

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1723
Wednesday, December 7, 1988, 1:30 p.m.
City Commission Room, Plaza Level, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, December 6, 1988 at 10:17 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, 2nd Vice-Chairman Paddock called the meeting to order at 1:37 p.m.

MINUTES: None - due to no meeting on November 23, 1988.

REPORTS:

Committee Reports:

Mr. Carnes advised the Comprehensive Plan Committee had a meeting scheduled for today, following adjournment of the TMAPC meeting. (NOTE: Due to the length of the TMAPC meeting, the Comprehensive Plan Committee rescheduled their meeting.)

SUBDIVISIONS:

PRELIMINARY PLAT:

Charter Oak Amended (PUD 190)(1083) East 76th St & South Joplin Ave (RS-3) and Related PUD 190-28, Minor Amendment

Staff noted that only the lots outlined by a heavy border are included in this amended plat. The density is being reduced by creating larger lots, but the private street layout is not changing from its present form.

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

The TAC voted unanimously to recommend **approval** of the PRELIMINARY plat of Charter Oak Amended, subject to the following conditions:

1. All conditions of PUD 190 (as amended) shall be met prior to release of final plat. Show PUD number on face of plat. The application to amend the PUD had not been filed as of 10/4/88 when this recommendation was written. Use the PUD file number assigned at the time of application.
2. Not a condition for approval of this plat, but if necessary, the underlying plat shall be properly vacated in accordance with customary legal procedures. (Usually done after the new plat is filed of record.)
3. The existing easements along some side lot lines may also be included in the vacating of the underlying plat or handled separately at the option of the developer and/or utilities using the easements.
4. Although the present plat does not specifically show that the streets are private it is recommended that the new plat show "Private Street" following the street name.
5. Covenants:
 - a) Paragraph 1.3.4. should be separated as its own heading such as follows:

LANDSCAPING REPAIR AND REPLACEMENT: 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.
 - b) PUD conditions as listed shall be consistent with amendments approved by TMAPC. (Since the application to amend has not been received as of this writing, specific recommendations are not made at this time.)
6. 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.
7. Water plans shall be approved by the Water and Sewer Department prior to release of final plat. Plans may be required to relocate hydrants.

Charter Oak Amended & PUD 190-28 - Cont'd

8. 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).
9. A request for creation of a Sewer Improvement District shall be submitted to the Water and Sewer Department prior to release of final plat. (If required.)
10. 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.
11. Bearings, or true north-south, etc., shall be shown on perimeter of land being platted or other bearings as directed by City Engineer.
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 solidwaste is prohibited.
13. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
14. A "Letter of Assurance" regarding installation of Improvements shall be submitted prior to release of final plat, including documents required under Section 3.6-5 of Subdivision Regulations.
15. All (other) Subdivision Regulations shall be met prior to release of final plat.

PUD 190-28: Minor Amendment to Reduce Overall Density (to replat 84 residential lots into 52 residential lots)

Staff Recommendation:

PUD 190 is approximately 405 acres in size and located between South Yale Avenue and South Sheridan Road, south of East 71st Street South. The PUD was approved for a variety of residential land uses based on subareas of development. Development area CL-1 (Charter Oaks) was originally approved for 98 attached homes on small lots, and was later approved by minor amendment to permit 95 detached single-family dwellings. The applicant is now requesting a minor amendment to further reduce the density by increasing lot size. A new subdivision plat is presently being processed and has received TAC approval.

Review of the applicant's submitted plans, text and Deed of Dedication indicate a replat of the subdivision with minimum lot areas of 5,100 square feet and minimum lot widths of 54 feet. It should be noted that some development has occurred within the subdivision and the amendment does not affect the entire Charter Oaks subdivision. Staff finds the request to be minor in nature and consistent with the original PUD.

Charter Oak Amended & PUD 190-28 - Cont'd

Therefore, Staff recommends APPROVAL of minor amendment PUD 190-28 subject to the applicant's submitted plans, text and Deed of Dedication.

Comments & Discussion:

Mr. Wilmoth reviewed the TAC minutes on the Preliminary Plat and Staff answered questions from the Commission regarding the background of this PUD and its previous amendments. Mr. Gardner clarified that previous minor amendment requests involved going from attached to detached dwellings, and this minor amendment requested a reduction in density by approximately 1/3 due to an increase in the lot sizes.

Applicant's Comments:

Mr. Roy Johnsen (324 Main Mall), representing the applicant, reviewed the history of PUD 190 (originally Minshall Park) and the various minor amendments. He mentioned previous lawsuits filed by the protestants against the developer, and by the homeowners association against the protestants. Mr. Johnsen added that these private legal matters were irrelevant to the consideration before the TMAPC which involved public and planning matters such as zoning, land use, etc. He asked the TMAPC to separate any allegations or assertions made by the protestants as to the private arrangements.

In reply to Mr. Coutant, Mr. Johnsen clarified that 14 lots in the subdivision were not a part of this application as these already had plats of record. He then detailed the covenant process as relates to a PUD. Mr. Johnsen explained, in response to Mr. Carnes, that the elimination of 32 lots affected the ratio denominator for assessment of the common area maintenance costs. He then answered questions from the Commission regarding the assessment process, deeds and amended covenants.

Interested Parties:

Mr. Bob Nichols (111 West Fifth) advised he was representing two main protestants to this request: Mr. and Mrs. James Sadler and Mr. and Mrs. Don E. Phillips. Mr. Paddock read a letter of protest submitted by these parties.

Mr. Nichols advised these two families were the only residents with homes built according to the original concept for Charter Oak. In regard to the lawsuits, he explained an appeal has been submitted to the Oklahoma Supreme Court. Mr. Nichols commented the developer could have submitted the original PUD in phases instead of filing for 98 homes at once. However, this was not the case and the protestants' homes were now "white elephants" since the entire concept has been revised and any structures built in the future would be totally different. Mr. Nichols answered questions from the Commission regarding his client's problems with the diminishing standards for maintenance of the common areas such as the guard house, sauna, swimming pools, fencing, open space, etc.

Charter Oak Amended & PUD 190-28 - Cont'd

The TMAPC members discussed at length various alternatives to address maintenance for the common areas, open space, etc., and the intent of the original concept of PUD 190. In regard to the matter of covenants and the placing of conditions, Mr. Linker cautioned the Commissioners to not let their decisions, from a land use standpoint, be colored by issues outside of the land use considerations.

Ms. Monica Sadler, one of the principal protestants, reviewed the Deed of Dedication as to what she felt were errors, and submitted information to the TMAPC on the lawsuit and work done in preparation for a grand jury investigation. She asked the Commission to deny this request due to the drastic change from the original PUD since there were homes already built to the original standards.

Ms. Ginny Poe, District 18 Chairman, stated she felt that any application where there were legal issues involved or pending, should not be considered a minor amendment.

Applicant's Rebuttal:

Mr. Johnsen clarified the Deed of Dedication process as relates to subdivision plats. He pointed out that in 1982 when the original PUD was filed, the TMAPC followed their usual procedure and did not impose conditions requiring a guard house, swimming pool, etc.; therefore, these were not made a part of the covenants. Mr. Johnsen clarified that the TMAPC usually requires a specific amount of common open space, and the developer can then place a swimming pool and other facilities in the designated open space. In summary, Mr. Johnsen stated that the points before the TMAPC involved the reduction in the number of lots; the single-family detached homes were consistent with the original concept of the PUD; the legal arguments would have to be raised in another forum; and he felt this minor amendment offered the best alternative to proceed to a satisfactory conclusion.

TMAPC Review Session:

Mr. Doherty commented that, even though this case involved a reduction in density, he was not comfortable with treating this as a minor amendment since the entire concept of the PUD was being altered, therefore affecting surrounding property, maintenance of open space, etc. Mr. Draughon agreed with Mr. Doherty. Mr. Coutant also agreed and commented he felt the TMAPC had the authority and the responsibility to consider issues related to maintenance of common open spaces. Mr. Coutant, Mr. Doherty, and Mr. Paddock concurred that the pending litigation should not be a factor in their consideration on the major/minor amendment issue. Mr. Carnes stated that decreasing intensity was most always better zoning, and in this particular case, it just might be the answer for the success of the subdivision. He commented that, at this point, he felt the spirit of the PUD had been breached by the lack of maintenance of the amenities in the common area. Mr. Carnes, therefore, moved that the PUD amendment be resubmitted for TMAPC consideration as a major amendment.

Charter Oak Amended & PUD 190-28 - Cont'd

Mr. Paddock initiated discussion as to similar situations involving replatting to see if this might be setting a precedent. After discussion with Staff, the consensus of the Commission was to classify the amendment to the PUD as a major amendment, and to table review of the Preliminary Plat, pending outcome of the major amendment issue.

TMAPC ACTION: 7 members present

On **MOTION** of **CARNES**, the TMAPC voted **7-0-0** (Carnes, Coutant, Doherty, Draughon, Paddock, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Kempe, Parmele, Randle, "absent") to **TABLE** review of the Preliminary Plat for Charter Oak, pending resubmittal of the PUD amendment to PUD 190-28 as a Major Amendment.

* * * * *

Harvard Grove Second (1783)

8300 Block of South Harvard

(RS-3)

This plat is to correct the previous plat of Harvard Grove which included a 14' x 50' tract at the northwest corner that was not owned by the original parties filing the plat. No other easements, access points, etc., are changed. Applicant is reminded that the underlying plat of Harvard Grove should be properly vacated in accordance with current legal practices. Since the previous plat was processed in 1986, all conditions applicable to that plat shall still apply as necessary.

~~NOTE:~~ Staff received a call from adjacent land owner Lot 7, Block 1, Walnut Creek V, Sealy, Stephen R., wherein we were informed that they had a private easement over the 14' "handle" on the west side of this plat. Verify, and show book/page as applicable. This is a landscape easement and is subordinate to any utility easements etc. (Book 4946 Page 163).

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

The TAC voted unanimously to recommend **approval** of the PRELIMINARY plat of Harvard Grove Second, subject to the following conditions:

1. Section II A of the covenants, 4th & 5th paragraphs should be swapped in location and the verbiage as follows: THE OWNER SHALL BE RESPONSIBLE FOR THE REPAIR AND REPLACEMENT OF ANY LANDSCAPING AND PAVING LOCATED WITHIN THE UTILITY EASEMENTS IN THE EVENT IT IS NECESSARY TO REPAIR ANY UNDERGROUND WATER OR SEWER MAINS, ELECTRIC, NATURAL GAS, COMMUNICATIONS OR TELEPHONE SERVICE.
2. New release letters and owners papers will be required for final approval.)
3. Include access limitation paragraph in covenants.
4. All Subdivision Regulations shall be met prior to release of final plat.

TMAPC ACTION: 6 members present

On **MOTION** of **DOHERTY**, the TMAPC voted **6-0-0** (Carnes, Coutant, Doherty, Draughon, Paddock, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Kempe, Parmele, Randle, Wilson, "absent") to **APPROVE** the **Preliminary Plat for Harvard Grove Second**, subject to the conditions as recommended by the TAC and Staff.

* * * * *

Fleming Addition (3204) South side of Pine, west of S. 129th E. Avenue (IL)

This plat had a sketch plat approval on 4/26/79 but remained inactive and never was completed after that date. This is the same plat being resubmitted in compliance with Section 260 of the Zoning Code since this was rezoned by Z-4192.

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

The TAC voted unanimously to recommend **approval** of the PRELIMINARY plat of Fleming Addition, subject to the following conditions:

1. Not a condition for approval of plat, but applicant is reminded that the property to the west is zoned RS-3 and the property to the south is zoned AG so a building line of 75' is required on those two sides unless modified by the Board of Adjustment (case#15002 pending.)
2. Since no sewer is available this plat should contain the provisions of Section 411.3 and Appendix A of the Subdivision Regulations pertaining to sewage disposal systems. (Subject to approval of City-County Health Department. Also see #8 & 9 below)
3. Utility easements shall meet the approval of the utility companies. Unless the 20' easements were required by a utility, they could be reduced to 17.5 feet. Also show a 17.5' utility easement parallel to East Pine Street.
4. 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).
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. (Fee in lieu of detention may be paid.)
6. Limits of Access or (LNA) as applicable shall be approved by City Traffic Engineer.
7. 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.

Fleming Addition - Cont'd

8. The method of sewage disposal and plans therefore, shall be approved by the City-County Health Department. Percolation tests required prior to preliminary approval.
9. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size, and general location. This information is to be included in the restrictive covenants on plat. (Also see #2)
10. A Corporation Commission letter (or Certificate of Nondevelopment) shall be submitted concerning any oil and/or gas wells before plat is released. A building line shall be shown on plat on any wells not officially plugged.
11. 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.
12. All Subdivision Regulations shall be met prior to release of final plat.

TMAPC ACTION: 6 members present

On **MOTION** of **DOHERTY**, the TMAPC voted **6-0-0** (Carnes, Coutant, Doherty, Draughon, Paddock, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Kempe, Parmele, Randle, Wilson, "absent") to **APPROVE** the **Preliminary Plat for Fleming Addition**, subject to the conditions as recommended by the TAC and Staff.

EXTENSION OF APPROVAL:

Dove Creek (2114) North of East 86th Street & North 145th East Avenue (AG)

On **MOTION** of **DOHERTY**, the TMAPC voted **6-0-0** (Carnes, Coutant, Doherty, Draughon, Paddock, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Kempe, Parmele, Randle, Wilson, "absent") to **APPROVE** the Extension of Plat Approval for one year for **Dove Creek**, as recommended by Staff.

REQUEST FOR WAIVER (Section 260):

Canton Plaza (PUD 442)(383) North of East 71st & South Canton Ave. (CS)

This tract is under application for CS zoning and a PUD to permit construction of two commercial buildings on the north 312.76' of the south 512.76' of Lot 1, Block 2 of Burning Hills. A lot split has been approved separating the tract from the Quik-Trip parcel to the south (L-16846; 4/1/87). Plat requirements were waived on the QT parcel 4/22/87; PUD 429 and Z-6145. Since the property is already platted the following shall apply:

Canton Plaza - Cont'd

- a) Grading and/or drainage plan approval required by Stormwater Management through the permit process.
- b) Utility easement and/or extensions, if necessary, to serve the new buildings.
- c) PUD restrictions to be filed by separate instrument.
- d) If buildings are to be separately owned a lot split will be necessary. These conditions would apply to the lot split.

Although this is a PUD/plat waiver review, plat waiver request will not be formally placed on TMAPC agenda until PUD and zoning has been approved by City Commission.

There were no objections to the concept plan. The applicant was represented by John Moody.

The TAC voted unanimously to recommend **approval** of the WAIVER OF PLAT on PUD 442 and Z-6207, subject to the conditions outlined by Staff and TAC.

TMAPC ACTION: 6 members present

On **MOTION** of **WOODARD**, the TMAPC voted **6-0-0** (Carnes, Coutant, Doherty, Draughon, Paddock, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Kempe, Parmele, Randle, Wilson, "absent") to **APPROVE** the **Waiver Request for Canton Plaza**, subject to the conditions as recommended by the TAC and Staff.

LOT SPLIT FOR WAIVER:

L-17114 Henshaw (2593) NE/c of S. 93rd E. Avenue & the MKT Railroad (IL)

This is a request to split Lot 8, Block 3, Alexander Trust Amended into two tracts, one of which will have a 20' access handle to South 93rd East Avenue. The other tract meets frontage requirements. Approval of this split will be subject to the following:

1. Board of Adjustment approval of the 20' frontage (50' required) (#15015)
2. Grading and drainage plans required through permit process for development. Subject to approval of Department of Stormwater Management. Development will require a permit and on-site detention.
3. Both tracts should have access to sanitary sewer, or a short extension made if required. (Subject to approval of Water and Sewer Department.)
4. Provide an 11' utility easement parallel to property line on north side.

L-17114 Henshaw - Cont'd

The applicant was not represented.

The TAC voted unanimously to recommend **approval** of the L-17114, subject to the conditions outlined by Staff and TAC.

TMAPC ACTION: 6 members present

On **MOTION** of **WOODARD**, the TMAPC voted **6-0-0** (Carnes, Coutant, Doherty, Draughon, Paddock, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Kempe, Parmele, Randle, Wilson, "absent") to **APPROVE L-17114 Henshaw**, subject to the conditions as recommended by the TAC and Staff.

LOT SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-17115 (2293) Scottish Rite L-17717 (1893) Thorton
L-17116 (1893) Riverside Ind.

On **MOTION** of **DOHERTY**, the TMAPC voted **6-0-0** (Carnes, Coutant, Doherty, Draughon, Paddock, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Kempe, Parmele, Randle, Wilson, "absent") to **APPROVE** the Above Listed Lot Splits for Ratification of Prior Approval, as recommended by Staff.

ZONING PUBLIC HEARING:

Application No.: **PUD 444** Present Zoning: CH/OM
Applicant: **Fox (Ranch Acres Partners)** Proposed Zoning: Unchanged
Location: NW/c of Harvard Avenue and East 31st Street South
Date of Hearing: December 7, 1988
Presentation to TMAPC by: Mr. Pat Fox, 2250 East 73rd (492-4700)

Staff Recommendation:

The subject tract contains approximately 1.41 acres and is located at the northwest corner of East 31st Street South and South Harvard Avenue. The tract has 168' of frontage on Harvard Avenue and 366' of frontage on 31st Street. The property is currently occupied by a vacant medical office building which contains approximately 34,000 square feet of floor area.

The east 162' of the tract is zoned CH and the remaining 204' is zoned OM. The existing CH zoned area would allow a maximum of over 33,000 square feet of commercial. The OM zoned area would allow a maximum of over 21,000 square feet of office.

PUD 444 Fox - Cont'd

The tract is bounded on the north by CH zoned property which is developed as a restaurant, on the east across Harvard Avenue by a bank zoned CH, to the south by medical offices and retail commercial zoned OL and CS, and on the west by offices zoned OM.

The Comprehensive Plan Map for District 6 designates this area Medium Intensity Commercial on the eastern portion of the tract and Medium Intensity Office on the western portion of the tract. The commercial uses proposed in this PUD would be in accordance on the eastern portion of the tract, but would not be in accordance with the plan map on the western portion of the tract. The existing CH zoning is also not in accordance with the plan map.

The applicant is proposing a strip retail shopping center on the subject tract, containing a maximum of 22,500 square feet, with building setbacks from property lines of 0' on the east and north, 11' on the west and 80' on the south. The existing medical office building, which is to be removed, has setbacks from property lines of 5' on the east, 3' on the north, 73' on the west and 54' on the south.

After review of PUD 444 staff finds that they cannot support more than 22,000 square feet of retail commercial space because of limitations caused by required off-street parking, open space and setbacks. A reduction of 2,000 square feet in maximum floor area will allow: (1) buildings to be setback at least 15' from the east property line, (2) a parking arrangement that provides the minimum number of spaces and adequate entrances and exits to the development, and (3) enough area to provide a minimum of 10 percent open space.

After review and modification of PUD 444, Staff finds based upon the following Staff conditions that PUD 444 is: consistent with the Comprehensive Plan; in harmony with the existing and expected development of surrounding areas; a unified treatment of the development possibilities of the site and; consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, Staff recommends **APPROVAL** of PUD 444 subject to the following conditions:

- 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):	86,505 sf
(Net):	61,472 sf
Permitted Uses:	Only Use Units 11, 13 and 14
Maximum Floor Area:	22,000 sf
Off-Street Parking For Existing Building:	As required by the applicable Use Unit

Signs: No signs of any kind are allowed on the west side of the shopping center.

Wall or Canopy Signs: As permitted by Section 1130.2 B of the Zoning Code.

Ground Signs: A maximum of two signs are permitted. The west sign having a maximum height of 8' and display surface area of 80 sf and the other a maximum height of 25' and display surface area of 160 sf. All ground signs are to be setback at least 50' from the centerline of adjacent streets.

Open Space: Minimum of 10% of net land area concentrated along the western portion of the south property line and the southern portion of the west property line. In addition every effort should be made to preserve two existing trees on the east boundary of the property next to the existing building through use of landscaped open space.

Architectural Standards: The same type and quality of facade used on the south side of the shopping center shall also be used on the east and west sides of the shopping center.

Maximum Building Height: 1 Story

Building Setback from Property Line:

North boundary:	0'
West boundary:	11'
South boundary:	80' (120' from centerline)
East boundary:	15' (65' from centerline)

Screening: All trash, utility and equipment areas shall be screened from public view. The trash container shall be located on the west side of the center.

- 3) 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.
- 4) That no Building Permits shall be issued within the Planned Unit Development until a Detail Site Plan which includes all buildings and required parking has been submitted to the Tulsa Metropolitan Area Planning Commission and approved as being in compliance with the approved PUD Development Standards.
- 5) No building permits shall be issued for erection of a sign within the PUD until a Detail Sign Plan has been submitted to the Tulsa Metropolitan Area Planning Commission and approved as being in compliance with the approved PUD Development Standards.

PUD 444 Fox - Cont'd

- 6) That no Building Permit shall be issued until the requirements of Section 260 of the Zoning Code has been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the Restrictive Covenants the PUD conditions of approval, making City of Tulsa beneficiary to said Covenants.
- 7) Vehicular access points shall be limited to one for each street frontage and shall be a minimum of 30 feet in width on 31st Street and 24 feet on Harvard.
- 8) The four parking spaces off of 31st Street shall be reserved for employee parking.

Applicant's Comments:

Mr. Pat Fox, representing the applicant, advised he met with Staff this morning to resolve certain issues. Mr. Fox stated the applicant resubmitted a site plan for 22,500 square feet with 102 parking spaces, and relocation of the ground sign to the Staff's recommendation. He added the revised site plan increased the open space originally submitted to 8.5%. Mr. Fox explained their rationale for locating the building on the property line on Harvard Avenue was due to the CH zoning on the subject tract and the adjacent tract to the north, contains an existing building which extends closer to the centerline of Harvard than the proposed building in PUD 444. He commented the main area of conflict with the Staff recommendation that remained involves the setback on Harvard.

Mr. Bob Franden, representing the owners, discussed the issue of 22,000 square feet versus 22,500 square feet, explaining the 500 feet was important as to parking, building location, etc., and he pointed out the applicant had reduced his request from 24,000 square feet to the 22,500 square feet.

TMAPC Review Session:

Mr. Carnes stated he felt the proposal would be a improvement over the existing situation at this location. Therefore, he moved for approval of the PUD at 22,500 square feet with no setback requirement on Harvard. Staff commented that, if this was the intent, then the open space requirement would need to be reduced from 10% to 8.5%. Mr. Carnes amended his motion accordingly.

In response to Mr. Coutant, Mr. Gardner clarified that right-of-way issue has been discussed with the Traffic Engineer Department; discussion followed on turning lanes, right-of-way, dedication, etc. Mr. Paddock advised he had a problem with not providing adequate setback on Harvard; therefore, he would be voting against the motion. Mr. Draughon agreed with Mr. Paddock.

TMAPC ACTION: 6 members present

On **MOTION** of **CARNES**, the TMAPC voted **4-2-0** (Carnes, Coutant, Doherty, Woodard, "aye"; Draughon, Paddock, "nay"; no "abstentions"; Harris, Kempe, Parmele, Randle, Wilson, "absent") to **APPROVE PUD 444 Fox (Ranch Acres Partners)**, as recommended by Staff, with the following amendments:

- a) Maximum floor area of 22,500 square feet with no setback requirement on Harvard Avenue;
- b) Reduce the open space requirement to 8.5%

Legal Description:

All that part of the SE/4, SE/4, Section 17, T-19-N, R-13-E, of the IBM, Tulsa County, Oklahoma, according to the US Government Survey thereof, being described as follows to-wit: BEGINNING at the SE corner of Section 17, thence north along the east line a distance of 208.0'; thence west and parallel to the south line a distance of 416.0' to a point, thence south and parallel to the east line for a distance of 208.0' to the south line, thence east on and along the south line a distance of 416.0' to the POB, less deeds and grants for easements and street purposes.

OTHER BUSINESS:

PUD 439-1: Declaration of Covenants
NE/c of East 21st Street & South 89th East Avenue

TMAPC ACTION: 6 members present

On **MOTION** of **DOHERTY**, the TMAPC voted **6-0-0** (Carnes, Coutant, Doherty, Draughon, Paddock, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Kempe, Parmele, Randle, Wilson, "absent") to **APPROVE the Declaration of Covenants for PUD 439-1 Benton (Selco Industries)**, as recommended by Staff.

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BRIEFING:

By the Department of Stormwater Management on the process for developing a city-wide Master Drainage Plan.

Due to the length of the TMAPC meeting, the consensus was to table this briefing to the December 14th meeting.

There being no further business, the Chairman declared the meeting adjourned at 4:28 p.m.

Date Approved Dec 21, 1988
Robert J. DeLo
Vice Chairman

ATTEST:

Kevin C. Coctant
Secretary

