

# Tulsa Metropolitan Area Planning Commission

## Minutes of Meeting No. 2121

Wednesday, July 16, 1997, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Doherty	Boyle	Almy	Linker, Legal
Gray	Carnes	Gardner	Counsel
Horner	Dick	Jones	
Jackson	Pace	Stump	
Ledford			
Midget			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Tuesday, July 15, 1997 at 9:20 a.m., in the Office of the City Clerk at 9:16 a.m., as well as in the office of the County Clerk at 9:14 a.m.

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

### Minutes:

#### **Approval of the minutes of July 2, 1997, Meeting No. 2119:**

On **MOTION** of **MIDGET**, the TMAPC voted **7-0-0** (Doherty, Gray, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Carnes, Dick, Pace "absent") to **APPROVE** the minutes of the meeting of July 2, 1997 Meeting No. 2119.

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### Reports:

#### Committee Reports:

##### **Rules and Regulations Committee:**

Mr. Doherty stated there is a Rules and Regulations Committee meeting immediately following today's TMAPC meeting.

**Director's Report:**

Mr. Gardner stated there are four zoning items scheduled for the July 17, 1997 City Council meeting and he will be in attendance.

Mr. Gardner stated that a legal opinion from Mr. Romig was received in regard to the letter from Elgin A. Warterfield, Jr. - East Half of Lot 1, Block 7, O'Connor Park.

**Bill Harrington** stated he is representing the O'Connor Park group in this matter. He submitted the Caveat and Bill of Assurance that is recorded in the County Clerk's office in regard that no residential lot shall be resubdivided into building plots smaller than one acre.

Mr. Harrington requested that the zoning maps and other related maps be changed to reflect the Caveat and Bill of Assurance to avoid confusion for future buyers. He feels the changes should have never been made.

Mr. Westervelt requested comments from staff and Legal Counsel. Mr. Linker stated Mr. Romig's legal opinion indicates the proper procedure would be a vacation of the plat and that the Planning Commission has no authority to initiate such a vacation.

Mr. Harrington requested that the Commission make a recommendation to correct the plats at the County Clerk's office.

Mr. Westervelt asked whether the abstract reflects the Covenant and Bill of Assurance. Mr. Linker replied in the affirmative, noting a title opinion would note any problems with the abstract. Mr. Linker feels that Mr. Romig's legal opinion is correct in that the Planning Commission does not have authority in this matter.

After further discussion, Mr. Westervelt made a motion to deny the request with the understanding that the Planning Commission has no authority in this matter, and that the abstract should reflect the appropriate plat.

Mr. Harrington expressed concern that a plat can be approved by the Planning Commission and made a part of the permanent records even when it is in violation of the restrictive covenants. Mr. Doherty reminded Mr. Harrington that covenants are a private contract and the Planning Commission does not deal in the issues of private contract.

**TMAPC Action; 7 members present:**

On **MOTION** of **WESTERVELT**, the TMAPC voted **7-0-0** (Doherty, Gray, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Carnes, Dick, Pace "absent") to **DENY** the request to correct the record of plat for the East Half of Lot 1, Block 7, O'Connor Park as requested by Elgin A. Warterfield, Jr.

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## **CONTINUED STREET CLOSING REQUEST:**

### **Right-of-Way Closing - File No. 5-3-97-54**

Service road on east side of Peoria Avenue between 44<sup>th</sup> and 45<sup>th</sup> Place

#### **Staff Comments:**

Mr. Stump stated he discussed with Jon Eshelman, Public Works Department, the proposal of having the frontage road turn into Peoria at the traffic signal light. Mr. Eshelman expressed significant concern with the proposal in that access to the traffic light would produce more traffic in front of the condominiums. Moreover, the abrupt turn to the left was not good geometry and other accesses in the area would conflict with 45<sup>th</sup> and the traffic light if the access were located somewhere in between.

Therefore, Mr. Eshelman made the recommendation to Council to either close the entire road or the entire road should remain open.

#### **Interested Parties Comments:**

**Nancy Apgar**, 3914 South Norfolk, 74105-3125, stated she is representing the Brookside Neighborhood Association, as well as Mr. Matson and Ms. Smith who live on Quaker Avenue.

Ms. Apgar stated Mr. Matson and Ms. Smith asked her to express their views and to represent them at the meeting. She stated their position is to agree with the Swiss Riviera Condominium Association as to whether the Condo Association want the access road partly or not. She advised them what Mr. Levy's client has agreed to do, as proposed in a plan dated July 9<sup>th</sup>. She stated she is not aware of a later plan being submitted, but she knows the Fire Department and ambulance service have been contacted as to their opinions of the plan.

Ms. Apgar stated that if the City agrees with the plan of leaving part of the road open with a cul-de-sac, the neighbors on Quaker will agree to a seven-foot masonry wall with a ten-foot landscaped buffer strip on the east to be maintained by the CS property owners, provided the agreement is in writing with a provision to protect the residential properties from any damage by stormwater run-off due to the development of the CS-zoned property, including the wall and buffer zone. She stated the neighbors want to work together with the condo owners for the best possible resolution for all concerned.

Ms. Apgar stated if the road is closed as proposed, leaving the south end of the road open, there is no protection from whatever goes in as a commercial establishment in terms of parking, lighting, noise, hours of operations and so forth, since the rezoning was approved without an accompanying PUD. She noted the Hollywood Video at 39<sup>th</sup> and Peoria as a good example of the neighbors and a business working together with a PUD.

Ms. Apgar feels the commercial development will have a big advantage in size should the road be partially closed, and the neighbors will have no redress should the development be detrimental to their neighborhood. She feels it is the Commission's duty to determine the best solution for the neighborhood and the newly-zoned CS property as to whether the road should remain open or be closed. She feels the Commission will attempt to make the best decision.

**Carol L. Swenson**, 1723 East 71<sup>st</sup> Street, stated she represents Swiss Riviera Condominiums Unit Owners Association. She stated they have had extensive discussions with Mr. Levy, who represents the owners of the commercial property to the north.

Ms. Swenson stated extending a roadway from the frontage road to Peoria Avenue at the traffic signal light would be confusing and cause congestion at the light since the frontage road would be a one-way street. She suggested the roadway be located north of the signal light.

In regard to the cul-de-sac proposal, Ms. Swenson feels it could not be large enough to accommodate a 90-foot radius for fire truck and ambulance access.

Ms. Swenson stated whatever is done needs to protect the entire neighborhood, not just the condos. She stated if that means the road needs to remain open, then it needs to remain open and the TMAPC has the authority to do that.

Ms. Swenson stated the original proposal to make a driveway around the north end of the condo property to access the service road would require more land than the condos can access.

Ms. Swenson stated the condo association's position is for the road to remain open. She asked the Commission to do the right thing for all parties involved.

**Louis Levy**, 5314 South Yale, #310, 74135, reminded the Commission that the request came about as a result of the City Council meeting discussion.

Mr. Levy stated the recommendation by TMAPC will be forwarded to the Department of Public Works and then onto the City Council.

Mr. Levy stated, in order to provide protection to the residents to the east, he would file a restrictive covenants to the subdivision plat to incorporate a ten-foot setback from the east boundary and construct a seven-foot concrete block wall.

Mr. Levy feels the condo residents need protection from commercial activities in this area. He stated his client is willing to spend the money necessary to provide protection from the commercial activities.

Mr. Levy feels staff's recommendation is a middle-ground solution for all parties concerned.

Mr. Levy stated Ms. Swenson's suggestion to construct a driveway around the north end of the condos is a good proposal and he is willing to construct said driveway.

### **Staff Comments:**

Mr. Doherty stated, in regard to Ms. Swenson's comment of having sufficient land to install a driveway around the north end of the condo property, the driveway would be a private drive requiring an additional ten feet of land. Ms. Swenson feels it would require more than the existing ten feet for access by emergency vehicles and delivery trucks due to the heat/air units and the balconies to provide access for emergency vehicles and delivery trucks.

Mr. Doherty reminded Ms. Swenson that the difficulty in regard to the request is that if nothing is done to move the commercial development to the front of the property, then the residents on Quaker will suffer more than anyone else. If the Planning Commission takes no action, then the road remains open and the zoning stands as CS zoning with no control of traffic, noise, or hours of operation.

Mr. Midget questioned whether, in regard to the cul-de-sac proposal, there would be an allowance to accommodate the 90-degree turning radius for emergency vehicles. Mr. Levy replied he believes the cul-de-sac proposal is workable.

Mr. Stump stated, that if there are no fire issues and the if the owner of the commercial property would be willing to give 10 to 12 feet of property on the north end of the condos, the driveway could be constructed as a one-way street through the parking area and circle around to the service road, exit on 45<sup>th</sup> Place. It would allow for parallel parking in front of the condos. He feeling emergency vehicles could enter the one-way street in the wrong direction if need be. He noted the parking lot does not work well now due having to no other way out other than backing out.

Mr. Midget clarified the meaning of "road closing" in that it means going from a public street to a private street. He feels that Ms. Apgar's suggestion of a PUD was a good idea because of the nature of the development and being located so close to a residential neighborhood. He feels a PUD would provide the needed safeguards and protection.

Ms. Gray presented and read the minutes from the hearing on the zoning change. She emphasized that the CS zoning was approved based on the comments and input, good faith and in the spirit and the intent of the request. She feels the zoning was approved based on the road not being closed and the setbacks remaining the same. She commented she is against the closing of the road.

Mr. Westervelt pointed out that Mr. Levy has voluntarily offered to provide the protection that a PUD would provide. Mr. Levy has assured the TMAPC that the plat will contain the restrictive covenants which include the masonry wall and landscaping. Mr. Levy is also willing to look at two different alternatives, which Mr. Westervelt feels would be very acceptable protection for the neighbors.

Mr. Midget asked for clarification on the closing of the street. Mr. Doherty explained the different possibilities. Mr. Westervelt replied his intent is to close and vacate the service road and make the condo residents the owners of the property.

Mr. Midget recognized Mr. Levy. Mr. Levy clarified that during the hearing for rezoning he did not request the road in front of the condo be vacated.

Mr. Ledford stated there is a difference between closing and vacating a street. A closing is when the City sees no need for the street anymore, but still owns the property. Mr. Doherty feels the intent of Councilor Gardner was to close and vacate the north half of the road to allow the commercial development to be move towards Peoria Avenue. He feels this is the spirit and intent that has been debated.

Mr. Westervelt clarified that his motion is to close and vacate the street; the property will revert to the condominiums; Mr. Levy has volunteered to construct the masonry wall and either the cul-de-sac or install driveway around the north end of the condo. He feels this is a great solution, as good as or better than if developed with a PUD.

Ms. Gray questioned if property taxes will increase for the condo owners if the property reverts them. Mr. Linker replied in the affirmative since their tracts of land will be increased. Mr. Westervelt feels that the added value of the condos will far exceed any small increase in taxation.

**TMAPC Action; 7 members present:**

On **MOTION** of **WESTERVELT**, the TMAPC voted **6-1-0** (Doherty, Horner, Jackson, Ledford, Midget, Westervelt "aye"; Gray "nay"; none "abstaining"; Boyle, Carnes, Dick, Pace "absent") to recommend **APPROVAL** of closing and vacating the service road on the east side of Peoria Avenue between 44<sup>th</sup> and 45<sup>th</sup> Place, conditioned upon either a cul-de-sac in front of the condos or a driveway around the north end of the condo, to be worked out among the interested parties and include the proposal in the platting requirements.

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## **Subdivisions:**

### **Sketch Plat:**

#### **81<sup>st</sup> & Sheridan (1483)**

(PD-18) (CD-8)

South and east of the southeast corner of East 81<sup>st</sup> Street South and South Sheridan Road.

#### **TAC Recommendation:**

Jones presented the plat with Lindsay Perkins and Jim Crosby in attendance. He noted that the reason the plat is being reviewed is to consider the street layout and discuss the required residential collector.

Considerable discussion was given to both the location and size of the collector, after which Perkins offered the existing layout for the collector with 54' of right-of-way width and 30' paving width.

Eshelman noted that the layout and width would be acceptable based on the existing street pattern for the mile. Jones pointed out that the proposal would not meet the TMAPC guidelines for 54' width and 30' of paving based on the number of houses fronting the collector.

Eshelman recommended the north/south street to East 81<sup>st</sup> be redesigned to shorten the length. He also asked about sidewalks on the collector.

Jones responded that developers have submitted a sidewalk plan that is equal to or better than what is required in the Subdivision Regulations.

The submitted sketch plat contains approximately 140 acres and 398 residential single-family lots. The property is zoned RS-3, which permits a minimum lot width of 60' and 6,900 square feet of lot area. The applicant is requesting a waiver of the Subdivision Regulations which require an east/west residential collector on the property.

When Huntington Place was platted in 1985 (abutting the subject tract to the south), considerable discussion was made in regards to the location of the residential collector. It was determined that the most suitable location for the collector would be on the abutting property to the north. Staff would recommend the 60' collector not be waived and the layout redesigned to include the collector with sidewalks and tie to the existing 60' stub to the east.

Staff would offer the following comments and/or recommendations:

1. Redesign street layout to provide for 60' residential collector to tie into East 86<sup>th</sup> Street South to the east.
2. Show common/open space as a Reserve Area. Those areas providing required detention should be dedicated to the City.

3. Utility easement shall meet the approval of the utilities. Coordination with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property lines and/or lot lines.
4. Water and sanitary sewer plans shall be approved by the Department of Public Works (Water & Sewer) prior to release of final plat. (Include language for W/S facilities in covenants.)
5. 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).
6. A request for creation of a Sewer Improvement District shall be submitted to the Department of Public Works (Water & Sewer) prior to release of final plat.
7. 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 the City of Tulsa.
8. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).
9. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
10. Street names shall be approved by the Department of Public Works and shown on plat.
11. All curve data, including corner radii, shall be shown on final plat as applicable.
12. City of Tulsa Floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.
13. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the Department of Public Works.
14. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
15. Limits of Access or LNA as applicable shall be shown on plat as approved by the Department of Public Works (Traffic). Include applicable language in covenants.
16. It is recommended that the Developer coordinate with the Department of Public Works (Traffic) during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)



17. 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.
18. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
19. The key or location map shall be complete.
20. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided 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. If plugged, provide plugging records.)
21. The restrictive covenants and/or deed of dedication shall be submitted for review with the preliminary plat. (Include subsurface provisions, dedications for storm water facilities, and PUD information as applicable.)
22. This plat has been referred to Bixby, Broken Arrow and Jenks 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 provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
24. Applicant is advised to contact the U.S. Army Corps of Engineers in regards to Section 404 of the Clean Waters Act.
25. All other Subdivision Regulations shall be met prior to release of final plat.

On motion of Miller, the Technical Advisory Committee voted unanimously to recommend approval of the Sketch Plat of 81<sup>st</sup> and Sheridan, subject to all conditions and recommendations listed above.

**Applicant's Comments:**

**Lindsay Perkins**, 4735 South Atlanta Place, the developer, stated Jim Crosby with Planning Design Group and Dave Sanders with Sanders Engineering are also present to answer any questions the Commission may have.

Mr. Perkins stated this development is faced with the same issue that the Huntington developers were faced with in 1985 in regard to having short frontage. When the decision was made to shift the location of the collector street to the north at the expense of the subject property, there was no regard to the impact it would have on the subject property. He noted the Major Street and Highway Plan shows a collector street running through the middle of Huntington.

Mr. Perkins feels there were some references in the TAC hearing that Mr. Gussman, owner of the property, was a participant in discussion on the collector streets. He presented a letter from Mr. Gussman stating he did not participate in any discussion in that regard.

Mr. Perkins stated his goal is to develop good, sound neighborhoods and he prefers not constructing any form of a collector street in the proposed development. He feels a 60-foot wide right-of-way with 36 feet of paving curving in around neighborhoods with children is not his idea of what it takes to create a good value in a neighborhood or community.

Mr. Perkins stated he will attempt to answer any questions or address any concerns the Commission may have in regard to the collector street.

**There were no interested parties wishing to comment.**

**TMAPC Comments:**

Mr. Midget asked what percentage or number of homes will be fronting the proposed collector street. Mr. Doherty replied all but four homes would be affected. Mr. Perkins stated the compromise, a 54-foot right-of-way with 30 feet of paving, is to accommodate some of those who argue for a collector street but also try to enhance and preserve the value of the neighborhood. Mr. Perkins stated the existing ponds cannot be saved; however, he is proposing some water features and plans have already been completed.

Jim Crosby, Planning Design Group, noted the sidewalk systems which were provided to TAC. The proposal is to limit the parking to one side of the street to avoid congestion and to distribute the sidewalks throughout the neighborhood. He stated the sidewalk will be parallel to the collector street on one side, as indicated in red on the map, and approximately 4100 linear feet long. Also there will be an additional 4900 linear feet of sidewalks throughout the development to loop the system together. There will also be an additional 1500 feet of trail in the park area. He feels this will make the development more pedestrian-oriented.

Mr. Midget feels with the proposed sidewalk system he would support the project.

Mr. Doherty clarified that staff is recommending that the Planning Commission adhere to the Subdivision Regulations and Mr. Perkins is requesting waiver of the Subdivision Regulations in regard to the sidewalk requirement. Mr. Perkins replied his preference is to request a standard street with sidewalks, but if it is necessary to go to a wider-type of street, he would be agreeable to a 54-foot right-of-way with 30 feet of paving. Mr. Crosby noted this type of compromise has been approved in the past.

Mr. Jones reminded the Commission that the proposal by Mr. Perkins that TAC is supporting does not meet the adopted guidelines from 1992 as based on the percentage of houses. He noted a recent meeting where the Commission required the full 60 feet of right-of-way with 36 feet of paving on two subdivisions that were similar to this development. He feels the sidewalk issue has been resolved.

Mr. Doherty reminded the Commission that a waiver of Subdivision Regulations requires six affirmative votes. He feels the current trend is that a full-width collector all the way through the mile section is not only not needed but not necessarily good planning, but that the interior street should neck down to a residential street. The 1992 guidelines recognized that where houses front onto a collector street, a greater width is required to accommodate parking on the street. The applicant is proposing limiting parking to one side of the street.

Ms. Gray stated, knowing the area extremely well, she is against collector streets within neighborhoods. She feels the streets cause people to cut through the neighborhood. Due to the location of the schools in this area, she feels a collector is inappropriate.

Mr. Midget questioned whether Ms. Gray is supporting the waiver and a standard residential street. Ms. Gray replied in the affirmative due to the curve, and the subdivision itself will cause a large problem to the neighborhood if a collector street that would allow constant traffic in the neighborhood.

Mr. Doherty stated he could not support a waiver for the entire length of the project.

Mr. Ledford stated he could support the waiver because the original purpose of collector was to keep traffic on the north/south and east/west mile sections, and he feels due to the number of curbs and turns of the proposed street, it will limit the speed and number of vehicles.

**TMAPC Action; 11 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **6-1-0** (Gray, Horner, Jackson, Ledford, Midget, Westervelt "aye"; Doherty "nay"; none "abstaining"; Boyle, Carnes, Dick, Pace "absent") to **APPROVE** the Sketch Plat of 81<sup>st</sup> and Sheridan as presented, subject to the conditions as recommended by TAC and Waiver of Subdivision Regulations to allow a 54-foot of right-of-way with 30 feet of paving and a sidewalk plan in lieu of sidewalks on both sides of the arterial.

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## **Preliminary Plat:**

### **Crown Woods (PUD-563) (2083)**

(PD-18) (CD-2)

Southeast corner of East 91<sup>st</sup> Street South and Riverside Parkway

### **TAC Recommendation:**

Jones presented the plat with Roy Johnsen and David Brown present.

Eshelman recommended that the main entrance into the complex from 81<sup>st</sup> Street not line up with the relocated South Lewis Avenue.

Considerable discussion was given in regards to easements with Brown proposing a new easement plan.

Jones suggested that both a building line and an accessory structure line be shown on the face of the plat.

Crown Woods is a one-lot multifamily subdivision plat which contains 10.4 acres. The PUD, which was reviewed by the TAC, was approved by the TMAPC at the June 11<sup>th</sup> meeting.

Staff would offer the following comments and/or recommendations:

1. Since a portion of the property is platted, the property is subject to Oklahoma Statutes 42-106. Staff would recommend the underlying plat of Garden Trails be vacated in accordance with accepted legal procedures.
2. A waiver of the Subdivision Regulations is required to permit the plat to be drawn at a scale of 1" = 60' (1" = 100' required).
3. Show 17.5 perimeter easement as previously recommended by the TAC.
4. Remove tree information and abutting ownership from plat.
5. All conditions of PUD-563 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 1100-1107 of the Zoning Code in the conditions covenants.
6. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
7. Water and sanitary sewer plans shall be approved by the Department of Public Works (Water & Sewer) prior to release of final plat. (Include language of W/S facilities in covenants.)
8. Pavement of 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 Department of Public Works (Water & Sewer) prior to release of final plat.
10. 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 the City of Tulsa.
11. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).
12. Streets names shall be approved by the Department of Public Works and shown on plat.
13. All curve data, including corner radii, shall be shown on final plat as applicable.
14. City of Tulsa Floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.
15. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the Department of Public Works.
16. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
17. Limits of Access or LNA as applicable shall be shown on plat as approved by the Department of Public Works (Traffic). Include applicable language in covenants.
18. It is recommended that the Developer coordinate with the Department of Public Works (Traffic) during the early stages of street construction concerning the ordering, purchase and installation of street marker signs.
19. 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.
20. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
21. The key or location map shall be complete.
22. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided 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. If plugged, provide plugging records.)
23. The restrictive covenants and/or deed of dedication shall be submitted for review with the preliminary plat. (Include subsurface provisions, dedications for storm water facilities, and PUD information as applicable.)

- 24. This plat has been referred to Bixby and Jenks 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.
- 25. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
- 26. Applicant is advised to contact the U.S. Army Corps of Engineers in regards to Section 404 of the Clean Waters Act.
- 27. All other Subdivision Regulations shall be met prior to release of final plat.

On motion of Nelson, the Technical Advisory Committee voted unanimously to recommend approval of the Preliminary Plat of Crown Woods, subject to all conditions and recommendations listed above.

**There were no interested parties wishing to comment.**

**TMAPC Action; 7 members present:**

On **MOTION** of **WESTERVELT**, the TMAPC voted **7-0-0** (Doherty, Gray, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Carnes, Dick, Pace "absent") to **APPROVE** the Preliminary Plat of Crown Woods, subject to the conditions as recommended by TAC and Waiver of Subdivision Regulations to permit the plat to be drawn at a scale of 1"=60'.

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**The Preliminary Plat for The Vintage on Yale and Detail Site Plan for PUD-389 were heard simultaneously.**

**The Vintage On Yale (1583)** (PD-18) (CD-8)  
 South and east of the southeast corner of East 81<sup>st</sup> Street and South Yale Ave.

**TAC Comments:**

Jones presented the plat with Ted Sack present.

Somdecerff requested additional right-of-way for South Yale which contains approximately 30.9 acres. The property will be developed in accordance with PUD-389 and the west portion, which was platted as Blake Hills Addition in 1983, is being vacated.

Staff would offer the following comments and/or recommendations:

- 1. Identify "Planned Unit Development 389" under title.

2. Show book/page information for existing right-of-way.
3. Show abutting utility easement on Signal Hill.
4. All conditions of PUD-389 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 1100-1107 of the Zoning Code in the conditions covenants.
5. 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 shall be tied to or related to property line and/or lot lines.
6. Water and sanitary sewer plans shall be approved by the Department of Public Works (Water & Sewer) prior to release of final plat. (Include language for W/S facilities in covenants.)
7. 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).
8. A request for creation of a Sewer Improvement District shall be submitted to the Department of Public Works (Water & Sewer) prior to release of final plat.
9. 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 the City of Tulsa.
10. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).
11. Street names shall be approved by the Department of Public Works and shown on plat.
12. All curve data, including corner radii, shall be shown on final plat as applicable.
13. City of Tulsa Floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.
14. Bearings, or true N/S etc., shall be shown on perimeter of land being platted or other bearings as directed by the Department of Public Works.
15. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
16. Limits of Access or LNA as applicable shall be shown on plat as approved by the Department of Public Works (Traffic). Include applicable language in covenants.

17. It is recommended that the Developer coordinate with the Department of Public Works (Traffic) during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
18. 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.
19. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
20. The key or location map shall be complete.
21. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided 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. If plugged, provide plugging records.)
22. The restrictive covenants and/or deed of dedication shall be submitted for review with the preliminary plat. (Include subsurface provisions, dedications for storm water facilities, and PUD information as applicable.)
23. This plat has been referred to Jenks 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.
24. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
25. Applicant is advised to contact the U.S. Army Corps of Engineers in regards to Section 404 of the Clean Waters Act.
26. All other Subdivision Regulations shall be met prior to release of final plat.

On motion of Miller, the Technical Advisory Committee voted unanimously to recommend approval of the Preliminary Plat of The Vintage of Yale, subject to all conditions and recommendations listed above.

**PUD-389 Charles Norman**

(PD-18) (CD-8)

South and east of 81<sup>st</sup> Street South and Yale Avenue  
(Detail Site Plan for apartment complex.)

**Staff Recommendation:**

The applicant is requesting detailed site plan approval for a 31-acre area which combines Development Areas A & B and proposes a maximum of 384 dwelling units with an overall density of 12.4 dwelling units per acre. The site plan indicates that 75% of the entire area will be maintained as natural or landscaped open space.



The request includes the previously-platted Area A approved for 296 multifamily dwelling units with a density of 21.9 units per acre. The 17.49-acre unplatted Area B was approved for 252 units at a density of 14.4 units per acre. The proposed reduction in overall density from the original approval to 12.4 reduces the total number of permitted dwelling units by 160. The original PUD 389 approval required that 52% of Area A and 63% of Area B be maintained as natural and landscaped open space.

Staff has reviewed the request and finds the decrease in the intensity of use increases the natural and landscaped open space and appears to be a reasonable use of the heavily-sloped site. The applicant is proposing a uniform 100-foot setback from residential uses to the south, the stabilization of slopes in excess of 3:1 with a City-approved retaining system and standards for parking grades and drives with maximums of longitudinal grades of 5%, cross slopes of 5% and drives of 12%.

Staff, therefore, finds the site plan meets bulk, area, site screening, access and parking requirements of PUD 389 and recommends **APPROVAL** of the detailed site plan as submitted subject to the following conditions:

1. Subject to the conditions recommended by the Technical Advisory Committee during the platting/replatting process of the entire 31-acre site as approved by TMAPC and subject to an engineer's certificate that the final grading plan conforms with site grading standards per the approved site plan and file a copy of the final grading plan with TMAPC staff.\*
2. That parking areas be set back at least 25 feet from the single-family residential district boundary to the south.
3. That building setbacks be no less than 100 feet from the single-family residential district boundary to the south.
4. That the shaded portion of the site as indicated on the site plan be retained as natural open space that maintains the natural topography and existing vegetative cover in addition to the installed landscaped open space.\*
5. The parking lot near the southeast corner of the PUD shall be a minimum of 25' from the south boundary of the PUD.

\* Modified at the TMAPC meeting.

**Staff Comments:**

Mr. Jones noted that South Yale Avenue has a "jog" in it and has recently been improved by widening and resurfacing. At the TAC meeting it was determined that an independent contractor is finalizing the relocation work of South Yale. It was determined additional right-of-way will be needed to make future improvements.

Mr. Jones stated that South Yale Avenue does not follow the section line and jogs to the west away from the statutory right-of-way.

Therefore, TAC recommended that the developer dedicate the additional land between the existing statutory right-of-way and the existing South Yale development for the purpose of relocation South Yale Avenue, noting the right-of-way has already been dedicated along South Yale under an old subdivision plat, Blake Hills.

Mr. Jones informed the Commission that the additional right-of-way was discussed extensively at a meeting on Tuesday, July 15, 1997.

**Applicant's Comments:**

**Charles Norman**, 2900 Mid-Continent Towers, 74103, pointed out that the TAC minutes indicate Mr. Somdecerrf requested additional right-of-way for South Yale Avenue and it is not a recommendation of the TAC. He stated that Mr. Hardt advised him that additional right-of-way is not required because the Subdivision Regulations require the dedication of right-of-way in accordance with the Major Street and Highway Plan. He stated this property was previously platted, as Blake Hills and approved in 1985 by the Commission. At that time 60 feet of right-of-way was dedicated for South Yale Avenue.

Therefore, Mr. Norman requested approval of the Preliminary Plat of The Vintage on Yale without the request for additional right-of-way. He stated the Detail Site Plan has been revised to eliminate the perimeter road and relocate the entrance to allow for the possible widening of Yale Avenue. He feels these revisions are agreeable to all members of staff.

Mr. Norman noted a parking area has also been relocated to ensure it is outside the old section line right-of-way. He stated the purchaser of the property and the proposed developer has moved all the roads, except for the entrance road, from outside the former 49-1/2-foot right-of-way. By site plan approval, the Commission is restricting and imposing a much greater building setback line than the original PUD required. This will eliminate the necessity of the public ever having to buy or pay for improvements within the old right-of-way.

Mr. Norman requested approval of the Preliminary Plat for The Vintage on Yale, noting the existence of the section line and statutory right-of-way, without the dedication of additional right-of-way. He also requested approval of the Detail Site Plan, noting the original building permit would allow 296 dwelling units on the west half of the property, and the present proposal is for 384 units on the entire 31 acres. This is 160 dwelling units fewer than the existing PUD would permit. The lower density will result in 75 percent of the area remaining in open space that will be either natural open space that has been cleared and trimmed or landscaped open space, the design for which will be brought before the Commission in the final plat.

Mr. Norman commented on staff's first recommendation in regard to review of the final grading plan and suggested making it subject to an engineer's certificate being filed with the Commission that the grading plan conforms to the standards.

Mr. Stump replied a certification would be acceptable, but staff would still like to see the grading plan. Mr. Midget and Mr. Stump suggested a notation on the final plat to provided TMAPC staff with a copy of the grading plans. Mr. Norman suggested filing the grading plans with TMAPC staff at the time of filing with the Public Works Department.

Mr. Norman expressed concern with staff's fourth recommendation that in regard to the south 25 feet of the PUD to be retained as natural open space due to the utility perimeter easement around the boundary to be maintained; also, the topography will be altered on the south end to accommodate the proposed parking area. Mr. Stump stated staff's concern is with the western half of the southern boundary where the loop road is located close to the southern boundary on the original site plan. Mr. Doherty noted the loop road is not located as near the southern boundary on the revised site plan. Mr. Stump stated with the revised site plan, the condition in regard to the south 25 feet can be omitted.

**Interested Parties Comments:**

**Mike Picco**, 5023 East 84<sup>th</sup> Street, 74137, stated he is pleased the number of units are reduced. He expressed concern with the trees along the south boundary to buffer the residences that abut the property. He asked whether some conditions could be imposed to require landscape buffer along the south boundary after the removal of the existing trees to accommodate the parking area. Mr. Picco asked to be involved during the landscape planning.

**Applicant's Rebuttal:**

Mr. Norman stated that the original setback was 60 feet and the developer has increased it to 100 feet and that no windows of the apartment units will face the southern boundary. Mr. Picco noted that the 60-foot setback was a greenbelt and not a parking lot.

**TMAPC Comments:**

Mr. Stump noted the proposed apartment units in the southern area will be situated to face east and west with the end of the units facing the south for privacy.

**TMAPC Action; 7 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **7-0-0** (Doherty, Gray, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Carnes, Dick, Pace "absent") to **APPROVE** the Preliminary Plat of The Vintage on Yale, subject to the conditions as recommended by TAC and to **APPROVE** the Detail Site Plan for PUD-389 for an apartment complex subject to the conditions as recommended by staff and modified at the meeting by the TMAPC.

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**Plat Waiver, Section 213:**

**BOA-17719 (Original Townsite of Tulsa) (292)**

(PD-1) (CD-4)

Northeast corner of West 4<sup>th</sup> Street and South Denver Avenue

**TAC Recommendation:**

Jones presented the waiver request with Jim Jones present.

Board of Adjustment case 17719 was a special exception request to permit a public bus transit center in a CBD-zoned district. The request was approved by the Board at the July 13<sup>th</sup> meeting which makes the property subject to the platting requirement. The applicant is now requesting to waive that requirement.

After review of the applicant's submitted plan, staff can see no benefit to the City in a replat. The property is contained within a subdivision plat and is less than 2.5 acres in size. Since the request was approved by the Board of Adjustment per a specific plan, any further development will again require Board approval.

Staff recommends approval of the plat waiver for BOA-17719, subject to the following conditions:

1. Grading and/or drainage plan approval by the Department of Public Works in the permit process.
2. Utility extensions and/or easements if needed.

On motion of Nelson, the Technical Advisory Committee voted unanimously to recommend approval of the Plat Waiver for BOA-17719, subject to all conditions and recommendations listed above.

**TMAPC Action; 7 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted **7-0-0** (Doherty, Gray, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Carnes, Dick, Pace "absent") to **APPROVE** the Plat Waiver for BOA-17719 subject to the conditions as recommended by TAC.

\* \* \* \* \*

**Lot-Splits for Ratification of Prior Approval:**

<b><u>L-18452 Lonnie Allen (1624)</u></b> 16121 North 137 <sup>th</sup> East Avenue	(PD-14) (County)
<b><u>L-18483 Waits (2892)</u></b> 4505 East 43 <sup>rd</sup> Street	(PD-9) (CD-2)
<b><u>L-18493 Ola Mae Dunn (3392)</u></b> 6006 South 41 <sup>st</sup> West Avenue	(PD-8) (CD-2)
<b><u>L-18506 Delores Cochran (3024)</u></b> 9915 East 136 <sup>th</sup> Street North	(PD-14) (County)
<b><u>L-18507 City of Tulsa (2502)</u></b> 2100 North Lansing	(PD-2) (CD-1)
<b><u>L-18508 City of Tulsa (383)</u></b> 6730 South Sheridan	(PD-18b) (CD-7)
<b><u>L-18509 Claude Ritchie (3522)</u></b> 13301 North Osage, Skiatook	(PD-13) (County)
<b><u>L-18515 City of Tulsa (1183)</u></b> 8025 South Sheridan	(PD-18c) (CD-8)

**Staff Comments:**

Mr. Jones stated these lot-splits are in order and meet the Subdivision Regulations; therefore, staff recommends approval.

**TMAPC Action; 7 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **7-0-0** (Doherty, Gray, Horner, Jackson, Ledford, Midget, Westervelt “aye”; no “nays”; none “abstaining”; Boyle, Carnes, Dick, Pace “absent”) to **RATIFY** these lot-splits given Prior Approval, finding them in accordance with Subdivision Regulations.

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## Continued Zoning Public Hearing:

**Application No.:** PUD-559/Z-5888-SP-1

(PD-18) (CD-8)

**Applicant:** Charles E. Norman

**Location:** North and east of East 91<sup>st</sup> Street and South Mingo Road

*(A multi-use Planned Unit Development and Corridor Site Plan for apartments, offices, hospitals, nursing home, residential treatment center, helipad, retirement center, scientific research and development and other uses.)*

*(Applicant request a continuance to September 17, 1997.)*

### **Staff Comments:**

Mr. Stump stated a request from the applicant for continuance to September 17, 1997 has been received to permit further analysis of the proposed development.

### **TMAPC Action; 7 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted **7-0-0** (Doherty, Gray, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Carnes, Dick, Pace "absent") to **CONTINUE** the Zoning Public Hearing for PUD-559/Z-5888-SP-1 to September 17, 1997.

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## Zoning Public Hearing:

**Application No.:** PUD-426-5

(PD-26) (CD-8)

**Applicant:** Jerry S. Schoeffler

**Location:** 3500 Block East 102<sup>nd</sup> Street

*(Minor Amendment to reduce required front yard.)*

### **Staff Recommendation:**

The applicant is requesting Minor Amendment approval to reduce the required front yard setback from 30 feet to 25 feet\* for construction of a new dwelling. The plat plan submitted indicates the proposed dwelling will have a side-loading three-car garage on the eastern and highest portion of the lot.

Staff review of the request finds the lot drops in elevation approximately 20 feet from East 102<sup>nd</sup> Place to the rear boundary which abuts a reserve drainage area and pond. The reduction of three feet of front yard setback affects only the northeast corner of the garage. The bulk of the dwelling is situated west of the garage and 7.5 feet from a 22-foot utility easement. The applicant has represented to staff that both ONG and City sewer lines are 2.9 feet to the east of the 22-foot easement and 4.6 feet from the rear of the proposed dwelling.

Finally, a minor amendment for another lot in the addition was approved in 1996 and reduced the required 30-foot front yard to 25 feet. The approval was based on the hardship created by extreme slope and the irregular shape of the lot. The subject lot in the current application also has extreme slope and is divided by a north-south 22-foot utility easement and misplaced gas and sewer lines, all of which limit the building area of the lot.

Staff finds the reduction in front setback to 25\* feet which affects only the corner of the garage will have a negligible impact and does not substantially alter the character of the PUD or encroach upon surrounding dwellings. Staff, therefore, recommends **APPROVAL** of PUD-426-5 subject to the plot plan submitted with the application.

\* Modified by the TMAPC at the public hearing.

**Applicant's Comments:**

**Jerry Schoeffler** stated he has been in contact with the Water and Sewer Department since September 1996 regarding the sanitary sewer and easement issue. He stated there is a problem with setting the house over or close to the sewer line. After discussion with the Water and Sewer Department, he is working on an agreement to leave the sewer line where it is.

**There were no interested parties wishing to comment.**

**TMAPC Comments:**

Mr. Ledford commented that the sanitary sewer is outside the easement and requested the sanitary sewer problem be resolved prior to approval of the site plan because the site plan may have to move forward. He feels the applicant may have to come back before the Commission to have the building moved even farther.

Mr. Ledford expressed concern with not having adequate easement for the Public Works Department to perform necessary maintenance or repairs without causing damages to the house. If approved as submitted, the easement would be less than what is required by Public Works' policy and he could not support the request until the easement issue is resolved.

Mr. Doherty clarified that Mr. Ledford's concerns with the amount of relief the applicant is requesting and the amount of relief that is actually needed to provide sufficient space for maintenance and/or repairs to the sewer line.

Mr. Doherty questioned the legal aspect since the sewer line is not located within the utility easement. Mr. Linker replied the sewer line should have been located within the easement and he does not know what type of problems it may cause.

Mr. Doherty asked Mr. Schoeffler what type of agreement is he working out with the Public Works Department. Mr. Schoeffler replied it is agreed to leave the sewer line where it is currently located. Mr. Schoeffler presented a license agreement to be executed between the City of Tulsa and Mr. Schoeffler.

Mr. Ledford stated the standard license agreement means the sewer line does not have to be moved, but that any maintenance or repair of the sewer line is the responsibility of the applicant. Mr. Schoeffler replied that was not what was represented by Mr. Lowrance of the Water and Sewer Department.

Mr. Westervelt feels it would be for the protection of Mr. Schoeffler to allow him time to work out details on the license agreement prior to considering the request. After further review of the form, Mr. Ledford noted the City is responsible for the repair and maintenance with conditions listed.

Mr. Doherty suggested approval subject to the acceptance of the license agreement by the utility authority.

Mr. Westervelt and Mr. Ledford suggested that Mr. Schoeffler proceed with caution and protect his interest.

Mr. Westervelt questioned how much additional encroachment could be allowed before there would be any type of impact on the adjacent properties. Mr. Stump replied there have been more extensive encroachment in this subdivision and feels with just the corner of the garage encroaching that 25 feet would be allowable.

**TMAPC Action; 7 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted **7-0-0** (Doherty, Gray, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Carnes, Dick, Pace "absent") to **APPROVE** PUD-426-5 as modified by the TMAPC to reduce the required front yard to 25 feet.

\* \* \* \* \*

**Application No.: PUD-560-1**

**Applicant:** Tanner Consulting

**Location:** West of the southwest corner of 161<sup>st</sup> East Avenue and Admiral Place  
(*Minor Amendment to combine development areas.*)

**Staff Recommendation:**

The applicant is requesting minor amendment approval to redefine the PUD development areas by combining Areas 1, 2 & 3 into a single Development Area 5. Development Area 4 is to unchanged and unaffected by the proposed amendment. No additional building floor area, signage or additional changes in the PUD standards are being requested.

Staff has reviewed the request and finds it is consistent with the intent and purpose of the PUD as approved on May 7, 1997. Staff, therefore, recommends APPROVAL of PUD-560-1 subject to the following conditions:



All development standards approved in the original PUD submission apply with the exception of the following modifications to the Development Standards:

1. Land Area (Total Net):

Development Area 4	83, 275 SF
Development Area 5	461,225 SF
  
2. Permitted Uses:

Development Area 4	Stormwater drainage and detention and buffer strip
Development Area 5	As permitted by right in an IL zoned district. Uses allowed by exception in the IL district may be approved by minor amendment
  
3. Maximum Building Floor Area:

Development Area 4	0 SF
Development Area 5	212,000 SF
  
4. Maximum Number of Buildings Per Development Area:

Only two buildings are permitted in Development Area 5.
  
5. Maximum Building Height: 50 feet
  
6. Minimum Building Setbacks:

From centerline of Admiral Place	100'
From south boundary of Dev. Area 5	50'
From east boundary of PUD	17.5'
From all other development area boundaries	15'
  
7. Minimum Landscaped Open Space 5% of Development Area 5

Other landscaping shall be as required in Chapter 10 of the Tulsa Zoning Code and as provided in the PUD outline development plan.

8. Maximum Permitted Signage:

Ground Signs shall be limited in Development Area 5 to two signs not to exceed 310 SF each in display surface area nor 25 feet in height.

Ground signs are not permitted in Development Area 4.

Wall Signs in Development Area 5 are permitted on all but the south facing building walls and shall not exceed one square foot of display surface area per lineal foot of building wall to which it is attached.


**TMAPC Action; 7 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **7-0-0** (Doherty, Gray, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Carnes, Dick, Pace "absent") to **APPROVE** Minor Amendment PUD-560-1 to combine the development areas as recommended by staff.

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There being no further business, the Chairman declared the meeting adjourned at 3:50 p.m.

Date Approved: 8-6-97

  
\_\_\_\_\_  
Chairman

ATTEST:   
\_\_\_\_\_  
Secretary