

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1743
Wednesday, **May 3, 1989**, 1:30 p.m.
City Commission Room, Plaza Level, Tulsa Civic Center

| MEMBERS PRESENT | MEMBERS ABSENT | STAFF PRESENT | OTHERS PRESENT |
|--------------------------------|-----------------------|----------------------|-----------------------|
| Carnes | Kempe | Gardner | Linker, Legal |
| Coutant, Secretary | Randle | Matthews | Counsel |
| Doherty | | Setters | Hardt, City |
| Draughon | | Stump | Engineer |
| Paddock, 2nd Vice Chairman | | Wilmoth | |
| Parmeale, 1st Vice Chairman | | | |
| Selph | | | |
| Wilson | | | |
| Woodard | | | |

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, May 2, 1989 at 10:32 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Vice Chairman Parmele called the meeting to order at 1:34 p.m.

MINUTES:

Approval of the Minutes of April 19, 1989, Meeting #1741:

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-1** (Carnes, Coutant, Doherty, Draughon, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; Paddock, "abstaining"; Kempe, Randle, "absent") to **APPROVE** the **Minutes of April 19, 1989, Meeting #1741.**

REPORTS:

Chairman's Report:

Mr. Parmele advised that the term of Mr. John L. "Jack" Zink, TMAPC's appointment to the River Parks Commission, had expired. He stated Mr. Zink had indicated an interest in serving another three year term, and Chairman Kempe wished to reappoint Mr. Zink. Hearing no objection from the Commission, Mr. Parmele requested this be forwarded to the City and County Commissions for confirmation.

REPORTS: Chairman's - Cont

Mr. Parmele announced that, due to repairs to the City Commission Room the week of May 15th, the TMAPC will need to conduct their May 17th meeting in a meeting room at City Hall or continue all items of business until another date. The consensus of the TMAPC was to conduct the meeting in room 1116 at City Hall.

Committee Reports:

Mr. Paddock advised of a meeting of the **Rules & Regulations Committee** this date to review amendments to PUD Chapter 11. Their recommendations will be made at the May 17th public hearing.

Mr. Parmele announced a May 17th meeting of the **Budget & Work Program Committee** for an update of the FY 88-89 work program, and a review of suggested work programs for FY 89-90.

Director's Report:

BRIEFING:

Mr. Charles Hardt, City Engineer, reviewed the projects to be included in the May 16th street bond election with regard to a possible endorsement by the TMAPC. After a question and answer session, Mr. Carnes submitted a motion that the TMAPC formally endorse the proposed street bond as presented. Discussion followed with a few of the Commissioners stating abstention on the vote as they felt that TMAPC endorsement could, essentially, raise a political question. Response from other TMAPC members supported the endorsement as the TMAPC was the recommending body on issues concerning the Major Street and Highway Plan, a part of the City's Comprehensive Plan. Therefore, they felt this was not a political issue.

TMAPC ACTION: 9 members present

ON MOTION of **CARNES**, the TMAPC voted **7-0-2** (Carnes, Doherty, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; Coutant, Draughon, "abstaining"; Kempe, Randle, "absent") to **ENDORSE** the May 16, 1989 Proposed Street Bond Election Projects.

PUBLIC HEARING:

TO CONSIDER AMENDMENTS TO THE
DISTRICT 1 COMPREHENSIVE PLAN MAP & TEXT

Comments & Discussion:

Ms. Dane Matthews presented and reviewed the revised text of the District 1 Plan amendments.

Mr. Roy Johnsen (324 Main Mall) advised he was representing 13 property owners in the downtown area. He stated that he had participated in the recent public forums, District Plan Committee meetings, etc., and most of his clients' concerns had reasonably been met. Mr. Johnsen commented that one of the most important concerns involved land use regulation in the downtown area, which was mostly zoned CBD, a high intensity land use designation. He clarified that most of his clients as well as other attorneys and property owners concluded, upon reading the amended text, that there was an effort to change and restrict the land uses permitted in the downtown area. Mr. Johnsen remarked that he had previously requested that language be included in the Plan that clarifies that this, in fact, was not the intent. He advised that he felt the current proposed text language was directed to that issue and was now acceptable.

Mr. Johnsen was still concerned that Section 2.3.4 contained a reference to other agency plans, which were nonpublic or quasi public/private agencies, (i.e. Tulsa Development Authority, Downtown Tulsa Unlimited, Tulsa Parking Authority, Metropolitan Tulsa Chamber of Commerce, etc.). He pointed out that this language appeared under the heading of "Private Actions", and property owners questioned if it was necessary for them to coordinate development proposals with the various agencies mentioned. Mr. Doherty proposed that Section 2.3.4 be deleted or amended to reflect that it would become TMAPC policy, rather than an implication of mandatory referral, to solicit input from these mentioned entities.

In reply to Ms. Wilson, Mr. Johnsen concurred that the referenced "Illustrative Map" attached to the Plan should be used as a marketing tool and not as an official plan map. Mr. Paddock asked Mr. Johnsen if the Commission could assume that none of his clients were members of Downtown Tulsa Unlimited (DTU), as inferred by comments indicating his clients did not have knowledge of what was planned in District 1. Mr. Johnsen commented this was not a correct assumption, as some of his clients are members but they were not in attendance at the meetings where this matter was discussed.

Mr. Douglas Dodd (1000 Atlas Life Building), representing the Sand Springs Home, commented that his clients' major concerns had been addressed; however, he did share Mr. Johnsen's concern regarding the final outcome of Section 2.3.4.

PUBLIC HEARING: District 1 - Cont

Mr. Steve Childers, Downtown Tulsa Unlimited (201 West Fifth) and representative for the District 1 Plan Steering Committee, stated appreciation to Mr. Johnsen and Mr. Dodd, as well as others providing input to the Plan amendments. Mr. Childers commented on a few of the amendments to the Plan, particularly 6.4.3, and stated that the Steering Committee would agree with the Staff's recommendation, (i.e. "A new jail criminal justice facility should be developed within the CBD.") In regard to Section 2.3.4, Mr. Childers reiterated that it was never intended to imply that all the other entities or agencies mentioned would have a plan that would have to be met before development could occur. He clarified that the intent was to allow other organizations such as DTU or the Greenwood Chamber of Commerce having projects involving public right of way that might be adjacent to a redevelopment proposal be afforded the opportunity to know the plans so as to be in a better position to possibly leverage some private and public expenditures. As an example, Mr. Childers cited the Oneok Plaza Building which faces the 5th Street Mall, as DTU was able to coordinate landscaping, type of brick, future maintenance, etc.

To follow up on his question to Mr. Johnsen regarding notice of the proposed Plan amendments to the downtown area property owners, Mr. Paddock also asked Mr. Childers about the DTU membership and why some of the property owners stated they were unaware as to what was being proposed. Mr. Childers stated that membership to DTU was on a voluntary basis, and all members of record receive a monthly newsletter. He advised that during this past year there had been no less than four or five articles in each newsletter concerning the progress of the Plan update, as well as several articles in the daily newspapers.

TMAPC Review Session:

For the record, Section 2.3.4 reads as follows: "Development and redevelopment proposals for the downtown should be coordinated with the Tulsa Development Authority, Downtown Tulsa Unlimited, Tulsa Parking Authority, Tulsa Industrial Authority, Metropolitan Tulsa Chamber of Commerce, Greenwood Chamber of Commerce, and any other appropriate adopted plans, all of which have been coordinated with the District 1 Plan.

Mr. Carnes, Chairman of the Comprehensive Plan Committee, advised the Committee voted to recommend to the TMAPC adoption of the language as proposed by Staff. He added that this was before the issue with Section 2.3.4. Mr. Doherty initiated discussion of Section 2.3.4, inviting participation by Mr. Johnsen. The final consensus was to delete Section 2.3.4, amend the wording and add to Section 2.1, "District Wide Policies, Public/Private Actions" as Section 2.1.10. The TMAPC also reached a consensus on the wording for Section 6.4.3 as proposed by Staff. Mr. Doherty moved for approval of the amendments to the District 1 Plan Map and Text, as discussed and modified this date. Due to a conflict of interest, Mr. Coutant advised he would be abstaining from the vote.

PUBLIC HEARING: District 1 - Cont

TMAPC ACTION: 9 members present

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-1** (Carnes, Doherty, Draughon, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; Coutant, "abstaining"; Kempe, Randle, "absent") to **APPROVE** the Amendments to the District 1 Plan Map & Text, as presented and recommended by Staff, with the following modifications, as discussed:

Delete Section 2.3.4, and revise as Section 2.1.10: "Sponsors of development proposals are encouraged to coordinate their developments with the Tulsa Development Authority, Downtown Tulsa Unlimited, Tulsa Parking Authority, Tulsa Industrial Authority, Metropolitan Tulsa Chamber of commerce, Greenwood Chamber of Commerce, and other appropriate agencies."

Section 6.4.3: "A new jail/criminal justice facility should be developed within the CBD."

SUBDIVISIONS:

SKETCH PLAT APPROVAL:

Twin Mounds Estates (2272) S. 28th W. Ave. & W. 158th St. S. (County - AG)

This subdivision contains seven large lots varying in size from approximately 2.6 acres to 8.5 acres, more or less. Access and interior streets are all private, to be maintained by the owners of the lots in the subdivision. Due to the terrain and hilly area, the roads follow some existing oil lease roads for access. Applicant advised Staff that they had attempted to obtain a wider easement to their property, but 30' in width was all that could be acquired. Staff has no objection to a private system because these are such large lots and low density. However, Board of Adjustment approval will be required for "zero frontage" lots since they do not abut a dedicated street. (A similar situation was approved by TMAPC and the County Board of Adjustment on a plat at 167th Street and South Peoria titled Country Acres.) Staff has added some information to the face of the plat including additional requirements. All these items were listed in the agenda.

The Staff presented the plat with the applicant represented by Mike Mason.

The TAC voted unanimously to recommend **approval** of the SKETCH plat of Twin Mounds Estates, subject to the following conditions:

Twin Mounds Estates - Cont

1. Board of Adjustment approval is required for "zero frontage" on a private street. Final plat shall not be released without Board approval. Any conditions imposed by the Board of Adjustment applicable to the plat shall be included in covenants or on face of plat.
2. A homeowners or similar association shall be formed to maintain the private roadways and same indicated in covenants on the plat.
3. The 30' roadway easements should also be shown as utility easement. Show a 50' building line from the center of the roadway easement. (This will result in the same separation that would apply to a dedicated street.)
4. Include bearings, distances and curve data on the private roads sufficient to plot same. Also for reference show tie dimensions to the SW/corner of the section. Identify the centerline of South 25th West Avenue (shown on some maps as South 26th), and reference the half-section or quarter corner.
5. On face of plat show the following if not listed elsewhere in this agenda:
 - a) Graphic scale
 - b) Show number of lots and total acreage of plat near the location map or north arrow.
 - c) Identify the adjacent land as "unplatted". Show a block number. Identify West 161st Street South and indicate "Not open". Show as 24.75' statutory easement and utility easement. Show phone numbers for surveyor/engineers and the owner.
 - d) Location map: Identify perimeter streets by name. (Show 161st "Not open" from 1/2 section west) Identify county lines Creek, Tulsa. Show Kiefer annexation fence line. Show Glenpool annexation fence line.
 - e) Show book/page number for easement to South 25th West Avenue.
6. Street names shall be approved by County Engineer and indicated on plat, followed by notation "Private".
7. If there are any oil or gas product lines crossing this property, show the easements therefore as appropriate. Owners of any pipelines crossing this tract or any oil/gas wells should also be notified on preliminary plat if the surface owners are not the owners of the mineral rights. (Also see condition #20 if applicable.)
8. Water plans shall be approved by Creek County Rural Water District #2 prior to release of final plat. Include language for water facilities in covenants. (These lots are at a high elevation. Water service may be questionable as per Creek County Rural Water District #2 letter dated 4/18/89.)

Twin Mounds Estates - Cont

9. 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. (OG & E requested an additional easement between lots 1, 2, 6 & 7. An existing east/west line of poles may be relocated to this easement.)
10. 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).
11. Paving and drainage plans shall be approved by the County Engineer including storm drainage, detention design (and other permits where applicable), subject to criteria approved by County Commission (if required).
12. A topo map shall be submitted for review by the Technical Advisory Committee (Subdivision Regulations). Submit with drainage plans as directed.
13. It is recommended that the developer coordinate with County 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. Street lighting in this Subdivision shall be subject to the approval of the County Engineer and adopted policies as specified in Appendix C of the Subdivision Regulations.
15. 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.
16. The method of sewage disposal and plans therefore, shall be approved by the City-County Health Department. Percolation tests required prior to preliminary approval.
17. 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.
18. The method of water supply and plans therefor, shall be approved by the City-County Health Department.
19. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
20. 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.

Twin Mounds Estates - Cont

21. The restrictive covenants and deed of dedication shall be submitted for review with preliminary plat. Include subsurface provisions, dedications for storm water facilities and PUD information, as applicable.
22. This plat has been referred to Glenpool because of its location near or inside a "fence line" of that municipality. Additional requirements may be made by the applicable municipality. Otherwise only the conditions listed apply.
23. 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.
24. All (other) Subdivision Regulations shall be met prior to release of final plat.

TMAPC ACTION: 8 members present

On **MOTION** of **PADDOCK**, the TMAPC voted **7-0-1** (Carnes, Coutant, Doherty, Paddock, Parmele, Selph, Wilson, "aye"; no "nays"; Draughon, "abstaining"; Kempe, Randle, Woodard, "absent") to **APPROVE** the **Sketch Plat for Twin Mounds Estates**, subject to the conditions as recommended by the TAC and Staff.

PRELIMINARY PLAT APPROVAL:

Hoffmeier Center (PUD 449)(1903) NW/c of E. 33rd St & N. Lewis Ave. (IL, RS-3)

On **MOTION** of **WILSON**, the TMAPC voted **8-0-0** (Carnes, Coutant, Doherty, Draughon, Paddock, Parmele, Selph, Wilson, "aye"; no "nays"; no "abstentions"; Kempe, Randle, Woodard, "absent") to **CONTINUE Consideration of Hoffmeier Center** until Wednesday, **June 21, 1989** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

* * * * *

Square Ninety-One (PUD 448)(1383) NE/c of 91st St. & Memorial Dr. (CS, RM-1)

This development is scheduled to be reviewed as a PUD by the TMAPC on 3/8/89. Staff has no objection to TAC review for preliminary at this time, but plat should not be transmitted to the Planning Commission until the PUD hearings are completed, including approval of the City Commission. (No notices to abutting owners will be mailed until scheduling of the preliminary plat is known.) The following shall apply, noting that this initial review is based upon the applicant's PUD Text, which may be subject to change in the PUD approval process by the Planning Commission.

Square Ninety-One - Cont

The Staff presented the plat with the applicant represented by Charles Norman, Attorney and A. Smith and Phil Smith of Hammond Engineering.

There was some discussion with Fire Department and Water Department regarding the water line layout and fire protection. Some further review may be necessary, but this is covered in condition #7 with the water plans.

The TAC voted unanimously to recommend **approval** of the PRELIMINARY plat of Square Ninety-One subject to the following conditions:

1. All conditions of PUD 448 shall be met prior to release of final plat, including any applicable provisions in the covenants or on the face of the plat. Include PUD approval date and references to Section 1100-1170 of the Zoning Code, in the covenants.
2. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Make sure that there is no conflict with existing easements of Williams Pipeline Co. and Oklahoma Natural Gas Company.
3. Protection of existing pipelines and/or facilities in the ONG and Williams Co. Easements should be assured to the satisfaction of the pipeline/easement owners. Recommend "release letter" before final plat approval.)
4. Make sure that the drainage facilities planned and the pipeline easements do not conflict. Also, tie down exact location of Restricted Drainage Easement in the northeast corner of Lot 4 with bearings or more dimensions. Also identify remainder of northeast corner in floodplain.
5. Applicant is advised to take care in locating signs so they do not conflict with utility company and/or pipeline company easements.
6. Access points shall be approved by Traffic Engineering (and State of Oklahoma if required on Memorial). Actual widths of accesses with medians subject to review and approval by Traffic Engineering (may be less). Omit west access to Lot 3 on 91st Street as per Traffic Engineering unless modified by that Department.
7. Water plans shall be approved by the Water and Sewer Department prior to release of final plat.
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.

Square Ninety-One - Cont

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. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer.
12. 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.)
13. 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.
14. 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.
15. The PUD application 448 shall be approved and the ordinance therefore published before final plat is released. Plat shall conform to the applicable zoning approved.
16. Add a Section III (and renumber last section) to the covenants with the PUD conditions as approved by TMAPC. (Review on 2/17/89 by Staff was based upon applicant's text and not the Staff Recommendation on the PUD since it had not yet been written.) (Also see #1 above.) Also add paragraph at first part of covenants for dedication of streets for 91st Street.
17. 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.
18. All (other) Subdivision Regulations shall be met prior to release of final plat.

Comments & Discussion:

Mr. Stump advised that at yesterday's City Commission hearing, the Mayor had indicated that he would like to see more landscaping information on PUD's as they were presented to the City Commission. Discussion followed on alternatives to address this request by the City, but it was also acknowledged that this could be difficult since final landscaping plans were not usually known in the early stages of a PUD project. Mr. Gardner suggested that the Detail Landscaping Plan might be forward to the City Commission on this particular case since an interest was indicated, even though it was not the normal procedure. The consensus of the TMAPC was to forward in this case only and not adopt a policy to do so on all PUD's. Mr. Doherty suggested the Chairman could meet with the Mayor to review the

Square Ninety-One - Cont

PUD conditions of approval which include requirements for submittal and approval of a Detail Landscape Plan, as well as certification from a registered landscape architect that all landscaping and screening fences have been installed and maintained as a continuing condition of the granting of an Occupancy Permit.

TMAPC ACTION: 8 members present

On **MOTION** of **COUTANT**, the TMAPC voted **8-0-0** (Carnes, Coutant, Doherty, Draughon, Paddock, Parmele, Selph, Wilson, "aye"; no "nays"; no "abstentions"; Kempe, Randle, Woodard, "absent") to **APPROVE** the **Preliminary Plat for Square Ninety-One**, subject to the conditions as recommended by the TAC and Staff.

FINAL PLAT APPROVAL & RELEASE:

FMP (2203) NW/c of East 30th Street North & North Sheridan Rd (IL)

On **MOTION** of **WILSON**, the TMAPC voted **8-0-0** (Carnes, Coutant, Doherty, Draughon, Paddock, Parmele, Selph, Wilson, "aye"; no "nays"; no "abstentions"; Kempe, Randle, Woodard, "absent") to **CONTINUE Consideration of the Final Plat for FMP** until Wednesday, **May 17, 1989** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

* * * * *

Annandale (formerly Edison Township)(2993) East 44th & South Evanston (RS-1)

Staff advised that this plat was formerly named "Edison Township" and had a preliminary approval under that name. The new owner changed the name and enlarged some of the lots, reducing the total from 13 to 12. All releases have been received and final approval and release is recommended.

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

* * * * *

All Saints Anglican Church (2183) South side of 91st St, West of Quebec (AG)

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

ACCESS CHANGE ON RECORDED PLAT:

Mingo Valley Trade Center (3194) 10203 East 61st Street (IL)

Staff advised the purpose of the request is to relocate the access point and reduce the opening from 50' with a median to a single 30' opening. Staff and the Traffic Engineer recommend APPROVAL of the request.

TMAPC ACTION: 7 members present

On **MOTION** of **PADDOCK**, the TMAPC voted **7-0-0** (Carnes, Coutant, Doherty, Draughon, Paddock, Parmele, Wilson, "aye"; no "nays"; no "abstentions"; Kempe, Randle, Selph, Woodard, "absent") to **APPROVE** the Access Change for Mingo Valley Trade Center, as recommended by Staff.

REQUEST FOR WAIVER (Section 260):

BOA-15117 Clinton Homesites (2292) NW/c of W 41st St & S Union Ave (RS-3)

This is a request to waive plat on Lots 1 - 6, 25 and Lot 26 less the east 20' of the north 20' thereof, in Block 6 of the above named subdivision. The church predates the zoning, but has acquired some additional lots that will be used for church purposes including parking, so a Board of Adjustment application has been filed on all of the property. Applicant is requesting waiver of the Major Street Plan on all of the property. Applicant is requesting waiver of the Major Street Plan requirements on both South Union and West 41st Street, as any additional dedication would come within 7' of the building on Union and 2.5' on West 41st Street. If the required additional 8' for a right-turn (south/westbound) lane were dedicated, it would encroach one foot into the existing building. On 8/5/87 the Planning Commission waived the plat requirement on Z-6161 across the street on the east side of South Union, including waiver of the Street Plan requirements. A 10' parallel utility easement was required on that application and has been recorded. (The TAC was consistent in recommending that the Street Plan be met although the Planning Commission waived the requirement due to the closeness of the existing structures on this street.) The following shall apply to this current request:

BOA-15117 Clinton Homesites - Cont

- a) Dedication of right-of-way in accordance with Major Street Plan. (Applicant requesting waiver of this condition.)
- b) Grading and drainage plan approval by Department of Stormwater Management through the permit process. (Fee-in-lieu of on-site detention is allowable for any increase in imperviousness.)
- c) Required by utilities (17.5' utility easement parallel to 41st Street and South Union).
- d) Access control agreement for the arterial streets is required by Traffic Engineer.

ONG advised that they had two lines in the alley leading into the 20' x 20' tract they own on Lot 26. Caution should be exercised when grading on this lot or in the alley near the lines.

The applicant was not represented.

The TAC voted unanimously to recommend **approval** of the waiver of plat on BOA-15117 subject to the listed conditions; noting TAC recommendation for right-of-way dedication is consistent with past recommendations, and further noting applicant is requesting waiver of condition (a).

Comments & Discussion:

Mr. Doherty commented that he felt it would be unfair to require dedication of right of way for this case when it had not been required of others.

Mr. Fred Smith, applicant, advised the gravel on the lot was only temporary as they intended to install a hard surface in the near future for church parking.

In regard to the utility easements, Mr. Wilmoth noted that most of the utilities were already in place and Staff could negotiate on any further requirements. Mr. Parmele agreed and commented that in a case such as this where the building has existed for several years, if additional land was needed for utility relocation or street widening, these were other considerations for which the church may need to be compensated.

TMAPC ACTION: 8 members present

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Carnes, Coutant, Doherty, Draughon, Paddock, Parmele, Selph, Wilson, "aye"; no "nays"; no "abstentions"; Kempe, Randle, Woodard, "absent") to **APPROVE** the Waiver Request for BOA 15117 Clinton Homesites, subject to conditions B, C and D, and subject to negotiations with Staff regarding utility easements.

LOT SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

| | |
|------------------------|-------------------------|
| L-17166 (1893) Arnold | L-17170 (693) Blevins |
| L-17167 (2593) Feldner | L-17171 (2903) Bradbury |
| L-17169 (2703) Manke | L-17173 (3602) TDA |

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

CONTINUED ZONING PUBLIC HEARING:

| | |
|--|----------------------------|
| Application No.: PUD 190-E Major Amendment | Present Zoning: RT |
| Applicant: Johnsen (Charter Oak) | Proposed Zoning: Unchanged |
| Location: N/side of East 76th Street at South Hudson Avenue East | |
| Date of Hearing: May 3, 1989 | |
| Presentation to TMAPC by: Mr. Roy Johnsen, 324 Main Mall | (585-5641) |

Staff Recommendation:

This major amendment to PUD 190 involves 82 undeveloped lots in Charter Oak Subdivision. Thirteen of the original lots were developed, seven with detached single-family dwellings and six with attached single-family dwellings (three duplexes). The applicant is proposing to amend the PUD to lower the maximum number of lots and dwelling units in the undeveloped area to 52 and increase the minimum lot size and lot width. The amendment does not propose any change in the type of dwelling presently approved for the PUD, that is detached single-family.

Staff does not feel that the decrease in the maximum number of dwelling units and lots will adversely affect the PUD (Charter Oak) and feels the new minimum lot sizes are not out of character with the existing development in Charter Oak.

Therefore, after review of PUD 190-E, Staff finds the uses and intensities of uses proposed to be in harmony with the spirit and intent of the Code. Based upon the following conditions, Staff finds that PUD 190-E is: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site and; (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

PUD 190-E Charter Oak - Cont

Therefore, Staff recommends **APPROVAL** of PUD 190-E subject to the following conditions:

1) That the applicant's Supplement to Text be made a condition to approval, unless modified herein.

2) **Development Standards:**

| | |
|--|---|
| Permitted Uses: | Single-family detached dwellings and customary accessory uses allowed by right in an RS-3 district. |
| Maximum Dwelling Units: | 52 on individual lots |
| Maximum Building Height: | 35' |
| Minimum Lot Size: | 5,100 sf |
| Minimum Lot Width | 54' |
| Minimum Yards | |
| Front | 18'* |
| Side | 5' |
| Rear | 15' |
| Any yards abutting a public street | 25' |
| Minimum Setback between Buildings Measured from the Building Wall | 10' |
| Minimum Setback between Roof Eaves | 6' |
| Minimum Open Space within Each Lot Exclusive of Parking and Drives | 1,000 sf |
| Minimum Livability Space Per Dwelling Unit | 4,000 sf |
| Minimum Off-Street Parking | 2 Spaces/DU |
| Garage Opening Setback | 18' |

* Except that the minimum required front yard on Lot 5 Block 2 and Lot 5 Block 3 shown on a plat of Charter Oak Amended shall be 10'.

3) That no Building Permit shall be issued until the land within PUD 190-E has been replatted and such plat has been 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.

Comments & Discussion:

Ms. Wilson referred to a letter submitted by the Minshall Park Homeowners Association regarding a change in the open space and park, and she asked if this could be done at this time. Mr. Gardner advised that this would require a PUD amendment and was not before the TMAPC at this time. Mr. Parmele clarified that the only issue before the TMAPC today was the decrease in density.

Mr. Parmele advised that the TMAPC was in receipt of several letters and those forwarded in the TMAPC packets included letters from: Ms. Nequita K. Hanna, Mr. Terry R. Doverspike for the Southeast Tulsa Homeowners Association, the Board of the Minshal Park Homeowners Association, and Ms. Diane McCauley.

Applicant's Comments:

Mr. Roy Johnsen presented a background review of the development of the Minshall Park Subdivision, of which Charter Oak is a part. He reiterated the only area before the TMAPC was the 17 acres comprising Charter Oak, not the entire 400 acres of Minshall Park. Mr. Johnsen indicated the common open space for each of the development areas, and submitted photos of the Charter Oak development, as well as a summary packet showing the existing duplexes and the vacant area for development. Mr. Johnsen explained that total of the 66 lots was a combination of the 14 existing developed lots plus the 52 lots to be replatted. He summarized the previous litigation actions due to private disputes between two families and the developer. He added that he was reluctant to discuss further the private disputes as the land use and zoning issues were the only matters before the Planning Commission.

Mr. Paddock confirmed there would be no further duplex development beyond those currently existing, as the proposed future development involved single-family detached dwellings. In reply to Mr. Draughon, Mr. Johnsen reviewed the assessment process for the homeowners, emphasizing that the portion to the original 14 property owners would not change from the 1/98 share designated.

Mr. Coutant questioned why this was even before the TMAPC since it involved a reduction in density. Mr. Gardner and Mr. Johnsen explained that the major amendment process was utilized due to the controversy related to this case, and the feeling by TMAPC Legal Counsel that this was a significant adjustment from the original PUD, thereby initiating a major amendment.

PUD 190-E Charter Oak - Cont

| <u>Interested Parties:</u> | <u>Address:</u> | |
|----------------------------|--------------------------|-------|
| Mr. Pete Mann | 7539 South Hudson | 74136 |
| Ms. Diane McCaulley | 7406 South Fulton | " |
| Mr. Don Phillips | 7545 South Hudson Place | " |
| Ms. Nequita (Nikki) Hanna | 6525 South Hudson Place | " |
| Ms. Colleen Sharp | 7530 South Hudson Place | " |
| Ms. Judy Autrey | 7545 South Hudson Avenue | " |
| Mr. & Mrs. Jim Sadler | 7543 South Hudson | " |

Mr. Pete Mann, as President of the Charter Oak Homeowner Association and as an individual resident, spoke in support of the replatting request. Mr. Mann commented that those in opposition were only leasing their property, while those in favor of the request owned property and resided at Charter Oak. He stated that he felt the replat proposal would increase property values and he urged the TMAPC to accept the Staff recommendation.

Ms. Diane McCaulley, past president of the Minshall Park Homeowners Association, objected to any replatting. She requested the applicant adhere to the original PUD 190 proposal.

Mr. Don Phillips advised he was one of the two families leasing their house, but he was not less interested than the other property owners. Mr. Phillips opposed the replatting request or any change from the original PUD. Mr. Phillips commented on having no access to his backyard and other incidents that have occurred during his stay at Charter Oak as one of the two families involved in the litigations.

Ms. Nikki Hanna spoke in favor of the replatting as it proposed larger lots in the subdivision which she felt would be an improvement over the original 98 lot proposal.

Ms. Colleen Sharp also spoke in support of the application as she felt the proposal for larger lots would increase property value.

Ms. Judy Autrey echoed comments in favor of the request stating she felt the proposal would definitely enhance the area.

Monica & Jim Sadler both addressed the Commission as protestants to the application, as they desired the concept of the original PUD proposal presented to them at the time they purchased their home. As one of the two families involved in the litigation actions, Mrs. Sadler presented an information packet to the TMAPC members which provided an in-depth review of the litigation proceedings past and present.

Additional Comments & Discussion:

The Commission members, Staff and Legal Counsel discussed issues relating to detention, drainage, common open space, etc. of the original PUD, and how the conditions from the original PUD might still be enforced; application of the restrictive covenants; the assessment process as to dues, past and present; private/public street requirements for a subdivision, etc.

Applicant's Rebuttal:

Mr. Johnsen reiterated that this public hearing was not the forum to consider comments as to the private disputes as mentioned by the Sadlers, and he felt the TMAPC members could distinguish the private disputes from those issues concerning the public such as the zoning and land use matters. Mr. Johnsen emphasized that single-family dwellings could be developed on the existing 35' foot lots without any further TMAPC approvals, and the applicant was proposing to make the lots larger for the single-family detached dwellings. Further, he felt that most property owners would agree that larger lots with fewer homes would make for a more compatible development. He commented that the original concept had obviously not worked, and for the subdivision to remain vacant any longer would not serve anyone's benefit.

As to the opponent's comments regarding street deterioration, Mr. Johnsen referred to the photos submitted and commented that he did not think this was a fair statement. He pointed out that all streets have cracks or some deterioration, and compared to normal (public) street, he felt these streets were not deteriorated.

In summary, Mr. Johnsen asked the Commission to keep in mind that the development would remain single-family, it was fewer lots, and the original homeowners would not be penalized by reason of the assessment, and the application presently meets the normal planning standards. He added that there was also provision for the reasonable assurance of the common open space as a homeowners association was in existence. Mr. Johnsen then answered questions from the Commissioners regarding the common open space, covenants, maintenance, assessments, etc.

TMAPC Review Session:

Ms. Wilson commented that the main areas of concern that have surfaced at this hearing appear to be with the streets meeting city standards, maintenance of the open areas and perimeter fencing, TMAPC review of changes in the covenants, and review of a Detail Landscape Plan by the TMAPC.

Mr. Carnes stated support of the Staff's recommendation for the reduced density and moved for approval, stating he would like assistance as to any amendments to this motion. The motion died due to lack of a second.

The TMAPC asked Legal Counsel what they might be able to impose in regard to the concerns mentioned above by Ms. Wilson, particularly the private streets. Mr. Linker stated that he did not think the Commission was ever in a bad situation by imposing city standards on private street as long as the requirements were reasonable.

Mr. Gardner commented that all that was being asked was to decrease the number of units by moving the lot lines only, not the streets or open space, which would remain unaffected by the request. He emphasized that the homeowners (existing and future) would pay for the maintenance of any street improvements, landscaping, etc. Mr. Gardner commented that upon personal observation, Staff felt the major item that was unattractive at the site was the vacant lots, and their lack of maintenance. Discussion followed with Commission members acknowledging that a poor market and economy contributed to the lots remaining undeveloped in this subdivision.

Mr. Coutant stated that he was in favor of the lesser density, but his major concern remained with the accusations that, somehow, the process did not work with this project, particularly with regard to the landscaping. He asked Staff if they were aware of any conditions that evidence a failure to comply with the original terms of the PUD. Mr. Gardner commented he did not. Mr. Coutant remarked that if this was the case and the terms were met, then that should be the end of that analysis, and did not see how the Commission should be expected to make old street new, etc.

Commissioner Selph moved for approval of Staff recommendation. Discussion followed regarding a formula or condition for the PUD to assure the original property owners not be assessed more than their original share. Commissioner Selph agreed to amend the main motion, as submitted by Mr. Carnes, to include wording to stipulate that the original 14 property owners shall not be required to pay more than their original 1/98 share of future assessments. (The Commission agreed that this wording conveyed their intent and a more formalized wording could be derived later. Mr. Carnes also acknowledged that Mr. Johnsen had submitted proposed wording on this issue to protect the original property owners, but he preferred the TMAPC use their own language.)

Mr. Paddock suggested a further amendment to the motion to add a condition stipulating that any amendments to the covenants be submitted in an amended declaration for review by the TMAPC. Mr. Coutant cautioned that a condition such as this would get the TMAPC right in the middle of the homeowners private business. Discussion followed on the covenants, with Mr. Paddock withdrawing the suggested amendment to the motion as any amended declaration could be reviewed at the time of the plat or replat. Mr. Parmele also requested that those interested parties speaking today be notified of any future applications made on the PUD.

TMAPC ACTION: 8 members present

On **MOTION** of SELPH, the TMAPC voted **8-0-0** (Carnes, Coutant, Doherty, Draughon, Paddock, Parmele, Selph, Wilson, "aye"; no "nays"; no "abstentions"; Kempe, Randle, Woodard, "absent") to **APPROVE** the **Major Amendment to Reduce Density for PUD 190-E Johnsen (Charter Oak)**, as recommended by Staff, adding condition #4 to stipulate that the original 14 property owners shall not be required to pay more than their original 1/98 share on future assessments. (The Commission agreed that this wording conveyed their intent and a more formalized wording could be derived later.)

There being no further business, the Chairman declared the meeting adjourned at 6:07 p.m.

Date Approved 5/17/89
James R. Bell
Chairman

ATTEST:

Art Draughon
Secretary