

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1914
Wednesday, February 3, 1993, 1:30 p.m.
City Council Room, Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Buerge 2nd Vice Chairman Carnes Dick (in at 1:55 p.m.) Doherty, Chairman Horner Midget, Mayor's Designee (in at 1:40 p.m.) Neely Parmele, 1st Vice Chairman Wilson	Ballard Broussard	Gardner Hester Matthews Stump Wilmoth	Linker, Legal Counsel

The notice and agenda of said meeting were posted in the Office of the City Clerk on Tuesday, February 2, 1993 at 10:35 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Doherty called the meeting to order at 1:35 p.m.

Minutes:

Approval of the minutes of January 19 1993, Meeting No. 1912:
On **MOTION** of **WILSON**, the TMAPC voted **7-0-0** (Buerge, Carnes, Doherty, Horner, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Dick, Midget, "absent") to **APPROVE** the minutes of the meeting of January 19, 1993 Meeting No. 1912.

REPORTS:

Chairman's Report:

Chairman Doherty referred to a draft letter he had been instructed by TMAPC at last week's meeting to transmit to City officials and asked for any suggestions before transmittal.

Chairman Doherty congratulated Murrel Wilmoth on announcing his retirement scheduled for mid-summer.

Committee Reports

Rules and Regulations Committee

Chairman Doherty reported that the Rules and Regulations Committee met today at 11:30 to discuss tent sales and temporary uses of land. Input from the public was received and a revised draft will

be presented at the next Rules and Regulations Committee scheduled February 10, at 11:30, in the INCOG large conference room. Chairman Doherty announced that the Committee will make a recommendation to the Planning Commission which will be heard in public hearing at the regular TMAPC meeting that day.

SUBDIVISIONS:

PRELIMINARY PLAT

COJAC 93094 (PD-18) (CD-5)

Southwest corner of E. 41st Street & US Highway 169 (CS)

Staff Recommendation

This plat is bisected by a drainageway which was previously zoned "FD". All of the tract is now zoned CS and the amount of easement needed for the drainageway may change slightly since a topo map has been submitted showing the actual channel. The "Out Parcel" is not a part of this plat and appears to be "land-locked". It contains an outdoor advertising sign. However this parcel was established by District Court and a Sheriff's Deed and is not owned by the parties platting the surrounding property.

(References: Deeds: Book 5109, Page 567; Book 5108, Page 161; Dist. Court #CJ-87-5822, Sale 3/29/88) (A previous plat was processed on this tract titled MILLER EAST, which was approved by TAC on 8/12/82 and by the TMAPC as a preliminary plat on 8/18/82. It expired 8/18/83 without ever being completed.)

The Staff presented the plat with the applicant represented by Adrian Smith at the TAC meeting.

Mr. Smith advised that an easement for access to the "out-parcel" does exist, but is not a defined description. Staff suggested that the covenants on this plat reference the Book/Page for that easement. There was further discussion regarding dedication of the drainageway. Dedication (fee-simple title) is an option the City will accept; if not dedicated fee-simple, an easement is required.

On MOTION of Herbert, the Technical Advisory Committee voted unanimously to recommend approval of the Preliminary Plat of COJAC, subject to the following conditions:

1. On face of plat show the "out-parcel" as "Unplatted". If a recorded document provides access, show that on the plat if available. (As an alternative, show or reference in Covenants.) Also show Book/Page dedication for 41st Street. Update location map.
2. Section III of the covenants indicates a front setback of 65' whereas the face of the plat shows 35' which is 110' from centerline and complies with the zoning. If owner wants a more restrictive building line, then face of plat and covenants should agree. Anything more restrictive than the

zoning requirements is volunteered by applicant. (Mr. Smith indicated both the covenants and plat would show 110' from centerline as required by zoning.)

3. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements if required.
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 the Department of Public Works (Stormwater and/or Engineering) including storm drainage, detention design, and Watershed Development Permit application subject to criteria approved by City of Tulsa. Show drainageway as recommended by Dept. of Public Works (Stormwater). Include applicable language in covenants if required. Fee-in-lieu is acceptable. City will accept fee simple dedication of drainageway as an option, but not a requirement.
6. Limits of Access or (LNA) as applicable, shall be approved by the Department of Public Works (Traffic). Show LNA along the Expressway R/W. (Indicate that access is "right turn only". Location is OK)
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.
8. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Sub Regs.)
9. All (other) subdivision regulations shall be met prior to release of final plat.

Mr. Wilmoth advised receiving a reply from the Highway Department stating that there may be redesign of this intersection, but no requirements were made; therefore, Staff has no conditions. Mr. Wilmoth noted there is already an excessive amount of right-of-way.

The applicant's representative, Adrian Smith, expressed agreement with Staff recommendations.

TMAPC Action; 7 members present:

On MOTION of CARNES, the TMAPC voted 7-0-0 (Buerge, Carnes, Doherty, Horner, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Dick, Midget "absent") to APPROVE the Preliminary Plat of COJAC.

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FINAL APPROVAL AND RELEASE

Southern Pointe Third 1583) (PD-18) (CD-8) (RS-3)
East 91st Street & South Hudson Avenue

Staff Comments

This plat was received for processing on 4/23/91, and since that time has progressed from sketch plat approval through preliminary approval and now is ready for final approval. In an unusual procedure, not required by the Subdivision Regulations, the preliminary plat was referred to the City Council for approval of the street layout, paving widths and right-of-way and sidewalks. The Planning Commission approved the preliminary plat on 4/22/92, the City Council concurred with the conditions required by the Planning Commission, and approved the preliminary plat on 5/28/92.

A great deal of input was made from interested parties, the Staff, the Developers, his Engineer, and the Planning Commission in arriving at the final development conditions for this plat. As a matter of courtesy, the "interested parties" as shown in the TMAPC minutes (4/22/92) have been notified of this final review.

The Staff has received all the necessary releases, reviewed the draft final plats and recommends FINAL APPROVAL AND RELEASE of this plat.

(A small copy of the plat followed showing the conditions required by TMAPC and the City Council. The actual final plat with signatures and notaries will comply with all conditions. Legal Department has reviewed the plat, made some minor recommendations and same have been made by the Engineer. It is expected that the plat will be transmitted to the Council for approval and signatures in the next few days after the TMAPC approval of the final plat.)

Mr. Wilmoth advised that all releases have been received.

Interested Parties

Pierre Smith 8815 S. Lakewood
Mr. Smith advised that the issue raised relative to Southern Pointe Third for some time is the issue of collector streets. It has nothing to do with Southern Pointe Third or with the developers, but rather with subdivision regulations. Mr. Smith asked whether subdivision regulations relative to collector streets have been updated to reflect the direction the City has pursued for the last

several years. Mr. Smith asked that development in Tulsa proceed consistently with the regulations and laws in effect.

Chairman Doherty advised the subdivision regulations update is currently being worked on, and it is hoped to be completed by July 1, regarding the collector street issue only.

TMAPC Action; 8 members present:

On MOTION of PARMELE, the TMAPC voted 7-1-0 (Buerge, Carnes, Doherty, Horner, Midget, Parmele, Wilson "aye"; Neely "nay"; no "abstentions"; Ballard, Broussard, Dick, "absent") to APPROVE the Final Plat of Southern Pointe Third and RELEASE same as having met all conditions of approval as recommended by Staff.

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Royal Oaks (PUD 493) (1993) (PD-6) (CD-9)

Mr. Wilmoth advised that all releases have been received and Staff was recommending approval.

TMAPC Action; 8 members present:

On MOTION of CARNES, the TMAPC voted 8-0-0 (Buerge, Carnes, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Dick, "absent") to APPROVE the Final Plat of Royal Oaks and RELEASE same as having met all conditions of approval as recommended by Staff.

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ACCESS CHANGE ON RECORDED PLAT:

Briarglen Center (2094) (PD-17) (CD-6) (CS)

Staff Comments

The purpose or reason for change is to add one access point and delete one access point. The recommendation of the Department of Public Works (Traffic) is to APPROVE the request, and Staff also recommends APPROVAL.

TMAPC Action; 8 members present:

On MOTION of BUERGE, the TMAPC voted 8-0-0 (Buerge, Carnes, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Dick, "absent") to APPROVE the Access Change on Recorded Plat of Briarglen Center, as recommended by Staff.

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WAIVER REQUEST; SECTION 213

Z-6382 Magnolia Manor 2nd (2793) (PD-18) (CD-7)
5334 East 46th Street South

(OM)

Staff Comments

This is a request to waive plat on the W. 120' of Lot 1, Blk. 1 of the above-named subdivision. The lot contains an office building used by the Sweet Adelines International and was recently rezoned from RM-1 to OM. Since the property is already platted and used as an office, nothing would be gained by a replat. Therefore, it is recommended the request be approved, noting that the existing plat will meet the requirements of Section 213 of the Code.

Mr. Norman was present representing the applicant.

There were no interested parties present.

TMAPC Action; 8 members present:

On MOTION of WILSON, the TMAPC voted 8-0-0 (Buerge, Carnes, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Dick, "absent") to APPROVE the Waiver Request of Section 213 for Z-6382.

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LOT SPLIT FOR WAIVER

L-17647 Major/Braselton (2993) (PD-6) (CD-9) (RS-1)
4650 S. Columbia Avenue [Horace Heights Addition L. 6, B. 2]

Staff Comments

This lot is 133' x 386' with double frontage on S. Columbia Avenue and on S. Birmingham Avenue.

The proposal will divide the lot in half. The lot fronting on S. Columbia Avenue with the existing house will be 204' deep with a 5' handle to S. Birmingham for sewer access. The lot fronting S. Birmingham Avenue will be approximately 162' deep. It currently contains a pool and a greenhouse. The greenhouse is to be removed. Both lots will meet the RS-1 zoning requirements.

The applicant is requesting waiver of the Subdivision Regulation requirement of 50' of right-of-way on S. Birmingham Avenue. Lot split 15225 on Lot 7 immediately south of this property was recommended for denial by the TAC for waiver of right-of-way dedication. TMAPC approved the waiver on that lot since Birmingham is not open to the south. Based upon the decision of the TMAPC to approve a waiver of right-of-way on Lot 7, the split on Lot 8, (L-15288) was also approved by the TMAPC for a waiver of right-of-way requirements.

Birmingham Avenue at this location has only 25' of right-of-way which was received on the two plats across the street from Lot 6. Voluntary dedications were received on lot splits L-12943 and L-12035 north of this tract. An easement along the W. 20' of the S. 59' of Lot 6 was voluntarily dedicated to the public (Book 4458-1323) by a previous owner and was not a part of a TMAPC lot split.

Since setbacks for the new structure will be measured from the centerline, and 20' along the southern portion of Lot 6 has already been dedicated, and dedication has been received to the north on previous splits, Staff sees no reason dedication cannot be made for the required right-of-way.

Staff recognizes that Birmingham from 47th Place south to 49th Street will probably not ever be fully dedicated or improved. About 350' north from 49th Street has been closed by ordinance; however, from 47th Place to the north there is only one tract (Lot 5) that has not split and/or dedicated the required right-of-way on Birmingham. Dedication on this current split will provide the right-of-way for the remainder of the intersection of 47th Place and Birmingham, and therefore should be required.

The applicant was represented by Braselton at the TAC meeting.

DPW (Traffic Engineering) advised that an application to close the 20' x 60' dedication already made is pending review by the City (5-3-93-1) This request to close will be held without any action pending the outcome of this lot split.

Further discussion included a suggestion (not a requirement) that a maintenance easement be provided along the 5' "handle" for sewer service to provide enough room to maintain the sewer line if repairs were necessary.

In conclusion, TAC agreed with Staff that right-of-way should be retained on Birmingham north of 47th Place, and that the request to waive right-of-way requirements should be denied.

On MOTION of Dixon, the Technical Advisory Committee voted unanimously to recommend approval of L-17647 subject to the conditions outlined by Staff and TAC, including the minimum right-of-way requirements of the street plan.

Applicant's Comments

Rick Braselton, Architect

5319 S. Lewis

Mr. Braselton distributed photographs of the subject site and presented an illustration of the applicant's proposed construction. Mr. Braselton advised that at the time his clients purchased this property the plat indicated a 20' utility easement running along the rear of the property along with stormwater easements. In 1992, it was discovered that the 20' x 60' tract had been dedicated to the City. Mr. Braselton advised that after speaking to the City Attorney, he was unable to determine why it was dedicated. Mr. Braselton quoted from the deed of dedication, stating, "...that the

property was given in consideration for the special benefits to the remainder of the above-described property". No one is able to tell him what caused that to be given. Mr. Braselton stated that the pictures illustrate a 6' reinforced concrete masonry wall that encircles this property and has been in place since 1970. The right-of-way would require that the wall and 20' inside the property be removed. His clients question whether a street will ever be built through this area, and are concerned over what happens to the wall and the improvements that have been made to their property.

There was a lengthy discussion among the Planning Commissioners as to whether the extra street width is needed to service the lot being split and adequacy of access.

Mr. Parmele stated that if the City had not agreed to vacate that portion south of Birmingham, there might be a legitimate reason for widening it, but with the vacation being approved and in place, it probably will never occur.

Mr. Neely stated that he would be voting against the motion because if the street will never be widened, the masonry wall can stay intact, but with the amount of right-of-way already given to the City along this stretch, he feels it would be a mistake to not continue the pattern.

Chairman Doherty pointed out that if the street is not widened, the owner will continue to have the use of the property and if the street should be widened, the masonry wall will have to be removed.

Ms. Wilson expressed agreement with Mr. Neely's comments and added that this one segment on the northern section that would give right-of-way down to a definite point. She expressed being in favor of the Staff recommendation.

Mr. Wilmoth suggested that, since there is a wall in place, a removal contract or license agreement to leave the wall in place until such time as the City needs the property may resolve the conflict. Such an agreement would be obtainable through Public Works.

TMAPC Action; 9 members present:

On MOTION of PARMELE, the TMAPC voted 1-6-2 (Parmele "aye"; Buerge, Carnes, Doherty, Horner, Neely, Wilson "nay"; Dick, Midget "abstaining"; Ballard, Broussard, "absent") to APPROVE Lot Split for Waiver L-17647 with the waiver of additional street dedication.

MOTION FAILED.

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TMAPC Action; 9 members present:

On MOTION of WILSON, the TMAPC voted 8-0-1 (Buerge, Carnes, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; Dick "abstaining"; Ballard, Broussard, "absent") to APPROVE Lot Split L-17647 as recommended by Staff, which does not include waiver of right-of-way dedication requirement.

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LOT SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-17655 (2793)	F & M Bank (PD-6)(CD-7)	4723 S. Yale	CH
L-17656 (1083)	Superior Fin. (PD-18)(CD-8)	7508 S. Hudson Pl.	RT
L-17658 (404)	Allphin (PD-15)(County)	6251 N. 131st E. Ave.	AG
L-17660 (1792)	Hamil (PD-23)(County)	6308 W. 22nd St.	RS
L-17661 (382)	Roberts (PD-8)(CD-2)	6939 S. 28th W. Ave.	RS-3
L-17662 (1292)	TDA (PD-1)(CD-4)	916, 918, 920 S. Denver Ave.	CBD

Staff Comments

Mr. Wilmoth advised that Staff has found the above-listed lot splits to be in conformance with the lot split requirements.

TMAPC Action; 9 members present:

On MOTION of CARNES, the TMAPC voted 9-0-0 (Buerge, Carnes, Dick, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Broussard, "absent") to RATIFY the above-listed lot splits having received prior approval.

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ZONING PUBLIC HEARING

Application No.:	Z-6395	Present Zoning:	RS-1
Applicant:	TMAPC	Proposed Zoning:	RE
Location:	South of 41st Street South between Utica and Lewis Avenues		
Date of Hearing:	February 3, 1993		

Relationship to the Comprehensive Plan:

The District 6 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity -- Residential.

According to the Zoning Matrix the requested RE District is in accordance with the Plan Map.

Staff Recommendation:

Site Analysis: The subject tract is approximately 200 acres in size and is located south of 41st Street South between Utica and Lewis Avenues. It is partially wooded, rolling terrain which contains single-family dwellings primarily on large lots and is zoned RS-1.

Surrounding Area Analysis: The tract is abutted on the north, east and south by single-family dwellings zoned RS-1; and on the west by single-family dwellings zoned RS-3.

Historical Summary: The area under consideration was originally zoned RS-1 when RS-1 had the largest lot requirements (13,500 SF) of the residential districts. Subsequent to that time, the RE zoning district was created which requires a minimum lot size of 22,500 SF. Most of the Bolewood Acres area was developed using septic tanks for sewage disposal and contains quite large lots. Since the original subdivision of the property, a number of lot splits have reduced the size of some of the original lots. Even after the lot splits most of the resultant lots still are large enough to meet RE standards.

At present, the northeastern portion of the area is sewerred and there is a proposal being worked on by the City and area residents to sewer parts of the southern portion of the area. As of this writing, owners of 15 lots have responded that they are against the rezoning and 41 have responded in favor of the rezoning. Most of those against the rezoning are located in the northern portion of the area under consideration.

Conclusion: Under the present RS-1 zoning and with the availability of sewer service, extensive redevelopment of the existing lots could occur at a density 3 to 4 times greater than now exists. Under RE zoning the area could be redeveloped at approximately twice the present density. The proposed rezoning would not eliminate the subdividing of existing lots, but it would make the new lots more in keeping with the existing development.

Therefore, Staff recommends **APPROVAL** of Z-6395 for RE zoning except the westernmost lot on the south side of 47th Street which is bounded on two sides by RS-1 zoned lots not included in this rezoning request. The owner of this tract has requested that his lot not be included and Staff can support the request because of its location.

If the Planning Commission wishes to eliminate most of the property owners who object to the rezoning, but still have a reasonably cohesive area of RE zoning, Staff would recommend removing the following areas from the request:

All of Blocks 1, 2, 3 and 4, Oakwold Subdivision; All of Block 2, Lots 1 and 2, Block 7, and Reserve "B" all in Bolewood Acres Addition; and the unplatted parcel immediately west of Lot 1, Block 1 Darrell Wayne Addition which is on the south side of 47th Street.

By excluding these lots, all but three lots whose property owners are opposed to the request would be eliminated. Of these three lots, two are already too small to further subdivide under either the existing or the proposed zoning districts. The final lot is so large that under RE zoning it could still potentially be subdivided into 5 to 6 lots or if it remained RS-1, could be divided into 9 lots.

If the Planning Commission finds neither of these recommendations acceptable, Staff would caution the Commission to not simply eliminate from the rezoning those lots whose owners object. This would produce a pattern of spot zoning which would be very difficult to defend as a reasonable and logical exercise of the City's zoning powers.

Staff Comments

Ms. Matthews explained that this request is a result of the Infill Study Phase II of the TMAPC Work Program. She advised that Councilor Bartlett requested that the issue be examined due to concern expressed by constituents over lot splits occurring in older established neighborhoods. She explained that these neighborhoods were developed before there was any intensity for residential that was lower than RS-1. The City has since updated the Zoning Code to include a Residential Estates (RE) category that is substantially lower in intensity than RS-1. Ms. Matthews noted that some of these older neighborhoods have begun a transition, as evidenced by some of the lot splits. She emphasized that the lot splits are largely administrative actions, yet have the potential to change the fabric of the neighborhood. Ms. Matthews advised that this proposed less-intense zoning would not stop the splitting of lots, but could reduce the number of lots that could be split and the lots which could be split off would be larger in size, more in keeping with the overall character of the neighborhood. Ms. Matthews detailed the process followed in this neighborhood to inform residents of the proposed rezoning. One of the things done was to distribute a flyer describing the process, and a request to notify Staff of support or opposition to the project. Ms. Matthews announced receipt of 45 responses and of those only 15 expressed opposition.

Interested Parties

Robert LaFortune

4444 S. Oak RD 74105

Mr. LaFortune voiced support of RE zoning. He pointed out that the infrastructure of Bolewood is not compatible for RS-1 zoning. He stated that there are approximately 3.25 miles of streets, excluding 41st Street and Lewis Avenue frontage, of this 2.5 miles are low-grade asphalt covered without curbs or gutters. He added that 75% of streets are unpaved and about 20' in width, and some as little as 15%. Mr. LaFortune noted there is no storm sewer system; all of the drainage, with the exception of a minute portion on South Wheeling which has some catch basins, is surface drainage. Approximately half of the lots are sewerred. Several area residents have been working in behalf of the sanitary sewer district. Mr. LaFortune expressed opposition to any higher intensity for this

neighborhood. He stated that the septic system requires a lot area of 22,500 SF, the same standard is set for a septic that is the same lot area proposed for RE zoning. An individual with a septic system cannot split his lot without getting 22,500 SF lot split; however, if your next door neighbor is on sewer, as is the case in parts of this addition, he can get 13,500 SF minimum lot areas. He noted the disparity that exists between the property rights of those in the unsewered area versus those in the sewered area. Mr. LaFortune reported that, at present, there are approximately 132 lots in this district; if this area were fully developed to RS-1 standards, it could be developed into approximately 560 lots. Under RE zoning this same district fully developed would be 330 lots, two and a half times the number of lots that currently exist. Mr. LaFortune declared that RS-1 lot splits would have an enormous impact on the neighborhood. Under RE zoning all lot owners would have the same rights for development, whether sewered or unsewered and offers the opportunity for very significant development. Mr. LaFortune pointed out that the northern portion, because of lack of sewers now and in the near future, will be under RE intensity zoning. He declared that to omit a section of Bolewood for RE zoning would be a mistake.

Pam Deatherage, District 6 Chair **1516 East 36th Street 74105**
Ms. Deatherage voiced support of RE zoning and noted that this would ensure preservation of the integrity of the neighborhood and rights of property owners to obtain a lot split and maintain the integrity of the existing neighborhood. Ms. Deatherage pointed out that under this zoning lot splits will still be allowed. She addressed the frustration of individuals buying in a spacious area putting up with lot splits, and variances reducing setbacks, side yards, and who ultimately have their homes abutting another house. Ms. Deatherage voiced her opinion that property values could decline, as has happened in other areas where zoning has changed to allow smaller homes and smaller lots. She encouraged the Planning Commission to approve the requested change in zoning.

Ms. Wilson asked Ms. Deatherage which of the two Staff recommendations she would favor.

Ms. Deatherage stated that she would consider the alternative, RS-1 on the northern section and RE in the southern portion, as a logical way of splitting the area.

Lind Wickersham **4736 S. Wheeling 74105**
Mr. Wickersham, president of Bolewood Manor Homeowners Association located southwest of the subject property, expressed concern over the effect density will have on Bolewood Manor if RE zoning is not approved. Mr. Wickersham declared that his addition is in a flood plain and does flood during heavy rains. A great deal of money has been spent to improve stormwater drainage for this area. He cited instances where street flooding into yards have been experienced. Mr. Wickersham expressed concern that RS-1 zoning would allow greater density and greater runoff, jeopardizing the properties south of the subject tract.

A.M Fuller

1956 E. 41st St. 74105

Dr. Fuller voiced opposition to RE zoning. He noted that across the street from his residence are RS-1 developments. Dr. Fuller pointed out that Woodycrest is zoned RS-1 and has septic tanks, and cited examples of other additions on septic which have RS-2 or RS-1 zoning. Dr. Fuller feels that during the nineteen years he has lived in the addition, the neighborhood has improved and he cannot conceive that it ever will deteriorate.

Henry Kolesnik

4161 Oak Rd. 74105

Mr. Kolesnik expressed support of RE zoning for the entire area.

Gerald Plost

3459 S. Florence Pl. 74105

Mr. Plost expressed opposition to RE zoning. Mr. Plost owns a lot on Victor Avenue that is nonconforming under the proposed RE zoning. He expressed concern over being allowed to construct a house on his lot which would be nonconforming.

Mr. Gardner advised that the lot would be nonconforming as to width, but exceed the RE standard substantially, and would not prohibit the owner from developing on the property. Mr. Gardner declared that Mr. Plost would only be nonconforming as to frontage. Mr. Plost would have to meet the 15' side yards requirement or go before the Board of Adjustment for a variance.

Therese Birkbeck

1218 E. 33rd St. 74105

Ms. Birkbeck owns a vacant lot in Bolewood. She stated her intention to build a home for herself and possibly split the lot to design a house for a client. She advised that an individual is interested in purchasing the other half of her lot. Ms. Birkbeck declared that if she splits her lot she would only do so after City sewer lines are in place, which is scheduled for May. She noted that each of her lots would be 192.75' by 92.6'; this is just under one full acre, which would make her lots fall short of RE requirements. Ms. Birkbeck presented drawings illustrating that the one curb cut off Lewis Avenue going into the development would, to the eye, not change what others are doing even under RE zoning. She noted the size homes designed and planned for this area would improve aesthetics of the neighborhood. Ms. Birkbeck presented the layout and gave a detailed description of how the proposed homes would be situated on the tract of land.

In response to questions from the Planning Commission, Mr. Gardner advised under present RS-1 zoning, he questions whether there is sufficient area to split this lot without a request for variance.

Ms. Birkbeck declared that once City sewer lines are in place, there will be sufficient area for a lot split. Ms. Birkbeck reported that when the lot was purchased two years ago, she was informed by City departments that she could probably be granted a lot split once sewer is installed. She noted that her property is so close to meeting the RE requirements that she should be given an exception. It is not zoned RE currently or when she

purchased it, and it does more damage to her business and potential loss of income for the other lot.

Mr. Midget asked the impact of excluding this lot for RE zoning, considering of its location.

Mr. Gardner advised that would be encouraging all those properties which back up to Lewis and front Zunis to make the same request.

Ms. Birkbeck noted that she is the only one opposing the proposed zoning in her area, so if she is the only one given the exception, then others would be under RE zoning for the future.

Mr. Gardner cautioned against spot zoning.

Mr. Neely asked if front and rear yard setbacks are the same for RS and RE.

Mr. Gardner advised that widths and sideyards are different, but setbacks are the same.

Brad Fuller

1000 Oneok Plaza 74103

Mr. Fuller, representing Dr. A.M. Fuller, Dr. David Merifield, and Charles Kothe, noted that there has been no campaign in the area against the proposed rezoning. Mr. Fuller expressed their opposition to RE rezoning, while acknowledging if the southern portion of the neighborhood wishes to be rezoned RE, that they should be allowed to do so. He noted that they have no plans for further development of their properties.

J.M. Graves

2219 E. 45th Pl. 74105

Mr. Graves advised that he had originally expressed opposition to RE zoning because he did not fully understand it. He expressed that he would not like to see different classifications in Bolewood. Mr. Graves then withdrew his protest and expressed support of RE zoning.

David Merifield

4140 Oak Road 74105

Dr. Merifield advised that he resides in the northern portion of Bolewood and voiced support of the alternate plan, zoning only the southern portion RE. He feels this is an arbitrary outside imposition on the status quo. Dr. Merifield believes the status quo favors demographics of the neighborhood. Dr. Merifield reminded the Commission of the tax base involved in their decision, property rights involved, that any changes made would be subject to resolution of the sewage problems and subject to review of the Planning Commission. He advised of no immediate plans to divide his lot, but feels rezoning is an imposition that is arbitrary and outside of his property rights to be done.

Joe Craft

4401 Oak Road 74105

Mr. Craft voiced concern over the restrictions of building on lots should RE zoning be approved, and advised that his concern was addressed earlier.

Sandy Bass

4447 Oak Road 74105

Ms. Bass advised that she has a contract pending on a lot in Bolewood. Ms. Bass voiced opposition to the alternative plan of changing only the southern portion to RE zoning. She expressed having no concern that current property owners will want to raze their homes to create a subdivision. However, she voiced concern over the possibility that in later years this could happen. Ms. Bass expressed support of rezoning all of Bolewood RE.

Edie Carlin

4115 S. Zunis 74105

Ms. Carlin expressed concern over the alternate proposal of dividing Bolewood. She encouraged the Planning Commission that whatever the decision, it should be for the entire addition. Ms. Carlin also expressed concern over the drainage issue and resultant flooding problems that would occur, should additional development be allowed under RS-1 zoning.

Tony Lauinger

1923 E. 47th St. 74105

Mr. Lauinger expressed support of RE zoning. He supports treating all of Bolewood in the same manner rather than dividing it into two separate zoning categories. Mr. Lauinger feels the lot splits that have already occurred have not enhanced the neighborhood, but rather caused the three houses built to have a crowded effect.

Burdette Blue

2138 E. 30th Pl.

Mr. Blue expressed support of RE zoning. Mr. Blue advised that his mother's home is located at 4114 S. Zunis in the northeast portion of Bolewood. He noted that even though those living in Bolewood now would have no intention of changing the area, in the future owners may wish to create lot splits. He thinks it is foolish to have a higher density pattern for the northern section and a different zoning for the southern section. Mr. Blue also expressed concern over additional development contributing to the already-existing flooding problems south of Bolewood.

Councilor Dewey Bartlett

Councilor Bartlett accepted responsibility for initiating the RE zoning proposal. He expressed agreement with the point made by interested parties that if a decision is made, it should include the entire Bolewood area and not exclude the northern portion as the alternative suggests. Councilor Bartlett explained that he began this process because of numerous complaints received about the lot splitting process. He noted that when lot splits occur in older neighborhoods, it allows, for appearances, a spot zoned area which is different from the surrounding neighborhoods. He cited instances in Oklahoma City where developers have purchased large lots with homes in place, torn down the houses and then constructed several houses. Councilor Bartlett deems this to go against the integrity of these older neighborhoods. He encouraged the Planning Commission to support RE zoning for the entire Bolewood area.

Mr. Buerge wants all interested parties to be aware that even under RE zoning, there can be a number of lot splits.

Councilor Bartlett replied that he believes this is understood and that resulting lots would be more in character with the present neighborhood.

Also present was:
John R. Crain

4222 S. Victor 74105

Review Session

For the sake of discussion, Mr. Carnes made the motion that the entire Bolewood area be zoned RE. This was seconded by Buerge.

Mr. Carnes expressed support of keeping the zoning uniform throughout the Bolewood area.

Mr. Parmele advised understanding the reasons for the request to change this area to RE zoning. He advised seeing the problems with lot splits in older areas, and this is an attempt to preserve the integrity and character of the neighborhood. However, he expressed having a problem with rezoning an individual's property without that owner's permission. Mr. Parmele declared that he cannot support taking rights away, and perhaps taking value away, from property owners who do not want RE zoning. He advised that he would be more agreeable to going along with the alternate plan of excluding the northern portion of Bolewood from the rezoning.

Mr. Midget agreed with Mr. Parmele's comments. He advised appreciating the need to preserve the integrity of the neighborhood, but stressed that property rights are fundamental, and to rezone without the property owners' consent creates problems for him.

Commissioner Dick conveyed sharing a strong concern about property rights, but also shares a concern about the integrity of neighborhoods. He declared that in the best interest of the entire area, he perceives that it should be treated the same. Commissioner Dick voiced concern of the effects additional construction in Bolewood would have on flooding subdivisions to the south.

Mr. Buerge expressed support of infrastructure; the septic, stormwater, and street problems; and noted the limitations they present to the current property owners that are no different from limitations imposed by RE zoning. Mr. Buerge expressed support of RE zoning.

Mr. Neely stated that he believes the best interest of the area will be served by changing zoning to RE, and expressed support of the RE zoning for all of Bolewood.

Chairman Doherty expressed support that the entire area should be dealt with as a whole.

Ms. Wilson commented that the compatibility issue should be viewed by the Planning Commission as to what is best for the City overall.

Ms. Wilson believes that RE zoning would be appropriate for this area. She also agreed that the entire area should be dealt with and the area not divided.

Chairman Doherty declared there is a distinct difference of opinion, and rather than require the Planning Commissioners to go on record on one motion with which they may agree in part, or disagree in part he believes they owe it to the elected officials to give them a clear reading of where the Planning Commission stands. He advised that a motion to amend would be in order.

Mr. Parmele moved to amend the motion to approve Staff's alternative proposal which excludes from RE zoning those areas north, and exclude the corner property to the south, and the lot on Lewis belonging to Ms. Birkbeck because Ms. Birkbeck opposes the rezoning. Mr. Parmele stated the reason to amend the motion is because the majority of property owners opposed to rezoning are in the northern area. He feels the area will develop based on what infrastructure is available. The stormwater issue is a valid concern, but will be addressed through replatting during the lot split phase.

TMAPC Action; 9 present:

On MOTION of PARMELE, the TMAPC voted 3-6-0 (Horner, Midget, Parmele "aye"; Buerge, Carnes, Dick, Doherty, Neely, Wilson "nay"; no "abstentions"; Ballard, Broussard, "absent") to recommend APPROVAL of Staff's alternative proposal which excludes from RE zoning those areas north, exclude the corner property to the south, and the lot on Lewis belonging to Ms. Birkbeck.

MOTION FAILED.

* * * * *

TMAPC Action; 9 present:

On MOTION of CARNES, the TMAPC voted 7-2-0 (Buerge, Carnes, Dick, Doherty, Horner, Neely, Wilson "aye"; Midget, Parmele "nay"; no "abstentions"; Ballard, Broussard, "absent") to recommend APPROVAL of RE zoning for the entire area of Z-6395.

LEGAL DESCRIPTION

Bolewood Acres, Oakwold Subdivision, Bolewood Circle, Wentworth Acres, Lots 1 - 4, Block 1, Darrell Wayne Addition, The Cloister's; the East 3-1/3 acres of the SW/4, NE/4, SE/4, less the South 456.82', Section 30, T-19-N, R-13-E'; the E/2 of the West 2/3 of the N/2 of the NW/4, NE/4, SE/4 and the North 2/3 of the W/2 of the East 1/3 of the N/2 of the NW/4 of the NE/4 of the SE/4, Section 30, T-19-N, R-13-E; the South 300' of the E/2 of the West 1/3 of the N/2 of the NE/4 of the SE/4, Section 30, T-19-N, R-13-E; the West 220' of the North 330' of the NW/4 of the NE/4 of the SE/4, Section 30, T-19-N, R-13-E; the S/2 of the W/2 of the West 1/3 of the N/2 of the NE/4 of the SE/4 of Section 30, T-19-N, R-13-E; the SE/4 of the NE/4 of the NW/4 of the SE/4 of Section 30, T-19-N, R-

13-E; the SW/4 of the NE/4 of the NW/4 of the SE/4 of Section 30, T-19-N, R-13-E; the NW/4 of the NE/4 of the NW/4 of the SE/4, less the East 20' and Less the North 30' of Section 30, T-19-N, R-13-E; the East 20' of the N/2 of the W/2 of the NE/4 of the NW/4 of the SE/4, Less the South 156.84' and Less the North 30', Section 30, T-19-N, R-13-E; and the South 156.84' of the East 20' of the N/2 of the W/2 of the NE/4 of the NW/4 of the SE/4 of Section 30, T-19-N, R-13-E in the City and County of Tulsa, Oklahoma.

* * * * *

OTHER BUSINESS:

PUD 206-10 Minor amendment to increase building height - southwest corner of 91st Street South and Sheridan Road.

Staff Recommendation

The applicant is requesting an amendment to the maximum building height from 26' to 30' for a 235' x 243' tract at the southwest corner of 91st Street and Sheridan Road. This area has an underlying zoning of CS and is surrounded by CS-zoned areas. There is no height limitation in a CS-zoned area, except for the PUD's height limitation. Since this tract is planned to ultimately be surrounded by commercial development, Staff can support the increased building height requested. Therefore, Staff recommends **APPROVAL** of PUD 206-10 as requested.

* * * * *

DETAIL SITE PLAN

The applicant has submitted a site plan for a Walgreen's Drug Store on the same tract as considered in PUD 206-10. Staff has reviewed the plan and finds it in accordance with the PUD conditions. Therefore, Staff recommends **APPROVAL**. With this approval the following building floor area remains unused in Development Area A.

Maximum approved floor area for	
Development Area A	200,000 SF
Food Lion Store	-37,560 SF
Walgreen's Store	<u>-12,926 SF</u>
Remaining unused floor area	149,514 SF

Interested Parties

Jan Stafford 9229 S. Norwood

Ms. Stafford requested that a condition be added that lighting be shielded and directed down and away from residential.

Mr. Sack, representing the applicant, indicated agreement.

TMAPC Action; 9 members present:

On MOTION of CARNES, the TMAPC voted 9-0-0 (Buerge, Carnes, Dick, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Broussard, "absent") to APPROVE PUD 206-10 as recommended by Staff and the Detail Site Plan with the lighting conditions as listed above.

* * * * *

PUD 496 Detail Site Plan - northwest corner of Pine Street and North Sheridan Road

Staff Recommendation

Staff has reviewed the proposed site plan for a Walgreen's Store and finds it to be in conformance with the PUD conditions. Therefore, Staff recommends APPROVAL.

TMAPC Action; 9 members present:

On MOTION of CARNES, the TMAPC voted 9-0-0 (Buerge, Carnes, Dick, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Broussard, "absent") to APPROVE the Detail Site Plan for PUD 496 as recommended by Staff.

* * * * *

Mr. Johnsen advised that a draft of the required implementing covenants for PUD 496 was sent to the Legal Department and Staff. He advised that Staff has approved it. Mr. Johnsen asked that the Planning Commission approve the declaration subject to concurrence by the Legal Department as to form and authorize the appropriate officials to execute the document.

TMAPC Action; 9 members present:

On MOTION of PARMELE, the TMAPC voted 9-0-0 (Buerge, Carnes, Dick, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Broussard, "absent") to APPROVE the Declaration of Covenants for PUD 496 subject to approval by the Legal Department and authorizing officials to sign the document.

* * * * *

PUD 385 Revised Detail Sign Plan
Northwest corner of Utica Avenue and 71st St. South

Staff Recommendation

Applicant is proposing to alter the existing ground and wall signs in PUD 385, but at this time does not know exactly what signs will be installed because there are currently no tenants in the shopping center. The applicant is requesting Detail Sign Plan APPROVAL for the entire PUD without providing the Planning Commission with sign plans for the actual signs which will be constructed. If approved,

this would mean applicants only need to submit concept plans of signage for Detail Plan approval and the TMAPC would never get to review the actual signage erected.

Staff feels this was never the intent of the requirement for Detail Sign Plan review by TMAPC, and therefore recommends DENIAL of the Detail Sign Plan because of inaccurate and insufficient information.

Applicant's Comments

Roy Johnsen, attorney

Mr. Johnsen, representing Brian McCracken, who is under contract to purchase this tract, advised that this center has been a failure and contributing to that failure was lack of signage. The applicant has expressed concern that he be permitted to have reasonable signage. Mr. Johnsen asked for indication from the Planning Commission so that he can relay to potential clients some idea of permitted signage. Mr. Johnsen advised the code does not state that a detailed sign plan cannot be done in concept form. He noted that the outline development plan must show size, height, and location of any ground signs; there is no requirement to specify wall signage. Mr. Johnsen referred to a drawing depicting a generic indication of where signs would be located, square footage, letter height, illumination, etc.; however, there are no tenants at present.

Chairman Doherty explained Staff's position is that if the signs were presented, regardless of lettering, that the recommendation would be for approval so long as it meets the conditions of the PUD.

Mr. Johnsen advised that his client wants assurance from the Planning Commission that the PUD signage conditions will be upheld.

TMAPC Action; 6 members present:

On MOTION of DICK, the TMAPC voted 6-0-0 (Dick, Doherty, Horner, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Buerge, Carnes, Midget, "absent") to APPROVE the submitted plans as a Concept Plan with the requirement that Final Detail Sign Plans must be approved by TMAPC prior to issuance of a sign permit.

* * * * *

Briefing on Historic Preservation Zoning (HP) requirements and procedures.

Chairman Doherty struck this item from the agenda.

There being no further business, the Chairman declared the meeting adjourned at 4:00 p.m.

Date Approved: 2/17/93

James R. DeLoach
Chairman

ATTEST:

[Signature]
Secretary

