

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2217

Wednesday, September 15, 1999, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Boyle	Ledford	Beach	Swiney, Legal
Carnes	Midget	Bruce	Counsel
Dick		Dunlap	
Harmon		Huntsinger	
Hill		Stump	
Horner			
Jackson			
Pace			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, September 13, 1999 at 11:00 a.m., posted in the Office of the City Clerk at 10:45 a.m., as well as in the office of the County Clerk at 10:37 a.m.

After declaring a quorum present, Chairman Boyle called the meeting to order at 1:30 p.m.

REPORTS:

Director's Report:

Mr. Stump reported that the TMAPC does not have any items on the City Council agenda and there is no need to attend the meeting.

ITEMS TO BE CONTINUED:

Application No.: Z-6467-SP-3

Applicant: John W. Moody

(PD-18) (CD-8)

Location: Northeast corner Mingo Valley Expressway and South Mingo Road
(Corridor Site Plan)

TMAPC COMMENTS:

Mr. Boyle stated that the applicant has withdrawn his application.

Application No.: Z-6054-SP-3

Applicant: Jack Spradling

(PD-18) (CD-8)

Location: South of southwest corner East 81st Street and South Garnett Road
(Corridor Site Plan)

STAFF RECOMMENDATION:

The applicant is requesting Corridor Site Plan approval for a 139 lot, seven block residential subdivision on 37.14 acres. Staff notes that the CO Site Plan does not reflect the uses for the western unplatted area shown, does not reflect completion and connections for the internal collector street system and indicates a legal description that does not accurately reflect the boundaries of the site plan being reviewed.

Staff, therefore, requests **CONTINUANCE** of Z-6054-SP-3 to September 22, 1999. Coordination of the Preliminary Plat and the Corridor Site Plan by the applicant has not, as yet, occurred. For single-family residential subdivisions in Corridor Districts, coordination of the Preliminary Plat and CO Site Plan is required. Critical revisions of the Oak Tree Village Preliminary Plat have not been resolved.

NOTE: Revisions requested by staff on August 27 (necessitating a continuance to September 15) had not been submitted as of September 9.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Ledford, Midget "absent") to **CONTINUE** the Corridor Site Plan for Z-6054-SP-3 to September 22, 1999.

Oak Tree Village (Z-6054-SP-3) (1884)

(PD-18) (CD-8)

8400 South Garnett Road

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Ledford, Midget "absent") to **CONTINUE** the Preliminary Plat for Oak Tree Village to September 22, 1999.

SUBDIVISIONS

LOT-SPLITS FOR WAIVER OF SUBDIVISION REGULATIONS:

L-18871 - Joe Coleman (2992)

(PD-9) (County)

South 61st West Avenue and West 43rd Street South

The applicant has applied to split a 9.42-acre parcel into three tracts and a 40' X 662.81 strip that will be attached to a previously existing tract. All three tracts meet the RS bulk and area requirements. However, proposed configuration results in Tracts 1 and 2 having four side lot lines. The applicant is seeking a waiver of subdivision regulations that each tract have no more than three side lot lines.

Staff reviewed this application with the Technical Advisory Committee (TAC) on September 2, 1999. The TAC expressed no concerns with waiving the maximum of three-side-lot-line regulation. PSO requested that a minimum of 10' easement along the south boundary line be provided and recorded by a separate instrument. Staff believes this lot-split would not have an adverse effect on the surrounding properties and would therefore recommend **APPROVAL** of the waiver of Subdivision Regulations and of the lot-split.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Ledford, Midget "absent") to **APPROVE** the waiver of Subdivision Regulations and of the lot-split subject to conditions as recommended by staff.

L-18927 - Tim Downie

(PD-17) (CD-6)

East 18th Street South and Lynn Lane

The applicant has applied to split their 1271.36 X 329.89' property into two tracts. Both tracts meet the RS bulk and area requirements. However, the proposed panhandle configuration results in Tract B having four side lot lines. The applicant is seeking a waiver of subdivision regulations that each tract have no more than three side lot lines.

Staff reviewed this application with the Technical Advisory Committee (TAC) on September 2, 1999. The TAC expressed no concerns with waiving the maximum of three-side-lot-line regulation. PSO requested that a minimum of 10' easement along the north boundary line be provided and recorded by a separate instrument. Staff believes this lot-split would not have an adverse effect on the surrounding properties and would therefore recommend **APPROVAL** of the waiver of Subdivision Regulations and of the lot-split.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Ledford, Midget "absent") to **APPROVE** the waiver of Subdivision Regulations and of the lot-split subject to conditions as recommended by staff.

L-18929 - Verda Norville
2350 South 59th West Avenue

(PD-9) (County)

The applicant has applied to split their 147.50' X 199.40' property into two tracts. Both tracts meet the RS bulk and area requirements. However, the proposed configuration results in both tracts having four side lot lines. The applicant is seeking a waiver of subdivision regulations that each tract have no more than three side lot lines.

Staff reviewed this application with the Technical Advisory Committee (TAC) on September 2, 1999. The TAC expressed no concerns with waiving the maximum of three-side-lot-line regulation. PSO requested that a minimum of 10' easement along the east boundary line be provided and recorded by a separate instrument. Staff believes this lot-split would not have an adverse effect on the surrounding properties and would therefore recommend **APPROVAL** of the waiver of Subdivision Regulations and of the lot-split.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Ledford, Midget "absent") to **APPROVE** the waiver of Subdivision Regulations and of the lot-split subject to conditions as recommended by staff.

LOT-SPLIT FOR DISCUSSION AND APPROVAL:

L-18939 – Roger K. Eldredge (1093)
Southeast corner of East 15th Street and South Yale

(PD-5) (CD-4)

STAFF RECOMMENDATION:

Mr. Beach stated that staff would like to strike this item from the agenda.

Mr. Stump stated that in reviewing the information provided in the application, staff determined that the application is not complete. He explained that staff needs more information from the applicant to make sure that this is a proper request.

APPLICANT'S COMMENTS:

Mr. Eldredge, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, representing Lowe's Home Improvement, stated that his client is acquiring the subject property. He explained that the lot-split approval is to correct a survey and conveyance error that occurred approximately 40 years ago. The former owners have left gaps in the tracts of land and one of the issues the title insurance company has required is to obtain a lot-split approval for the three gaps of the land. He stated that the lot-splits have already been created, but never been approved.

Mr. Eldredge stated that he submitted an ALTA survey that indicates all of the property being submitted. He indicated that he submitted legal descriptions of the gap area and explained that he would seek lot-split approval to correct a technical title defect and then immediately tie the gaps back to the balance of the property Lowe's is acquiring. He commented that he believes that staff has received all of the information needed and he not sure what else he could provide.

TMAPC COMMENTS:

Mr. Boyle suggested that the application be moved to the end of the agenda in order for to discuss this with staff before taking action.

There were no interested parties wishing to speak.

Commissioner Dick in at 1:35 p.m.

LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

- | | |
|---|------------------|
| <u>L-18885 – Stephen Schuller (793)</u>
1133 South Utica | (PD-4) (CD-4) |
| <u>L-18932 – Fred Jones Automotive Group (2593)</u>
Southeast corner of East 41 st Street and South Memorial Drive | (PD-18) (CD-5) |
| <u>L-18935 – City of Tulsa (894)</u>
1435 South Garnett | (PD-17) (CD-6) |
| <u>L-18936 – Curtis Swinford (603)</u>
1701 East 65 th Street North | (PD-21) (County) |
| <u>L-18940 – John Shafer III (2593)</u>
4345 South 93 rd East Avenue | (PD-19) (CD-5) |
| <u>L-18943 – Robert Massey (790)</u>
26608 West 16 th Street | (PD-23) (County) |

STAFF RECOMMENDATION:

Mr. Beach stated that all of these lot-splits are in order and staff recommends approval.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **9-0-0** (Boyle, Carnes, Dick, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ledford, Midget "absent") to **RATIFY** these lot-splits given prior approval, finding them in accordance with Subdivision Regulations.

CHANGE OF ACCESS TO RECORDED PLAT:

Belgray Addition (494)

12948 East Admiral Place

STAFF RECOMMENDATION:

Mr. Beach that the Traffic Engineer has reviewed this application and agrees with the new proposed locations of access. Staff recommends approval of the change of access for Belgray Addition.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **9-0-0** (Boyle, Dick, Carnes, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ledford, Midget "absent") to **APPROVE** the change of access to recorded plat for Belgray Addition as recommended by staff.

PRELIMINARY PLAT:

Crestview II (2402)

(PD-25) (CD-1)

East of the southeast corner of East 76th Street North and North 129th East Avenue (Corrected address: South of southeast corner of East 36th Street North and North Cincinnati Avenue.)

TMAPC COMMENTS:

Mr. Boyle stated that the address on the staff recommendation and the address on the agenda do not reflect the same address. Mr. Boyle asked Mr. Swiney if the incorrect address created a problem and if this application should be continued. In response, Mr. Swiney stated that the agenda is part of the notice that is given to the public for open meeting purposes and the mistake could have serious consequences if someone

wanted to check the agenda. Mr. Swiney suggested that the TMAPC continue this item one week in order to have proper notice.

The applicant indicated his agreement with the continuance.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HARMON**, the TMAPC voted **9-0-0** (Boyle, Carnes, Dick, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ledford, Midget "absent") to **CONTINUE** the Preliminary Plat for Crestview II to September 22, 1999.

The Orchard (2783) (PUD-431)

(PD-26) (CD-8)

6226 East 101st Street (West of southwest corner of 101st and South Sheridan)

STAFF RECOMMENDATION:

This is a subdivision of 1.2 AC acres into one lot and one block for commercial purposes. The site is bounded on the north by 101st Street and on the west by the Pecan Chase Addition. It is bounded on the east by unplatted land with the Mays Drug Store beyond. The PUD will allow 14,550 SF of office floor area on this site. A preliminary plat was previously approved on this site in 1994 and extended in 1995. That plat did not continue through the process to receive final approval.

The following were discussed **September 2, 1999** at the Technical Advisory Committee meeting:

1. Streets/access:

- Bruce, staff, noted that the site was accessed from 101st Street and that the plat indicated two access points. There will be 50' of right-of-way dedicated along the south side of 101st Street.
- Eshelman, Traffic, indicated that only one access would be allowed and that it should be moved toward the middle of the parcel.

2. Sewer:

- Bruce, staff, indicated that sanitary sewer was present in the Pecan Chase Addition to the west.
- Bolding, Wastewater, indicated that no additional easements were required.

3. Water:

- Bruce, staff, indicated that water was present in the 101st Street right-of-way.

- Lee, Water, indicated that no additional easements were required. The location of the nearest hydrant was discussed and the information will be provided with the final plat.

4. Storm Drainage:

- Bruce, staff, noted that the plat included a detention basin to the south.
- McCormick, Stormwater, indicated that the existing easement was for drainage purposes. A maintenance easement would also be required. A PFPI would be required for any additional drainage improvements and any work involving a public street.

5. Utilities:

- Bruce, staff, noted the proposed utility easements; utility providers were not in attendance.
- Pierce, PSO (written), questioned as to the potential for a 17.5' easement on the south boundary.

Staff recommends approval of the preliminary plat subject to the following:

Waivers of Subdivision Regulations:

1. None needed.

Special Conditions:

1. Only one access from 101st Street will be allowed. The access should be centered as feasible.
2. A maintenance easement to service the detention basin should be provided.

Standard Conditions:

1. 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.
2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. 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).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.

5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. The method of water supply and plans therefor shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.

19. 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.)
20. 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.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. If the owner is a Limited Liability Corporation (L.L.C.), a letter from an attorney stating that the L.L.C. is properly organized to do business in Oklahoma is required.
23. All other Subdivision Regulations shall be met prior to release of final plat.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **9-0-0** (Boyle, Dick, Carnes, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ledford, Midget "absent") to **APPROVE** the Preliminary Plat for The Orchard subject to conditions as recommended by staff.

PLAT WAIVER:

BOA – 18471 (593)

712 South Delaware Avenue

(PD-4) (CD-4)

STAFF RECOMMENDATION:

Approval of Use Unit 5, expansion of the TU campus, by the Board of Adjustment triggers the platting requirement. The Board heard the case July 27, 1999. TMAPC has the authority to waive the plat and require sufficient conditions to ensure that the intent of the platting requirement is met. No building permits may be issued until the property is either platted or all conditions of a plat waiver are met.

This is Phase 1 of The University of Tulsa West of Delaware Campus. The project area has about 1050 feet of frontage on Delaware and on Columbia and 600 feet on 6th Street and 10th Street. The project consists of a combined stormwater detention facility, student recreation, intramural sports, and practice soccer field. A major tennis center with six indoor and twelve outdoor courts will be immediately north of the detention/recreation field. A softball field will be at the southeast corner of 6th and Columbia and an accessory parking lot at the southwest corner of 6th and Delaware.

Staff Comments and Recommendation:

Considering the complexity of the project, the significance of the change of use and impact to the infrastructure, and the numerous dedications required, **staff recommends denial** of the plat waiver.

If the Planning Commission were inclined to approve the plat waiver, staff would recommend it be subject to dedication of full right-of-way to meet the requirements of the Major Street and Highway Plan, subject to all requirements of the Public Works Department, and subject to filing all required easements or other dedications of record by separate instrument.

A YES answer to the following 3 questions would generally be FAVORABLE to a plat waiver:

- | | YES | NO |
|---|-----|--------------------------|
| 1) Has property previously been platted? | ✓ | <input type="checkbox"/> |
| 2) Are there restrictive covenants contained in a previously filed plat? | ✓ | <input type="checkbox"/> |
| 3) Is property adequately described by surrounding platted properties or street RW? | ✓ | <input type="checkbox"/> |

A YES answer to the remaining questions would generally NOT be favorable to a plat waiver:

- | | | |
|--|--------------------------|--------------------------|
| 4) Is right-of-way dedication required to comply with major street and highway plan? | ✓* | <input type="checkbox"/> |
| 5) Will restrictive covenants be filed by separate instrument? | ✓ | <input type="checkbox"/> |
| 6) Infrastructure requirements | | |
| a) Water | | |
| i) Is a main line water extension required? | ** | ** |
| ii) Is an internal system or fire line required? | ** | ** |
| iii) Are additional easements required? | ** | ** |
| b) Sanitary Sewer | | |
| i) Is a main line extension required? | <input type="checkbox"/> | ✓ |
| ii) Is an internal system required? | <input type="checkbox"/> | ✓ |
| iii) Are additional easements required? | ✓ | <input type="checkbox"/> |
| c) Storm Sewer | | |
| i) Is a P.F.P.I. required? | ✓ | <input type="checkbox"/> |
| ii) Is an Overland Drainage Easement required? | ✓ | <input type="checkbox"/> |
| iii) Is on-site detention required? | ✓ | <input type="checkbox"/> |
| iv) Are additional easements required? | ✓ | <input type="checkbox"/> |
| 7) Floodplain | | |
| a) Does the property contain a City of Tulsa (Regulatory) Floodplain? | ✓ | <input type="checkbox"/> |
| b) Does the property contain a F.E.M.A. (Federal) Floodplain? | <input type="checkbox"/> | ✓ |

- 8) Change of Access
 a) Are revisions to existing access locations necessary? *** ***
- 9) Is the property in a PUD? ✓
 a) If yes, was plat recorded for the original PUD? N/A
- 10) Is this a Major Amendment to a PUD? ✓
 a) If yes, does the amendment make changes to the proposed physical development of the PUD? N/A
- * Delaware is a secondary arterial in this location. Minimum right-of-way is 50' from the centerline. Also required is dedication of 25' radii at the northeast and northwest corners.
- ** Water main requirements were not available at the time of the TAC meeting and will be determined in response to detailed construction plans.
- *** Access locations will be as shown on the site plan approved by the Board of Adjustment (attached).

APPLICANT'S COMMENTS:

Ted Sack, 111 South Elgin, Tulsa, Oklahoma 74120, stated that he disagrees with staff's recommendation. He explained that this is Phase I of the west campus project, which TMAPC reviewed the change in the Master TU Plan several months ago. Phase I will have a detention facility with a soccer/practice field, a tennis pavilion with indoor and outdoor courts, plus softball fields and a parking lot.

Mr. Sack stated that Phase I goes from 6th Street down 10th Street and the streets between have been vacated. The site is also located between Delaware and Columbia. One of the main issues raised during the plat waiver was Delaware Avenue. He explained that Delaware was changed to a secondary arterial street without his knowledge. Delaware now requires 100' right-of-way, but the mapping for this never occurred on the recent change to the Major Street and Highway Plan.

Mr. Sack indicated that this site is identical to the various sites that TU has brought before the Planning Commission for plat waivers. In the last several years plat waivers have been approved for the arena site, parking lots, new library, the University School and the new apartment site. The easements that are required will be dedicated by separate instrument. The property is already platted and under one ownership and there is nothing for the City to gain by denying this application. Mr. Sack concluded that he asks for an approval for the subject plat waiver.

TMAPC COMMENTS:

Mr. Boyle stated that the applicant is essentially asking the Planning Commission to not follow their procedure and checklist. It seems that there are more check marks on the wrong side of the checklist. The subject application seems to have stepped over to where there are more check marks on the wrong side of the list than on the right side of

22. The restrictive covenants and/or deed of dedication shall be submitted for review with the preliminary plat. (Include subsurface provisions, dedications for stormwater facilities, and PUD information as applicable.)
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 regarding Section 404 of the Clean Waters Act.
25. All other Subdivision Regulations shall be met prior to release of final plat.

AND

Application No.: Z-6504-SP-4

Applicant: Jack Spradling

(PD-18) (CD-8)

Location: South of southwest corner East 81st Street and South Garnett Road
(Corridor Site Plan)

STAFF RECOMMENDATION:

The applicant is requesting Corridor Site Plan approval for a 139 lot, seven block residential subdivision on 37.14 acres and an internal connecting street consisting of 1.15 acres owned by Union Schools. This area is east of South 108th East Avenue and south of East 84th Place South.

Staff notes that the CO site plan has been coordinated with review of the Preliminary Plat and accurately reflects the uses for the western unplatted area shown indicating connections for an internal collector street system that is to be constructed by Union Schools. Finally, the CO site plan indicates a legal description that accurately reflects the boundaries of the site plan being reviewed.

Staff, therefore, requests **APPROVAL** of Corridor Site Plan Z-6054-SP-4 consisting of 38.29 acres.

TMAPC COMMENTS:

Mr. Westervelt asked Mr. Johnsen to clarify the sidewalk issue. In response, Mr. Johnsen stated that his client, Dwight Claxton, will have to explain this issue.

Dwight Claxton, no address given, stated that the plan calls for sidewalks along the collector except on the north side of street where it crosses the detention pond. He explained that on the north side of the street there is a jogging trail along the pond that will serve as a sidewalk.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **10-0-0** (Boyle, Carnes, Dick, Harmon, Hill, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ledford, "absent") to **APPROVE** the Preliminary Plat for Oak Tree Village and a waiver of the subdivision regulations, subject to special conditions and standard conditions as recommended by staff, subject to the preliminary plat indicating all conditions of the approved Corridor Site Plan, and recommend **APPROVAL** of the Corridor Site Plan for Z-6054-SP-4 consisting of 38.29 acres as recommended by staff.

Legal Description for Z-6054-SP-4:

A tract of land that is a part of the NE/4, Section 18, T-18-N, R-14-E of the IBM, City of Tulsa, Tulsa County, State of Oklahoma. Said tract of land being more particularly described as follows: Beginning at a point that is the Southeast corner of said Northeast Quarter; thence S 89°01'17" W along the Southerly line of said NE/4 for 1215.82'; thence along a curve to the right with a radius of 180.00' and a central angle 89°42'06" for 281.81'; thence N 01°16'37"W for 472.67'; thence along a curve to the left with a radius of 25' and a central angle of 90° for 39.27'; thence S 88°43'23" W for 267.69'; thence N 01°16'37" W for 50'; thence along a curve to left with a radius of 25' and a central angel of 90° for 39.27'; thence N 01°16'37" W for 89.68'; thence N 89°01'17" E for 459.98'; thence N 01°27'04" W for 381.72'; thence N 89°04'29" E for 1203.74'; thence S 01°16'37" E and along the easterly line of said Section 18 for 1220.61' to the POB of said tract of land and containing 38.29 acres more or less.

PLAT WAIVER:

BOA-18471 (593)

(PD-4) (CD-4)

712 South Delaware Avenue

STAFF RECOMMENDATION:

Approval of Use Unit 5, expansion of the TU campus by the Board of Adjustment triggers the platting requirement. The Board heard the case July 27, 1999. TMAPC has the authority to waive the plat and require sufficient conditions to ensure that the intent of the platting requirement is met. No building permits may be issued until the property is either platted or all conditions of a plat waiver are met.

This is Phase 1 of The University of Tulsa West of Delaware Campus. The project area has about 1050 feet of frontage on Delaware and on Columbia and 600 feet on 6th Street and 10th Street. The project consists of a combined stormwater detention facility, student recreation, intramural sports, and practice soccer field. A major tennis center with six indoor and 12 outdoor courts will be immediately north of the detention/recreation field. A softball field will be at the southeast corner of 6th and Columbia and an accessory parking lot at the southwest corner of 6th and Delaware.

BAMA Pie restriction on 11th Street the secondary arterial will not happen because the standard cannot be reached.

Mr. Stump stated that part of the plat waiver would require a waiver of the subdivision regulations as they relate to the secondary arterial standards. Mr. Stump asked Mr. Sack if TU is proposing to only dedicate 30 feet from centerline in this area or 35 feet. In response, Mr. Sack stated that TU is proposing 30 feet from the centerline and the additional right-of-way, to meet the urban arterial 70-foot of right-of-way, will be dedicated on the east side of Delaware, which is under the ownership of TU.

WESTERVELT moved to **DENY** the Plat Waiver and **APPROVE** the waiver of the Subdivision Regulations to allow the applicant to obtain a building permit and proceed at his own risk, subject to a plat being filed of record prior to the certificate of occupancy, subject to there being 30 feet of right-of-way on the west side and a total of 70 feet of right-of-way when the final dedication is done on the east side of Delaware.

Mr. Harmon second the motion.

Mr. Boyle stated that the discussion regarding this case indicates that the plat waiver should be denied. When Mr. Sack wants to submit a plat for everything, then the Planning Commission could consider it or bring back an appropriate plat waiver for the subject property.

Mr. Stump stated that the other controlling factor is that before the applicant can receive a building permit, they have to satisfy the platting requirement or have the requirement waived. He commented that Mr. Westervelt is proposing to waive the platting requirement for acquisition of a building permit, but require that the platting requirement be met prior to an occupancy permit and to waive the subdivision regulations as it relates the right-of-way along Delaware from 50' from centerline to 30'.

Mr. Swiney stated that Mr. Westervelt's motion seems to be trying to do two things at the same time and the two things are contradictory to each other.

Mr. Westervelt withdrew his motion.

Mr. Harmon withdrew his second.

TMAPC Action; 9 members present:

On **MOTION** of **PACE**, the TMAPC voted **9-0-0** (Boyle, Dick, Carnes, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ledford, Midget "absent") to **DENY** the Plat Waiver for BOA 18471 as recommended by staff.

STAFF RECOMMENDATION:

Approval of Use Unit 4, antenna-supporting tower by the Board of Adjustment triggered the platting requirement. The Board heard the case June 8, 1999. TMAPC has the authority to waive the plat and require sufficient conditions to ensure that the intent of the platting requirement is met. No building permits may be issued until the property is either platted or all conditions of a plat waiver are met.

This tower will be erected on property that is fully developed with church uses. The tract consists of several lots and parts of lots contained within the Elmdale Addition. It is surrounded by platted properties and public streets with full-width rights-of-way. The tower use will not generate an additional burden on the utility infrastructure nor will this addition create significant demand on the street system in the area.

Staff Recommendation:

Staff exercised its administrative authority to waive review by the TAC and **recommends approval** of the plat waiver.

TMAPC COMMENTS:

Mr. Boyle requested that a checklist be included with administrative authority recommendations on plat waivers.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HARMON**, the TMAPC voted **9-0-0** (Boyle, Dick, Carnes, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ledford, Midget "absent") to **APPROVE** the Plat Waiver for BOA-18433 as recommended by staff.

1315 North Utica Avenue

The trigger case was approved in April of 1977, changing the zoning designation of a portion of the property from IL to IM. The waiver is requested for the purpose of allowing issuance of a building permit for an industrial use structure on the site.

Staff comments and recommendation:

The subject parcel is a located midway between Archer and Pine Streets on the east side of Utica. The site is 2.5 acres in size and slopes toward the 100 year flood plain in the east. The proposed structure is approximately 12,000 SF in size (70' x 170') and will be accessed from Utica on the west.

TAC discussed the item at the meeting of September 2, 1999. Comments were as follows:

1. Utica is an urban arterial. Five feet of right-of-way must be dedicated.
2. Connection to the existing storm sewer system to the east will be required. This will include procuring approximately 100' of easement across the ownership to the east.

Based on the checklist below which reflects the policies of TMAPC and the recommendation of TAC, staff recommends **approval** of the request for plat waiver, subject to satisfaction of items 1 and 2 above.

It shall be the policy of the Tulsa Metropolitan Area Planning Commission that all requests for plat waivers shall be evaluated by the staff and by the Technical Advisory Committee based on the following list. After such evaluation, TMAPC Staff shall make a recommendation to the TMAPC as to the merits of the plat waiver request accompanied by the answers to these questions:

A YES answer to the following 3 questions would generally be FAVORABLE to a plat waiver:

- | | YES | NO |
|---|-------------------------------------|-------------------------------------|
| 1) Has property previously been platted? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2) Are there restrictive covenants contained in a previously filed plat? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3) Is property adequately described by surrounding platted properties or street RW? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

A YES answer to the remaining questions would generally NOT be favorable to a plat waiver:

- | | | |
|--|-------------------------------------|-------------------------------------|
| 4) Is right-of-way dedication required to comply with major street and highway plan? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 5) Will restrictive covenants be filed by separate instrument? | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Infrastructure requirements | | |
| a) Water | | |
| i) Is a main line water extension required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ii) Is an internal system or fire line required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iii) Are additional easements required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Sanitary Sewer | | |
| i) Is a main line extension required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ii) Is an internal system required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iii) Are additional easements required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- c) Storm Sewer
 - i) Is a P.F.P.I. required?
 - ii) Is an Overland Drainage Easement required?
 - iii) Is on-site detention required?
 - iv) Are additional easements required?

- 6) Floodplain
 - a) Does the property contain a City of Tulsa (Regulatory) Floodplain?
 - b) Does the property contain a F.E.M.A. (Federal) Floodplain?

- 7) Change of Access
 - a) Are revisions to existing access locations necessary?

- 8) Is the property in a PUD?
 - a) If yes, was plat recorded for the original PUD?

- 9) Is this a Major Amendment to a PUD?
 - a) If yes, does the amendment make changes to the proposed physical development of the PUD?

If, after consideration of the above criteria, a plat waiver is granted on *unplatted* properties, a current ALTA/ACSM/NSPS Land Title Survey (and as subsequently revised) shall be required. Said survey shall be prepared in a recordable format and filed at the County Clerk's office.

TMAPC COMMENTS:

Mr. Boyle stated that the subject application has several check marks on the wrong side of the checklist. He questioned the difference between this application and the application previously denied (BOA-18471). In response, Mr. Bruce explained that the checklist is a good guide, but unfortunately each lot-split has its own specific characteristics. Mr. Bruce stated that staff relied on Stormwater Management to be the experts in this area. Mr. Bruce explained that Stormwater Management was confident that they would obtain the easements required.

Mr. Boyle asked Mr. Bruce if the 1977 Board of Adjustment approval triggered this plat waiver. In response, Mr. Bruce answered affirmatively. Mr. Boyle asked if the land has ever been developed after the approval. In response, Mr. Bruce stated that the subject property has been undeveloped since the 1977 approval. Mr. Boyle stated that the land being undeveloped for 22 years is a significant difference between the subject plat waiver and the previously denied plat waiver for BOA-18471.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **9-0-0** (Boyle, Dick, Carnes, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ledford, Midget "absent") to **APPROVE** the Plat Waiver for Z-4971, subject to conditions as recommended by staff.

ZONING PUBLIC HEARING

Application No.: PUD-582-2

Applicant: William LaFortune (PD-18) (CD-9)

Location: Northwest corner East 66th Place and South Birmingham
(Minor Amendment)

STAFF RECOMMENDATION:

The applicant is requesting Minor Amendment approval to reduce the minimum building setback line along the western boundary of Lot 3 from 20 feet to 5 feet.

Approval of Lot-Split 18869 created two tracts that eliminated a portion of a private street segment abutting Lot 3 and the northern half of Lot 2. The lot-split, in designating a "Tract 2," eliminated the need for the western-boundary 20-foot building setback for Lot 3.

Staff finds request minor in nature and is of the opinion that the character and intent of the original approval of PUD-582 will be maintained.

Staff, therefore, recommends **APPROVAL** of PUD-582-2 as submitted, noting that the reduction of building setback from 20 feet to five feet applies only to Lot 3, Block 1 of the Balmoral Addition.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **9-0-0** (Boyle, Carnes, Dick, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ledford, Midget "absent") to recommend **APPROVAL** of the Minor Amendment for PUD-582-2 as submitted, noting that the reduction of building setback from 20 feet to five feet applies only to Lot 3, Block 1 of the Balmoral Addition as recommended by staff.

Application No.: PUD-616
Applicant: Louis Levy
Location: 2814 East 31st Street

RS-1 to RS-1/PUD
(PD-6) (CD-9)

Mr. Harmon stated that he will be abstaining from this application.

Mr. Boyle stated that he had some ex parte conversation, but he has no interest in the property and will participate in the vote.

STAFF RECOMMENDATION:

The PUD proposes a maximum of three dwellings on an 83,987 SF (1.93 acres) tract located on the south side of 31st Street South halfway between South Lewis Avenue and South Harvard Avenue. The tract has 254.25 feet of frontage on 31st Street and is 290.10 feet deep. There is an existing single-family dwelling on the tract and the PUD proposes two additional dwellings with a single gated entry onto 31st Street.

The subject tract is zoned RS-1 and there are single-family dwellings zoned RS-1 to the east, south and west. To the north across 31st Street are single-family homes zoned RS-2.

Stormwater management has indicated that detention would be required.

Staff finds the uses and intensities of development proposed and as modified by staff to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds PUD-616 to be, as modified by staff: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD-616 subject to the following conditions:

1. The applicant's Outline Development Plan and Text be made a condition of approval, unless modified herein.

2. Development Standards:

Land Area (Gross)	83,987 SF	1.93 AC
(Net)	73,817 SF	1.69 AC
Permitted Uses:	Use	Unit 6, detached single- family dwelling.
Maximum Number of Dwelling Units:		Three

Minimum Width of Private Drive Right-of-Way:	20 FT
Maximum Access Points onto East 31 st Street South:	One*
Maximum Building Height:	Two-story or 35' whichever is less.

*Access points shall be approved by Traffic Engineering.

Minimum Required Yards:	
From east, south and west boundaries of the PUD	25 FT
From centerline of East 31 st Street South:	75 FT
From interior lot lines**:	15 FT
Minimum Parking Spaces per Lot:	
Enclosed	Two
Open Off-Street	Two
Minimum Lot Area:	11,000 SF
Minimum Livability Space per Dwelling Unit Per Lot:	5,000 SF
Minimum Livability Space in entire PUD:	42,000 SF
Other Bulk and Area Requirements:	As provided within an RS-1 District.

Landscaping:

Landscaping shall be in substantial compliance with the standards described in the text of the applicant's outline development plan and depicted on the applicant's conceptual site plan.

Screening:

A screening wall or fence with a maximum height of six feet may be provided along the north boundary of the PUD.

Sign:	No permanent signs shall be allowed.
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3. A homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain all private common drives and areas, including any stormwater detention areas, landscaped areas, security gates, guard houses or other commonly-owned structures within the PUD.

4. All private common drives shall be a minimum of 18' in width for two-way roads and 12' for one-way loop roads, measured edge of pavement to edge of pavement.

** Interior yards are those not directly abutting the perimeter boundary of the PUD.

5. No building permit shall be issued until the requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.
6. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
7. Entry gates or guardhouses, if proposed, must receive Detail Site Plan approval from TMAPC and Traffic Engineering prior to issuance of a building permit.
8. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during the subdivision platting process.

Mr. Dunlap stated that the applicant submitted additional standards after the meeting had started. He indicated that the applicant will address the additional standards.

APPLICANT'S COMMENTS:

Louis Levy, no address given, stated that the reason for the PUD is not to add two additional houses to the property, although he plans to do so, but to add two new lots. He cited that the minimum square footage for the RS-1 district is 13,500 SF for a single-family dwelling; however, the proposal for the rear lot is 11,000 SF and that is the primary reason for filing a PUD. He indicated that the land could accommodate up to five single-family dwellings because of its size and zoning restrictions. He stated that his client will be exceeding the requirements RS-1 district for setbacks on both sides and the rear. The current setbacks are ten feet and five feet on the east and west sides. The minimum setback in this case will be 25' on the east side and 25' on the west side. The setback for the rear will be the standard setback for RS-1 district, 75' from the rear lot line.

Mr. Levy indicated that the existing home will remain the same, which is a 2600 SF, two-story home. The two new proposed single-family homes will be adjacent to 31st Street facing inward to a private drive. The private drive will have a mutual access easement into the center. He stated that the existing gates will be eliminated and there will be a four-foot wall built adjacent to 31st Street. Lot 2 will have a setback from the west side of approximately 100' from the centerline of the street.

Mr. Levy stated that he met with the neighbors approximately four weeks ago and all the neighbors indicated that they would support this application. He explained that Ms. Hilborne had some requests and his client has agreed to her requests. Mr. Levy submitted an amendment that indicated the agreement his client reached with Ms. Hilborne that will become part of the PUD. He stated that Ms. Hilborne's home lies immediately west of Lot 2 and she has requested that any structure built in this area (west 75') be at least 100' back from the centerline of 31st Street. He indicated that his client has agreed to this request. He stated that his client has agreed to low lighting directed away from the adjacent neighbor. His client has also agreed to install a rock wall or fence that does not exceed four feet in height on the front of the property. Additional requests were that there not be any solid wood fences or any other kind of fence between the two properties in order to have an open space area. He stated that Ms. Hilborne requested that the proposed homes on Lots 2 and 3 be a minimum of 2500 SF and his client has agreed to this request.

Mr. Levy stated that there will be one small sign made of metal on the entrance in order to identify the project as 31st Court. The property is going to be replatted and will have a single-gated entry.

INTERESTED PARTIES COMMENTS:

Susan Mase, 2919 South Delaware, Tulsa, Oklahoma 74114, stated that she is representing neighbors who oppose this application. She commented that she understands that the staff recommends to the Planning Commission and that the Planning Commission usually goes along with staff's recommendation. She explained that she has reviewed the site plan and it looks very nice to the neighbors. There are several neighbors who have some problems with the proposal. Ms. Mase stated that Mr. Levy indicated that he had a meeting with all of the neighbors; however, none who are present today were present at a meeting or invited to such meeting.

Ms. Mase stated that the neighborhood opposes the concept of subdividing the subject property. She commented that this type of proposal is happening frequently in midtown and she feels that it is changing the look of her established neighborhood. She stated that she understands that staff recommends these kinds of projects because they are consistent with the intent of the Code. She commented that the neighbors do not feel that the proposal is consistent with the idea of neighborhood, that is highly privileged by the Mayor of Tulsa and the residents of the communities. She stated that the neighbors do not want the neighborhood to change. She described the neighborhood as having diverse lot sizes, mature trees and a rich sense of history in the established neighborhood. This kind of project contributes to gradual erosion of the established neighborhoods.

Ms. Mase explained that her family recently moved to the midtown area from South Tulsa. She commented that all of the subdivisions being built in south of Tulsa all look the same. She stated that the neighbors do not want midtown to start looking like South Tulsa.

Ms. Mase stated that if the Planning Commission continues in the direction of privilege and consistency in allowing cutting the lots down to their smallest units, the standard set when these neighborhoods were established will be severely compromised. She expressed concerns that a new face on her neighborhood will gradually happen because of one PUD approved after another. She commented that she is aware that the Planning Commission has already approved similar proposals, but that does not mean it is correct nor that it should continue. She expressed concerns with increased traffic and safety issues if these types of proposals continue in the neighborhood.

Ms. Mase stated that the proposal violates Code regarding the bulk and area requirements. She commented that if the applicant divided the subject property into three equal lot sizes then he would be within the Code. However, the existing lot will be out proportion to the two proposed lots and the new lots will be pushed to the front of 31st Street. She stated that to Mr. Levy's statement that his client could have five single-family dwellings on the subject property is misleading because he would have to remove the existing home to do this.

Ms. Mase concluded that the proposal is an erosion of the existing neighbors' property values and erosion of the neighbors' lifestyles. She reiterated that the neighbors present today were not invited to nor asked to attend a meeting with the applicant and his attorney. She stated that the neighbors do not want the existing neighborhood changed.

TMAPC COMMENTS:

Mr. Boyle asked Mr. Stump to address the bulk and area issues raised by Ms. Mase. In response, Mr. Stump stated that if the subject application were standard zoning and not a PUD, then the lot area, size and width in the Zoning Code would apply. Mr. Stump stated that the Planning Commission has no power to bend or modify those requirements. Mr. Stump explained that the issue before the Planning Commission is a PUD and under PUDs it is not necessary to meet the minimum lot size requirements of the particular zoning district nor the lot area nor width. Mr. Stump stated that there are certain constraints such as that the entire PUD cannot exceed the maximum densities allowed by that zoning district and must have at least a total amount of livability space equal to what is required in the zoning district. Mr. Stump commented that this PUD does far exceed those requirements.

Ms. Pace asked Mr. Stump if the applicant could build another house on the subject lot under standard zoning. In response, Mr. Stump stated that the applicant has enough land area to have four or five dwellings; it would depend how much of the land the street uses. Ms. Pace asked Mr. Stump if the existing home would have to be removed in order to place the four or five homes. In response, Mr. Stump answered affirmatively.

INTERESTED PARTIES COMMENTS:

Councilor Brady Pringle, City Council, District 9, stated that this proposal is in his district. Mr. Pringle expressed his concerns regarding the changes in the subject neighborhood. He stated that a month ago Mr. Levy called him and told him about the proposal and has been up-front with him.

Councilor Pringle stated that there have been several similar projects in the subject neighborhood and it will change the character of the neighborhood. He commented that his father lives in the subject area and he would not divide his property because it wouldn't be fair to the neighbors. He explained that the neighbors in the subject area moved to the area in order to have an estate-type neighborhood. He stated that when a property owner subdivides his/her property, it drastically changes the character of the neighborhood. He commented that large homes are being built on postage-stamp lots and it does not fit in with the surrounding neighborhood. He stated that he would like to see the right thing done and he does not think that this is the right thing.

TMAPC COMMENTS:

Mr. Westervelt explained to Mr. Pringle that if the Planning Commission were to focus on purely doing the right thing and deny this application, then Mr. Levy would go to district court. He explained that Mr. Levy could then build four houses on the subject property and that would be the right thing. In response, Mr. Pringle stated that he was talking philosophically and that Mr. Westervelt is right.

Ms. Pace informed the interested parties that this is the second application to subdivide property in their neighborhood recently. She suggested that the neighborhood meet and consider downzoning to RE. This action would protect their neighborhood from further applications of this type. She stated that staff would be able to direct the neighborhood regarding the downzoning process. In response, Mr. Stump confirmed that staff would be able to direct the neighborhood on how do initiate the downzoning process. Mr. Stump informed the Planning Commission that the subject property is large enough that with RE zoning, it still could be developed with a PUD like the one before the PC today. Mr. Stump stated that RE zoning would provide more protection than RS-1 zoning.

Mr. Pringle concluded that he understands the bind that the Planning Commission is in today and thanked the Planning Commission for their time.

INTERESTED PARTIES COMMENTS:

Kevin Coutant, 320 South Boston, Tulsa, Oklahoma 74103, stated that he is representing Ms. Hilborne, and with the additional modifications of the development standards (Exhibit A-1), his client will be in support of this application.

Mr. Levy indicated that he did not have a rebuttal.

TMAPC COMMENTS:

Mr. Dunlap stated that Mr. Levy indicated a 75' setback from the south property line and it is not in the conditions. He explained that Mr. Levy mentioned a four-foot fence in the conditions submitted today, but it is a four-foot rock fence plus some metal on top, and by the Code's definition it would not be a four-foot fence. The conditions that were submitted today may be enforced by Ms. Hilborne or any person who assumes her property of transfer and staff needs some clarification on these conditions. In response, Mr. Westervelt stated that the submitted conditions resemble covenants.

Mr. Dunlap stated that number five of the submitted conditions deals with the square footage of the houses and staff has never put this in a PUD condition.

Mr. Levy stated that his client and Ms. Hilborne agreed to the five conditions submitted today. He explained that he submitted the conditions in order to inform the Planning Commission. He stated that the conditions will be filed as covenants in the subdivision plat that is filed of record. He commented that if it is not the standard practice of the Planning Commission to include the condition of the proposed homes square footage then perhaps it should be.

Mr. Boyle asked staff if there was a reason why the dwellings' square footages should not be a part of the PUD. In response, Mr. Stump stated that it has been a long-standing precedent that the size of a home is not a proper public regulation. Mr. Stump explained that only the use of the property or land is the issue and the City of Tulsa has never regulated the square footages of homes. Mr. Stump stated that whether the home is an 1800 SF house or 2200 SF house it would still be a single-family home.

Mr. Levy stated that the two proposed houses will be purchased by people who will be living adjacent to his clients. His client wants the proposed homes to be approximately the same size as the existing home.

Mr. Boyle stated that if the two parties are satisfied with the condition as a covenant and it is not normally included in the PUD, then it doesn't need to be in the conditions of the PUD. Mr. Boyle asked Mr. Coutant if he was comfortable with the square footage of the homes being included in the restrictive covenants. In response, Mr. Coutant stated that he is sure that he can work this out with Mr. Levy. Mr. Coutant further stated that he does not understand why the square footage requirement is not included in the site plan review.

Commissioner Dick stated that the neighborhood should consider downzoning to RE in order to protect the subject neighborhood. He commented that this proposal will change the character of the neighborhood. He reminded the interested parties that the Planning Commission is only a recommending body to the City Council and the Planning Commission must follow the rules in place. Commissioner Dick concluded that there are no right or wrong decisions regarding this application, but what rules apply have to be followed.

Revised 9/14/97

LOUIS LEVY INC.

ATTORNEY AND COUNSELOR AT LAW
A PROFESSIONAL CORPORATION

PARK TOWERS
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September 14, 1999

OFFICIAL RECORD EXHIBIT "A-1"
ENTERED IN THE 9/15/99
MINUTES OF THE TULSA METROPOLITAN
AREA PLANNING COMMISSION.

PUD-616

Mr. Kevin C. Coutant
Attorney at Law
320 S. Boston
Suite 500
Tulsa, Oklahoma 74103

Re: 31st Court P.U.D. - Ms. Rebecca Hilborne

Dear Mr. Coutant:

This will confirm an agreement by Rebecca H. Hilborne, of 2732 E. 31st Street (your client), and Mr. and Mrs. Robert Flynn who are the new owners of a home at 2814 E. 31st Street and adjacent neighbors, which is currently under Planned Unit Development application number 616 and will be presented at a public hearing before the Tulsa Metropolitan Area Planning Commission (TMAPC) beginning at 1:30 p.m. on September 15th.

The following conditions will be made a permanent part of the Planned Unit Development and may be enforced by Ms. Hilborne and any person to whom her property is transferred:

1. All parts of any structure constructed on the west ½ of the Flynn property within 75 feet of Ms. Hilborne's property will be set back at least 100 feet from 31st Street. One exception: a decorative rock wall with or without metal railings may be built adjacent to 31st Street by Mr. and Mrs. Flynn not higher than 4 feet.
2. Garage entrances and parking areas for any structure constructed on the west ½ of the property owned by Mr. and Mrs. Flynn will be located on its east or north side.
3. No exterior lighting, other than customary ornamental lighting and/or security lights, shall be constructed on the property owned by Mr. and Mrs. Flynn and all lighting shall be directed down and away from the property owned by Ms. Hilborne.

4. No privacy fences or other solid screening (including landscaping) will be erected to the west or south of the any dwelling located on the west ½ of the property owned by Mr. and Mrs. Flynn or along the western border of the Flynn property without Ms. Hilborne's consent; and
5. Any homes constructed on the property owned by Mr. and Mrs. Flynn will be at least 2,500 square feet in size and will be similar in material and design to the home which exists at the time of this writing and located at 2814 E. 31st Street. This home is currently occupied by Mr. and Mrs. Robert and Janet Flynn.

It is my understanding that your client, Ms. Rebecca H. Hilborne, supports the proposed Planned Unit Development so long as the conditions set forth in this letter are satisfied. Please confirm by return letter or fax. Thank you for your courtesies. Please express our appreciation to Ms. Hilborne.

Very sincerely yours,



LOUIS LEVY

LL/sp

cc: Mr. and Mrs. Robert Flynn

Mr. Boyle stated that the Planning Commission is in charge of determining what is right and in this particular case what is right is to have the PUD. He explained that a PUD provides specific controls over what happens to the subject property, such as the addendum submitted today. He stated that if a PUD is not approved, then a subdivision could be put in place that would be more detrimental to the neighborhood and less consistent with the history of the neighborhood.

TMAPC Action; 9 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **8-0-1** (Boyle, Carnes, Dick, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; Harmon "abstaining"; Ledford, Midget "absent") to recommend **APPROVAL** of PUD-616 including the conditions submitted in Exhibit A-1 excluding number five, and subject to conditions and development standards recommended by staff.

Legal Description for PUD-616:

Lot 1, Block 2, Charlane Estates, Blocks 1 and 2, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Application No.: PUD-521-2

Applicant: William B. Hayes (PD-18) (CD-8)

Location: Southwest corner of East 71st Street and Highway 169 South (Minor Amendment)

STAFF RECOMMENDATION:

The applicant is requesting Minor Amendment approval to distribute 285,000 SF of approved building floor area permitted in Lot 2 (all of Development Area D) among three tracts proposed by Lot-Split Case #18937. The requested distribution of floor area and size of each tract is as follows:

<u>Tract</u>	<u>Floor Area</u>	<u>Tract Size</u>
Tract A (existing 132,726 SF Lowe's)	230,000 SF	699,374 SF
Tract B (vacant)	25,000 SF	100,000 SF
Tract C (vacant)	30,000 SF	166,582 SF

Staff has examined the approved PUD-521 Development Standards and the Valley Crossing Plat. Staff finds that access to East 71st Street South for each of the proposed tracts will be provided by a 40-foot mutual access easement indicated on the recorded plat and on the lot-split plat of tracts. Development Area D/Lot 2 and the proposed tracts are internal lots with no arterial street frontage. The tract boundaries also recognize all utility easements.

Staff notes that the original approval and a Minor Amendment allowed one center and tenant identification ground sign for Development Area D. The sign was approved for the southeast corner of Area D with a maximum height of 50 feet and a maximum display surface area of 400 SF. Another center and tenant identification ground sign was approved for location in the western 50 feet of Development Area B (at South 101st East Avenue) with a maximum height of 35 feet and maximum display surface area of 400 SF. This sign was intended to provide further identification for tenants within Development Area D. Staff is of the opinion that the existing approved center and tenant ground signage can adequately serve the three tracts created by the current request.

Staff, therefore, recommends **APPROVAL** of PUD-521-2 distributing the total allowed building floor area for Development Area D/Lot 2 as submitted subject to the following condition:

All Development Standards as approved or amended for PUD-521, Development Area D, apply to Tracts A, B and C.

Pace, Westervelt, Carnes out at 3:15 p.m.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 6 members present:

On **MOTION** of **HORNER**, the TMAPC voted **6-0-0** (Boyle, Dick, Harmon, Hill, Horner, Jackson, "aye"; no "nays"; none "abstaining"; Carnes Ledford, Midget, Pace, Westervelt" absent") to **APPROVE** the Minor Amendment for PUD-521-2 subject to conditions as recommended by staff.

Mr. Westervelt in at 3:17 p.m.

LOT-SPLIT FOR DISCUSSION AND APPROVAL:

L-18939 – Roger K. Eldredge (1093)

(PD-5) (CD-4)

Southeast corner of East 15th Street and South Yale

STAFF RECOMMENDATION:

The applicant is acquiring a number of tracts to construct a Lowe's Home Center at the southeast corner of East 15th Street and South Yale. However, through the years parcels in this area were not properly surveyed and/or conveyed, leaving gaps, or unclosed parcels. The applicant is seeking a lot-split in order to obtain marketable titles to the gaps.

There are three gap-parcels (Tract D7, Tract 9B, and Tract D6 on the plot plan) that do not have the appropriate amount of street frontage as required under the IM zoning district. However, the applicant intends to attach these three tracts to the balance of the property being acquired by Lowe's.

Staff believes this lot-split would not have an adverse effect on the surrounding properties and would therefore recommend **APPROVAL** contingent upon Tract D7, Tract 9B, and Tract D6 being tied to the balance of the Lowe's development site.

Mr. Stump stated that the applicant agreed to submit a parcel including all of the tracts shown as one parcel. He explained that the applicant wants to obtain a lot-split to divide certain parcels into separate parcels with the condition that they all be tied back to the areas again. Mr. Stump stated that this proposal seems to be going nowhere, but the applicant thinks that this action will satisfy the title attorneys. Mr. Stump indicated that staff has no problem with this proposal subject to the applicant supplying correct legal descriptions.

TMAPC COMMENTS:

Mr. Harmon asked staff if the Planning Commission is approving a lot-split to create new lots that would then be tied to the existing lot. In response, Mr. Stump answered affirmatively and explained that the applicants requested a condition that the lots are tied back together so that they cannot be sold separately to satisfy the title attorney. Mr. Stump stated that a new plat will be submitted on the subject property.

TMAPC Action; 7 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **7-0-0** (Boyle, Dick, Harmon, Hill, Horner, Jackson, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Ledford, Midget, Pace" absent") to **APPROVE** the Lot-Split for L-18939 as requested, subject to all the parcels being tied together and subject to correct legal descriptions describing the parcels being submitted.

* * * * *

TMAPC COMMENTS:

Mr. Boyle indicated that Mr. Sack would like to be recognized.

Mr. Boyle recognized Mr. Sack.

Mr. Sack requested that the plat waiver for BOA-18471 be reconsidered by the Planning Commission. He explained that he is concerned about the building permit aspect. He stated that the BOA approved the project subject to a plat prior to issuance of a building permit. He stated that TU does not have time to process a subdivision plat in this instance.

Pace in at 3:25 p.m.

TMAPC Action; 8 members present:

On **MOTION** of **DICK**, the TMAPC voted **7-1-0** (Boyle, Dick, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Ledford, Midget "absent") to **RECONSIDER** the Plat Waiver for BOA-18471.

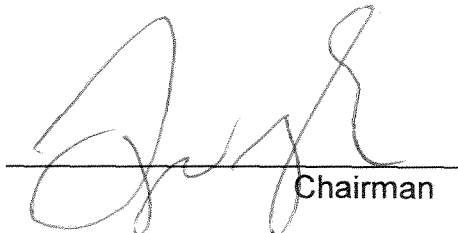
Discussion ensued and it was determined that BOA-18471 should be continued in order to notify the interested party that this application is being reconsidered.

TMAPC Action; 8 members present:

On **MOTION** of **DICK**, the TMAPC voted **8-0-0** (Boyle, Dick, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Ledford, Midget "absent") to **CONTINUE** the Plat Waiver for BOA-18471 to September 22, 1999 at 1:30 p.m., subject to staff notifying the interested party of the continuance.

There being no further business, the Chairman declared the meeting adjourned at 3:33 p.m.

Date approved: 10-6-99



Chairman

ATTEST: 

Secretary