions:

- a) Dedicate an additional 10' of right-of-way on South Yale to meet right-turn requirements of Street Plan. (Applicant requesting waiver of this condition).
- b. Provide 17.5' utility easement parallel to South Yale and 51st Street for moving back utility lines when street is widened.
- c. Access points shall be approved by Traffic Engineer. (O.K. as shown, subject to making access changes of record.)
- d. Paving and drainage plan approval by Stormwater Management. (Earth change and stormwater connection permits required.)
- e. Signs and/or flagpole must comply with heights and clearances for Public service power lines.

Comments & Discussion:

Mr. Parmele commented as to the planned six-laning of Yale, and inquired if the 60' would cover the additional right-of-way needed for the proposed six-laning. Mr. Wilmoth advised receipt of a letter from the Highway Department indicating that the applicant should work with the City Engineering Department, and the Highway Department did not commit one way or the other.

Mr. Ted Sack (314 East Third), applicant, stated the City Engineering Department now had the plan as to the widening of South Yale to six lanes, which indicated the existing 60' of right-of-way would more than accommodate their needs, and they would not require any additional right-of-way. Therefore, the applicant was requesting the waiver of condition "a". In response to Mr. Paddock, Mr. Sack stated that the 10' was needed in order to be able to fully utilize the tract, as the area for the additional right-of-way could not be used for drives, parking, etc., which was different than areas set aside for easements which could be used. Mr. Sack explained this tract would be used for a service station and the 10' would impact their intended use.

Mr. Gardner commented on the physical facts of this intersection which distinguished it from other intersections, in that this corner had been CS, changed to OMH, then changed back to CS, which means it gets caught in the process. The other corners would not be coming to the Commission for additional right-of-way; therefore, if the right-of-way were needed, the City would have to condemn two of the corners (one corner belongs to the County for a park), and this property owner would have to give the right-of-way if the Commission did not waive the requirement. Mr. Gardner continued by stating he felt it would be unequal treatment of the property owners, and he saw this as a different physical fact than that of a new intersection offering equal treatment to all of the corner tracts.

In reply to Mr. Doherty, Mr. Gardner pointed out that even though there would be six lanes along Yale, there would be seven or eight lanes at the intersections to accommodate turn lanes, which was why the additional 10' had been suggested. He commented that the city improvements could be physically developed in less than what was fully required in terms of dedication. Mr. Doherty confirmed the applicant was not objecting to the utility easements, but was only requesting waiver of the dedication of right-of-way.

TMAPC ACTION: 10 members present

On **MOTION** of **PARMELE**, the TMAPC voted **10-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Randle, "absent") to **APPROVE** the **Waiver Request for Z-6191 Interstate Central Extended**, subject to the conditions as recommended by the TAC and Staff, **EXCEPT** for condition "a" as requested by the applicant, to waive the Subdivision Regulations requiring conformance with the Major Street and Highway Plan as it pertains to dedication of an additional 10' for right-of-way.

LOT SPLIT FOR WAIVER:

L-17054 Klein (1793)

2450 East 24th Street

(RS-2)

This is a request to split a 209' x 210' tract into three lots. While all the lots exceed the minimum lot area requirements, only the south lot will have frontage on the dedicated street (24th Street). This lot split will require approval from the Board of Adjustment for the two lots fronting on the private drive.

The Staff recommended approval subject to the following conditions:

1. Approval from the Water and Sewer Department for extension of water and sewer lines (6" water line required). (A 20' easement required - pipe in conduit where designated.)
2. Additional utility easement that may be required for the extensions, including 10' parallel to the west and east property lines.
3. A mutual access and utility easement shall be filed of record at the Courthouse and a copy of that document kept in the lot split file. A turnaround will need to be included subject to approval by the traffic engineer. (Design data required.)
4. Approval from the City Board of Adjustment for case #14870 on 7/9/88, which would permit the two north lots "zero" frontage. (No comment or recommendation for request to waive rear yard to 20'.)
5. A drainage plan will be required by Stormwater Management through the permit process.

The applicant has stated that the portion of the house that is north of the carport is to be removed.

Staff also noted that the previous application for four lots reviewed by TAC was denied by the TMAPC after two hearings. The applicant was urged to provide a proposed detail plot plan for TMAPC review.

The applicant was represented by Rick Kosman and Ken Klein.

The TAC voted unanimously to recommend **approval** of L-17054 subject to the conditions outlined by Staff and TAC.

Comments & Discussion:

Mr. Ken Klein (1660 East 71st), applicant, presented and reviewed the site plan showing a three lot configuration on the subject tract. Mr. Klein indicated the existing structure on the south lot would be retained and remodeled, as well as the existing pool. He advised he has communicated with the neighborhood as to the proposal, and has received no opposition.

Chairman Kempe read a letter submitted by Mr. Joe Robson (2425 East 24th) in support of the three lot configuration as he felt "this plan will maintain the character of the neighborhood."

Ms. Gloria McFarland (2410 East 27th Place) stated she was the listing agent of the property, and she requested approval of the lot split waiver.

Mr. Bob Sober (2420 East 24th Street) confirmed the developer's involvement with the area residents, and also requested the TMAPC's approval of the application.

Mr. Parmele moved for approval of the request, subject to the stated conditions. Ms. Kempe commented that when this was previously presented to the Commission, she was opposed to the four lot configuration. However, she felt the three lot proposal was a much more reasonable use of the property and would be voting in favor of the motion.

TMAPC ACTION: 10 members present

On **MOTION** of **PARMELE**, the TMAPC voted **10-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Randle, "absent") to **APPROVE** the **Lot Split Waiver for L-17054 Klein**, subject to the conditions as recommended by the TAC and Staff.

Mr. Linker advised that the Legal Department took the position that any time the use in a PUD was changed, it should be a major, not minor, amendment, therefore, requiring stricter notice criteria and hearing before the City Commission.

Mr. Doherty obtained clarification from Staff regarding signage permitted under Use Unit 21. Mr. Paddock submitted a motion for denial in accordance with the Staff recommendation.

Chairman Kempe commented that, in looking at just the zoning map, this property fronts on South Lewis and does not have access to Skelly. Further, in looking north along Lewis Avenue, there was no other commercial, only OL. For these reasons, Ms. Kempe stated support of the motion.

Mr. Parmele stated that he has officed and/or lived in this area for several years and was very familiar with the traffic problems. He commented that he felt the applicant's attempt to convert the frontage along Lewis to a semi-commercial use would not be detrimental to the neighborhood, as the neighborhood was already 100% developed. Mr. Parmele remarked that he felt the Western Financial Center contributed as much or more to the traffic problem as a florist or similar business ever would. Therefore, he could not see how allowing some CS and a restricted PUD for certain uses would be detrimental.

Ms. Wilson commented that she did not feel a PUD was necessarily a "cure all" for Tulsa and did not work in every instance. She added that the Commission does plan for the future, however, she did not think the PUD would necessarily help a short term problem.

Mr. Coutant stated that when the District Plan was adopted 10 - 12 year ago it dealt with similar surrounding uses as to what was currently at this site, and the traffic problems have also existed at this location for a long time. He stated he did not see facts that suggested enough of a dramatic change to warrant ignoring the Comprehensive Plan. Therefore, although sympathetic to the applicant's problems, he would be voting in favor of the motion for denial.

Mr. Paddock commented that Mr. Jones' presentation was one of the most eloquent he has ever heard with respect to the Comprehensive Plan. Mr. Paddock also requested Staff review the Plan Map as to any possible errors.

TMAPC ACTION: 10 members present

On **MOTION** of **PADDOCK**, the TMAPC voted **8-2-0** (Carnes, Coutant, Draughon, Kempe, Paddock, Selph, Wilson, Woodard, "aye"; Doherty, Parmele, "nay"; no "abstentions"; Harris, Randle, "absent") to **DENY Z-6201 & PUD 438 Jones**, as recommended by Staff.

OTHER BUSINESS:

PUD 134-2 Aptak: Minor Amendment to Permit Lot Split 17053
NE/c of East 73rd Street & South Canton,
being Lot 9, Block 1, Woodcrest II Addition

Staff Recommendation:

This is a request to split an existing duplex down the common wall in order to sell each half as a separate residence. The subject tract has underlying RS-3 zoning. PUD 134 was originally approved by the TMAPC on 6/6/73 to allow a total of 26 duplex structures (52 individual units) on twelve acres.

After careful review of the applicant's submitted plot plan, the Staff finds this request to be minor in nature and in substantial compliance with the original PUD.

Therefore, Staff recommends APPROVAL of PUD 134-2 subject to the applicant's plot plan and the following conditions:

- 1) An executed common wall maintenance agreement be filed of record at the courthouse and a copy of that instrument be kept in the PUD and lot split file.
- 2) The applicant obtain a letter of compliance from the Building Inspector that the common wall conforms to all applicable specifications for a fire rated wall and related codes and regulations.
- 3) Approval from the Water & Sewer Department for individual services to each dwelling unit and any utility easements that may be necessary.
- 4) All conditions of the original PUD 134 are still in effect.

TMAPC ACTION: 9 members present

On MOTION of PARMELE, the TMAPC voted 9-0-0 (Carnes, Coutant, Doherty, Draughon, Kempe, Paddock, Parmele, Selph, Wilson, "aye"; no "nays"; no "abstentions"; Harris, Randle, Woodard, "absent") to APPROVE the Minor Amendment and Lot Split #17053 for PUD 134-2 Aptak, as recommended by Staff.

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PUD 187-17 Lechlider: Minor Amendment to Front & Side Yards
7236 East 65th Street (Lot 13, Block 12, Shadow Mtn)

Staff Recommendation:

The subject tract is located east of the southeast corner of East 65th Street and South 72nd East Avenue, being Lot 13, Block 12, Shadow Mountain Addition. The applicant is requesting to amend the required 50' setback from the centerline of East 65th Street South to 47 feet and the required 7 feet side yard to 6.5 feet on the east side, all to permit an existing single-family dwelling. After review of the applicant's submitted survey, Staff finds the request to be consistent with the original PUD and minor in nature based on the irregular shaped lot and curved frontage. Similar amendments have been approved within the Shadow Mountain Addition and PUD.

Therefore, Staff recommends APPROVAL of minor amendment PUD 187-17 in order to clear title as per the applicant's submitted plat of survey.

NOTE: The applicant has requested to amend the restrictive covenants which cannot be accommodated at this hearing. Such amendment would require the applicant submitting a revised amendment and obtain the necessary property owner's consent within the subdivision.

Comments & Discussion:

Mr. Ken Adams, President of the Shadow Mountain Homeowner's Association, submitted a document indicating approval of this request. Mr. Adams requested the homeowner's association (HOA) be notified when an application is made in the Shadow Mountain Addition. Staff confirmed that notice currently did go to the HOA through the TMAPC agenda mailing list. Mr. Adams requested another copy also be sent to their Design/Building Committee. Discussion continued with Staff clarifying that the agendas would continue to be forwarded, but it was not policy to forward applications to HOA's for review prior to placing on the TMAPC agenda, as requested by Mr. Adams.

TMAPC ACTION: 7 members present

On MOTION of DRAUGHON, the TMAPC voted 7-0-0 (Coutant, Doherty, Draughon, Kempe, Paddock, Selph, Wilson, "aye"; no "nays"; no "abstentions"; Carnes, Harris, Parmele, Randle, Woodard, "absent") to APPROVE the Minor Amendment to PUD 187-17, as recommended by Staff.

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PUD 179-B Hays: Detail Sign Plan
East of the SE/c of South 85th East Ave. & East 71st St.

Staff Recommendation:

The subject tract is located east of the southeast corner of South 85th East Avenue and East 71st Street. PUD 179-B has underlying zoning of OL and RS-3 and has been developed for two commercial buildings; a car wash has been constructed to the east in PUD 179-H. The applicant is requesting approval of a 30' tall pylon ground sign to be built at the east entry from East 71st Street and a wall sign on the east building.

Ground signs approved by the TMAPC along this segment of East 71st Street have been limited to a maximum height of 25' per the Zoning Code. The existing sign 215' to the west of the proposed sign is also approximately 25' tall based on Staff estimates and field checking. A 20' tall ground sign (maximum permitted height per PUD-179-H) has been constructed east of this proposed sign and directly across the entry drive.

Discussions with the applicant indicate that the proposed sign would be located a minimum distance of 100' from the existing signs and therefore meet minimum spacing requirements of the PUD Chapter of the Zoning Code. The total display surface of the pylon ground sign is 197 square feet which includes a reader board. Total display surface area of ground signs for PUD 179-B (which has approximately 400' of frontage on East 71st Street) is consistent with sign standards for most PUD's. Ground signs to the north of East 71st Street in the Woodland Hills Mall are limited to monument type signs not greater than 6' to 8' tall.

This Detail Sign Plan also includes a wall sign on the face of the building with a 5' tall logo on a sign face with a copy area 48' long and a display surface area of approximately 145 square feet. TMAPC recently approved a wall sign on the westerly of the two buildings and the proposed signs are consistent with that sign, as well as consistent with wall signs recently approved in PUD 179 for Firestone and Shoneys.

Therefore, Staff recommends **APPROVAL** of the proposed Detail Sign Plan for PUD 179-B as follows:

- 1) That the submitted Plans are a condition of approval, except as modified herein.
- 2) A minimum separation between pylon ground signs of 100'.
- 3) Maximum height of the pylon ground sign shall not exceed 25' or be subject to TMAPC recommendation for approval of a greater height with a variance from the Board of Adjustment.
- 4) Subject to all conditions and requirements of the PUD Chapter of the Zoning Code including but not limited to not permitting flashing, animated, or intermittently lighted signs.
- 5) No portion of this proposed sign is permitted to be located over or encroach into any public right-of-way.

Comments & Discussion:

In reply to Chairman Kempe, Mr. Frank reviewed the dimensions of the proposed sign.

Mr. Tim Hays (9129 Director's Road, Dallas, Texas) confirmed agreement to the Staff recommendation and conditions.

TMAPC ACTION: 9 members present

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Randle, Selph, "absent") to **APPROVE** the **Detail Sign Plan for PUD 179-B Hays**, as recommended by Staff.

There being no further business, the Chairman declared the meeting adjourned at 4:35 p.m.

Date Approved July 20, 1988
Cherry Kempe
Chairman

ATTEST:

Kevin C. Coutant
Secretary