

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2218

Wednesday, September 22, 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		Bruce	Counsel
Dick		Dunlap	
Harmon		Huntsinger	
Hill		Stump	
Horner			
Jackson			
Midget			
Pace			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, September 20, 1999 at 11:33 a.m., posted in the Office of the City Clerk at 11:28 a.m., as well as in the office of the County Clerk at 11:24 a.m.

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

Minutes:

Approval of the minutes of September 1, 1999, Meeting No. 2218

On **MOTION** of **HORNER** the TMAPC voted **8-0-0** (Boyle, Carnes, Dick, Harmon, Hill, Horner, Jackson, Westervelt "aye"; no "nays"; none "abstaining"; Ledford, Midget, Pace "absent") to **APPROVE** the minutes of the meeting of September 1, 1999 Meeting No. 2218.

Midget in at 1:31 p.m.

Pace in at 1:32 p.m.

REPORTS:

Committee Reports:

Rules and Regulations Committee

Mr. Westervelt reported that there will be a meeting directly after the TMAPC meeting in Room 1103. He stated that the meeting will be to review the plat waiver checklist.

Director's Report:

Mr. Stump reported that the City Council will not be meeting this Thursday.

SUBDIVISIONS

CORRECTION OF LOT-SPLIT TIE-AGREEMENT:

L-10661 – Don Oden (1993)

(PD-6) (CD-9)

2203 East 38th Street

STAFF RECOMMENDATION:

In 1960, Lot-split #9124 approved splitting off the west 34' of Lot 13, Block 7, Lewis Road Estates and tying that west 34' to the east 50' of the vacated Terwilleger Boulevard (Tract 1). The owner of Lot 13 retained 83.8' (Tract 2)

In 1962, the owner of Lot 12, Block 7, Lewis Road Estates received lot-split approval (L-10661) to split off the west 11.5' of his property and tie it to Lot 13. Instead of reflecting the west 11.5' of Lot 12 being tied to the east 83.8' of Lot 13, the deed was filed to tie the west 11.5' of Lot 12 to Lot 13 (indicating the entire 117.8' of the original Lot 13).

During a title opinion of Tract 2, the attorney noted the discrepancy of recorded deeds and is working toward clearing the title to Lot 13.

In order to provide a clear title for the buyers, the attorney is asking the Tulsa Metropolitan Area Planning Commission to acknowledge and approve the correction to the tie-agreement on the 1962 deed from tying "the west 11.5' of Lot 12 to Lot 13", to "the west 11.5' of Lot 12 to the east 83.8' of Lot 13". This action would agree with the previous lot-split approval of 1960 conveying the west 34' of Lot 13 to the vacated Terwilleger Boulevard.

Staff concurs with the attorney and recommends **APPROVAL** of the corrected tie-agreement in order to clear titles.

Mr. Stump stated that the original description of the tie-agreement included property that the owner of Tract 2 did not own. The subject property that had been previously split off was in error. He explained that this action will correct the error.

APPLICANT'S COMMENTS:

Steve Stecher, 320 South Boston, Suite 920, Tulsa, Oklahoma 74103, stated that he would like to add a request for some additional relief on the subject lot-split. He explained that there have been three deeds executed in violation of this provision because of the mistake. He stated that the three deeds are technically void because the Planning Commission did not give its approval. He requested that the Planning Commission give their approval on the deeds at this time so that the change of title is valid down to the present owner.

Mr. Stump stated that if the Planning Commission approves a lot-split than the staff has the power to stamp deeds that reflect the approval of the lot-split. He explained that if the deed is different from what is before the Planning Commission today, staff cannot stamp the deeds because it is not before the Planning Commission properly.

Mr. Stecher stated that the deeds are not really different from what is before the Planning Commission today. Today's action is to cure or resolve questions whether this approval or correction is effective today or retroactively, and would validate the deeds that were executed in violation of it.

Mr. Boyle asked Mr. Swiney if the Planning Commission could execute this request. In response, Mr. Swiney stated that the approval of a deed can be done in-house if all of the matters are the same as what has been decided by the Planning Commission. He commented that it sounds like another action is being requested that is not before the Planning Commission today. He suggested that the applicant wait one week and add the request to the next agenda.

In response to Mr. Westervelt, Mr. Swiney stated that if the Planning Commission's approval today gives the staff power to administratively take care of the errors then no further action by the Planning Commission is necessary. He explained that the applicant is suggesting that the Planning Commission needs to rule on something new, and it is not before the Planning Commission properly.

Mr. Stump stated that he does not know if the Planning Commission has the power to make something retroactive to 1962 or whatever date this might be. In response, Mr. Boyle stated that the Planning Commission can only act on the application before it today.

Mr. Stecher stated that he will submit the items on the next meeting and take care of it at that point.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **HARMON**, the TMAPC voted **10-0-0** (Boyle, Dick, Carnes, Harmon, Hill, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ledford "absent") to **APPROVE** the corrected tie-agreement in order to clear titles as recommended by staff.

FINAL PLAT:

North Forty (824)

(PD-14) (County)

Southeast corner of East 176th Street North and North Garnett (113th East Avenue)

STAFF RECOMMENDATION:

Mr. Bruce stated that staff has received all of the release letters and everything is in order. Staff recommends approval of the final plat for North Forty.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 10 members present:

On **MOTION** of **HARMON**, the TMAPC voted **10-0-0** (Boyle, Dick, Carnes, Harmon, Hill, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ledford "absent") to **APPROVE** the Final Plat for the North Forty as recommended by staff.

PRELIMINARY PLAT:

Grace Acreage (PUD-221-F) (2894)

(PD-17) (CD-6)

Southeast of East 41st Street and South 129th East Avenue

STAFF RECOMMENDATION:

Mr. Beach stated that staff is requesting a continuance to October 20, 1999. He explained that staff recently received a revision to the plat and it will need to be taken back to the TAC before presenting to the Planning Commission.

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 **CONTINUE** the Preliminary Plat to October 20, 1999 at 1:30 p.m. as recommended by staff.

Crestview II (2402)

(PD-25) (CD-1)

South of southeast corner of 36th Street North and North Cincinnati Avenue

STAFF RECOMMENDATION:

This is a subdivision of 18.2 acres into one lot and one block for residential purposes. A large "Reserve A" runs along the north border for drainage purposes. The site is bounded on the west by the North Cincinnati Avenue and on the east by unplatted land. The northern portion of the project is a resubdivision of a part of the Carl's Commercial Center Addition and the southern portion is a part of the Crestview Addition. The ultimate use has been described as duplexes similar to the project directly to the south. The underlying zoning is RS-3 and CS, the applicant has not yet initiated a zone change.

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 Cincinnati and that the plat indicated two access points.
- 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 the site was traversed by an existing sanitary easement and line.

3. Water:

- Bruce, staff, indicated that water was available in the Cincinnati right-of-way.
- Lee, Water, indicated that easements on the face of the plat were preferable to individually-filed instruments.

4. Storm Drainage:

- Bruce, staff, noted that the plat included a Reserve A along the northern boundary for drainage purposes.
- Payne, Development Service, indicated that fees-in-lieu would be acceptable and that all City criteria for development in a City floodplain (City) must be met, including compensatory storage and maintenance access for the residual floodplain. A PFPI would be required for earth change, drainage, and any work involving a City street.

5. Utilities:

- Bruce, staff, noted that a number of utility easements were existing on-site; utility providers were not in attendance.

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 Cincinnati will be allowed. The access should be centered.~~ Placement of access or accesses from Cincinnati be approved by City Traffic Engineer.
2. Easements for water and sanitary sewer appropriate for the proposed use should be shown on the plat
3. City criteria for floodplain development must be met.
4. Zone change must occur prior to issuance of building permits for duplex use.

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.

APPLICANT'S COMMENTS:

Ted Sack, Sack and Associates, 111 South Elgin, Tulsa, Oklahoma 74120, stated that he agrees with the staff recommendation except that rather than approving this with one access point to Cincinnati he would prefer the TMAPC approve it subject to the access point being approved by the City Traffic Engineer. He explained that at this point he doesn't foresee any problems with the one point of access, but there is a potential that something may change and it might be appropriate to allow that change if needed.

Mr. Bruce stated that staff would defer to Traffic Engineering's call on the access points.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **10-0-0** (Boyle, Dick, Carnes, Harmon, Hill, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ledford "absent") to **APPROVE** the Preliminary Plat for Crestview II subject to the point of access or accesses being approved by the City Traffic Engineer, subject to special conditions and standard conditions as recommended by staff. (Language in the staff recommendation that was deleted by TMAPC is shown as ~~strikeout~~; language added or substituted by TMAPC is underlined.)

* * * * *

Oak Tree Village (Z-6054-SP-3) (1884)
8400 South Garnett Road

(PD-18) (CD-8)

STAFF RECOMMENDATION:

This is a single-family residential development in a Corridor-zoned District. The project consists of 139 lots in seven Blocks on 37.14 acres (formerly 53.48 acres). The plat and the Corridor Site Plan (Z-6054-SP-3) are being processed concurrently and must exactly match before the final plat will be released for filing.

Applications for a Corridor Site Plan and a sketch plat were originally filed in 1996. The CO plan was recommended for approval and the sketch plat was approved by TMAPC. Subsequent revisions by the developer prevented the plat and the CO plan from moving forward and final approvals have never been accomplished. In 1998 the developer was issued a PFPI permit. He proceeded with construction without benefit of an approved CO plan or subdivision plat.

Between the start of this project and the present, adjacent properties to the north have been included in a PUD and platted. To the south, a PUD approved multifamily residential and hospital uses. The western portion of the subject property has been excluded from the area to be platted, as well as the PFPI, and sold to Union Public Schools. It was included in all of the previous submittals and appears as "Phase 2" in the PFPI permit plans. These changes have a substantial effect on how the layout of the streets on this site should be reviewed, particularly the corridor collector street.

The anticipated collector street was permitted as "Phase 2" of the PFPI and would complete the loop from the south side of the subdivision around the west side of the detention pond, to connect with 107th East Avenue in the northwest corner of the property. This connection allowed the completion of the corridor street all the way to 81st Street. Since the "Phase 2" area was sold to Union Schools, East 86th Street abutting the south property line would potentially dead-end into the school property and no longer serve as a collector.

The developer should be required to complete the collector street in accordance with his PFPI. Another alternative would be to widen portions of 109th East Avenue and 112th East Avenue, all of 84th Street and 84th Place to 60 feet so it could serve as the collector street. Either alternative would be adequate in staff's opinion.

Following is a summarized chronology of the events to date:

- 8/8/96 TMAPC recommended denial of CO Site Plan Z-6054-SP-1.
- 10/4/96 Developer submitted CO Site Plan application Z-6054-SP-2.
- 10/7/96 Developer submitted Oak Tree Village sketch plat.
- 1/15/97 TMAPC approved Oak Tree Village sketch plat and recommended approval of CO Site Plan Z-6054-SP-2. (Review of a sketch plat by TMAPC is optional and "approval" only indicates to the developer that the proposed subdivision is acceptable in concept).
- CO Site Plan Z-6054-SP-2 was not forwarded to the City Council for final approval. The records do not reflect why, but staff's recollection is that there were changes to the plan that were considered a significant departure from the approvals. Under these circumstances, staff held the submittal until the changes were resolved. (There is no further action on Z-6054-SP-2).
- 3/12/98 Public Works issued an earth change permit under the PFPI.
- 7/9/98 the developer submitted Oak Tree Village preliminary plat.
- 8/6/98 TAC reviewed the preliminary plat with no one present to represent the project. Staff noted that there was no approved CO plan. After further review TAC recommended denial because the submittal did not meet the minimum standards for a preliminary plat.
- 8/19/98 TMAPC continued this item for two weeks because it was not ready to be considered for preliminary plat approval. (It did not appear on the 9/1/98 agenda because there was no resolution during this two-week period. There was no further action on this preliminary plat submittal).
- 2/15/99 Public Works issued a storm sewer permit under the PFPI.
- 5/21/99 the developer submitted Oak Tree Village preliminary plat. Staff responded with a memo (6/4/99) advising the applicant to obtain approval of a CO plan for this property and a plat that is consistent with that plan. We further advised that we would not process the 5/21/99 preliminary plat submittal until the other requirements were accomplished.
- 6/7/99 Public Works issued a paving permit under the PFPI.
- 7/9/99 the developer submitted Oak Tree Village preliminary plat and CO plan Z-6054-SP-3.
- 8/5/99 TAC reviewed the preliminary plat and became aware of the deletion of the western portion of the property.

The following were discussed **August 5, 1999** at the Technical Advisory Committee meeting. Note that the TAC was not aware until the meeting that the western portion had been excluded and sold to Union Schools.

1. Streets/access:

- Sidewalks are required along both sides of collector streets. Eshelman, Traffic, presented a marked plan where sidewalks would be required and indicated they are not necessary on both sides.
- Eshelman, Traffic, recommended deleting East 86th Street from the plan and stubbing 110th East Avenue to the south property line. East 85th Place should be moved north two feet.
- Somdecerff, Transportation, stated the 109th East Avenue cul-de-sac should have standard 25' radii on the corners.
- Rains, County Engineer, stated that the County is responsible for the maintenance of Garnett Road in this location. He required that the ditch be graded along Garnett to a standard acceptable to the County.

2. Sewer:

- The sanitary sewer system has already been installed.

3. Water:

- Water lines have already been installed.
- Lee, Water, stated that standard covenants for water system would need to be included. He also stated that a waterline easement would be needed along Reserve A. The applicant stated that this has been done.

4. Storm Drainage:

- The storm sewer system has already been installed.
- McCormick, Stormwater, stated that a 20' access easement would be required around the perimeter of Reserve A.

5. Other:

- Varner, GTE, stated that additional easements would be required. He submitted a written description of the locations.

ADDITIONAL STAFF COMMENTS and RECOMMENDATION:

- Staff reviewed the plat in context with the surrounding approved developments in more detail after the TAC meeting. Staff advised the developer that because of the changes to the scope of the development that includes selling the western portion of the property to Union Public Schools, and changes that have occurred on the surrounding properties since this project was first begun, we would recommend changes to the layout of the streets in this development. The goals are to accommodate the requirements for a corridor collector street and provide appropriate safe circulation for school traffic.
- In a meeting with staff, the developer, his engineer and a representative of Union Public Schools, staff arrived at an agreement that Union would allow that portion of their property that would contain the future collector street on the west side of the detention area to be included in the Corridor Site Plan. The area containing the collector street is not being platted at this time. That portion would be reviewed by TMAPC in the future when Union proceeds with its project.
- The Traffic Engineer sketched what would be an acceptable modification to the street alignment on the south end of the property. The plat was changed to reflect this new alignment. This negates his previous comment in the TAC meeting about deleting East 86th Street and stubbing South 110th East Avenue.

Considering the agreements made and the modifications submitted resulting from all of the discussions between staff, the developer and Union Schools, staff recommends **APPROVAL** of the preliminary plat subject to the following conditions:

Waivers of Subdivision Regulations:

1. Eliminate the requirement for sidewalks on both sides of the collector street, subject to the sidewalks being installed as required by the Traffic Engineer.

Special Conditions:

1. All conditions of Corridor Site Plan Z-6054-SP-3 shall be met prior to release of the final plat, including any applicable provisions in the covenants or on the face of the plat. Include Corridor Site Plan approval date and references to Section 800-805 of the Zoning Code in the covenants.
2. Proper grading of the ditches along Garnett Road to a condition satisfactory to the County Engineer.

Standard Conditions:

1. All conditions of Corridor Site Plan Z-6054-SP-3 shall be met prior to release of the final plat, including any applicable provisions in the covenants or on the face of the plat. Include Corridor Site Plan approval date and references to Section 800-805 of the Zoning Code in the covenants.
2. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
3. 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.)
4. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).
5. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater and/or Engineering) including storm drainage, detention design, and Watershed Development Permit application subject to criteria approved by the City of Tulsa.
6. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).
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 Department of Public Works and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. City of Tulsa Floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.
11. 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.
12. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
13. 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.
14. 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.)
15. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
16. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. (Percolation tests required prior to preliminary approval of plat.)
17. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
18. The method of water supply and plans therefor shall be approved by the City/County Health Department.
19. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
20. 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 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-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 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-3 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-3 consisting of 38.29 acres as recommended by staff.

Legal Description for Z-6054-SP-3:

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°1'17" W along the Southerly line of said NE/4 for 2,197.42' to a point on the Easterly right-of-way line of State Highway 169; thence N 11°23'21" W along said Easterly line for 157.91'; thence N 2°16'48" W continuing along said Easterly right-of-way line for 684.87'; thence N 89°01'17" E for 1,034.56'; thence N 01°27'04" W for 381.72'; thence N 89°04'29" E for 1,203.74'; thence S 01°16'37" E along said Easterly line for 1,220.61' to the point of beginning of said tract of land, containing 53.48 acres more or less.

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 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.

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 that it be subject to dedication of full right-of-way to meet the requirements of the Major Street and Highway Plan (MSHP) and 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 checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2) Are there restrictive covenants contained in a previously filed plat? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3) Is property adequately described by surrounding platted properties or street R/W? | <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 checked="" type="checkbox"/> | <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"/> | <input checked="" type="checkbox"/> |
| ii) Is an internal system required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iii) Are additional easements required? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Storm Sewer | | |
| i) Is a P.F.P.I. required? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ii) Is an Overland Drainage Easement required? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| iii) Is on-site detention required? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| iv) Are additional easements required? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 7) Floodplain | | |
| a) Does the property contain a City of Tulsa (Regulatory) Floodplain? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Does the property contain a F.E.M.A. (Federal) Floodplain? | <input type="checkbox"/> | <input checked="" 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).

Mr. Beach stated that the subject application was denied on September 15th. The applicant requested the subject application to be reconsidered. The purpose for reconsidering this application is to ask the Planning Commission to waive the plat temporarily in order for the applicant to obtain a building permit. He indicated that there should be a condition that the applicant will file a plat of record before occupancy.

Mr. Beach stated that staff recommends **APPROVAL** of the temporary plat waiver with the condition that the applicant file a plat of record before occupancy.

APPLICANT'S COMMENTS:

Charles Norman, 2900 Mid-Continent Towers, Tulsa, Oklahoma 74114, stated that the immediate problem is that the bids are opened and the University would like to start construction on the tennis center because it will take at least one year of construction. He explained that the bids are to be received on October 12, 1999.

Mr. Norman stated that the practical problem is that the subject site involves several lots and three streets that have recently been closed by the City Council. Presently, two of the properties have not been closed in the subject area. He explained that his client has reached an agreement with one of the property owners, which means that the property owner will be allowed to stay in possession and delay closing until January 1, 2000. There is one lot in condemnation and it will be acquired shortly by the claimant of the Court-appointed Commissioner's award. He indicated that he has not completed the District Court proceedings required when streets are closed in order to determine that the title has passed to the adjacent property. Presently his client is not physically signing a plat. He explained that his client would like to begin construction on the tennis court facility, which fortunately is located outside of those former streets rights-of-way and can commence without any title problems.

Mr. Norman stated that his client has agreed to dedicate the right-of-way on the west side of Delaware, which is necessary to meet the urban arterial street setback requirements.

Mr. Norman stated that originally his client had two requests. The first request was to waive the requirements of the MSHP in order to permit an additional five feet of right-of-way on the west side of Delaware in accord with the requirements of the Department of Public Works. The second request was for a plat waiver; however, his client does not object to preparing and filing a plat. He explained that the reason for the temporary waiver of the requirement of the property being platted is to obtain a building permit. He indicated that his client would complete a plat within one year or prior to any issuance of a certificate of occupancy.

TMAPC COMMENTS:

Mr. Boyle asked Mr. Norman if the only thing that is delaying the plat is the street closures. In response, Mr. Norman stated that the street closures are a problem, as are acquiring two parcels. Mr. Norman explained that until TU actually owns the before-mentioned properties his client cannot prepare a plat.

Mr. Boyle asked Mr. Norman when he would have titles that would be sufficient for his client to sign a plat. In response, Mr. Norman stated that he might have the titles by January 1, 2000. Mr. Boyle asked Mr. Norman how long it takes for the street closing. In response, Mr. Norman stated that the street closings will take anywhere from 60 to 75 days.

Mr. Swiney stated that he raised the question last week regarding the temporary plat waiver. He advised the Planning Commission that he met with Mr. Norman earlier this week and Mr. Norman explained what he requests were and the reasons. Mr. Swiney concluded that he is satisfied that the legalities have been observed and will be observed. Mr. Swiney stated that he withdraws his objection that he made last week.

In response to Ms. Pace, Mr. Norman stated that north to 4th Place there is presently 80' of right-of-way. Mr. Norman explained that this will be more than required by the urban arterial standards. Mr. Norman stated that TU is provided the property on the west side to meet the requirements.

Ms. Pace asked Mr. Norman how many lanes of traffic will be provided on Delaware. In response, Mr. Norman stated that there are two plans. He explained that the urban arterial standards call for four lanes of paving and the other suggestion that a wider three-lane system with a continuous turning lane might be adequate, but that will be decided by the Department of Public Works when funds are available. Mr. Norman stated that he believes that Jon Eshelman prefers the four-lane design.

Mr. Harmon asked Mr. Norman if one year is adequate to acquire all the properties and handle the street closings. In response, Mr. Norman stated that one year will be adequate.

INTERESTED PARTIES COMMENTS:

Maria Barnes, 2252 East 7th Street, Tulsa, Oklahoma 74104, representing the Kendall-Whittier Homeowners' Association, stated that she does not have a problem with the request as long as TU comes back with the plat at a later date. She commented that she prefers for Delaware to have four lanes.

Chris Jones, Director of Kendall-Whittier Ministries, 76 North Zunis Avenue, Tulsa, OK 74110, stated that he is satisfied with the plan presented today. He commented that he would prefer four lanes on Delaware.

APPLICANT'S REBUTTAL:

Mr. Norman stated that he hopes to file one plat for the north part of the west of Delaware. He explained that he will have to submit the plan for this to the Board of Adjustment. Mr. Norman concluded that TU hopes to have all of the construction completed before the start of the school year in 2001.

TMAPC COMMENTS:

Mr. Boyle stated that he can support this application today as long as a plat is filed of record in the near future. He commented that he does not think that this action should set a precedent that, when a plat waiver comes before the Planning Commission with too many indications in the wrong direction, it will be automatically granted or temporary plat waivers granted.

TMAPC Action; 10 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **10-0-0** (Boyle, Dick, Carnes, Harmon, Hill, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ledford "absent") to **APPROVE** the Temporary Plat Waiver for BOA-18471 for one year or a certificate of occupancy, which ever comes first, in order to proceed with a building permit, waiver of subdivision regulations to allow dedication of five additional feet.

Z-6520 (594)
12120 East Skelly Drive

(PD-17) (CD-6)

STAFF RECOMMENDATION:

Approval of a zoning change triggered the platting requirement. The request for a building permit for a church flagged the requirement and the applicant is now requesting a plat waiver. Several plans were submitted but there was no site plan that clearly described the proposal until the second TAC meeting on September 16, 1999.

Staff Comments and Recommendation:

TMAPC heard this request on September 1, 1999 after TAC review on August 19. After staff's presentation and recommendation of denial, then the applicant's presentation of additional information that was not available to the TAC, there was discussion about the requirements indicated on the checklist. The Planning Commission voted to send this item back to TAC for clarification. The item was discussed in the September 16, 1999 TAC meeting. The checklist below reflects the current TAC requirements.

The two main points of contention were the extension of the sanitary sewer and the PFPI for on-site detention. City ordinances require that all lots must be served by sanitary sewer. Since the subject property covers three platted lots, but only two are currently served, the requirement to extend the main was automatic. However, in the second TAC meeting, the applicant provided a site plan that shows that the new church development would only be on two of the three lots and the one without sanitary sewer would be left as open space. Based on this information, the wastewater engineer revised his requirement subject to a sewer main extension to the third lot before any building could occur there.

In the original submittal, the applicant indicated a proposed detention pond on his plans. In the second TAC meeting he asked for a fee-in-lieu of detention and submitted a site plan without the detention pond. The stormwater engineer stated that there are flooding problems immediately downstream from this site. The downstream I-44 drainage structures are not fully functional because the channel farther downstream is unimproved and cannot handle the flow. For these reasons, on-site detention will be required on all upstream developments. However, since there is no public storm sewer to connect to, there would be no requirement for a PFPI for the detention pond.

Considering that there are only three remaining items that could be handled by separate instruments, two of which are related, and the fact that the property has already been platted and therefore adequately described, staff recommends **APPROVAL** of the plat waiver subject to satisfactory dedications of right-of-way, an easement for the detention pond and limits of no access being filed of record.

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) If the waiver were granted, would restrictive covenants or deeds of dedication need to be filed by separate instrument?
- 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?
- ii) Is an internal system required?
- iii) Are additional easements required?
- 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?
- 7) Floodplain
- a) Does the property contain a City of Tulsa (Regulatory) Floodplain?
- b) Does the property contain a F.E.M.A. (Federal) Floodplain?
- 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**

* Right-of-way dedications required – five feet on the east and south sides and 25' radius at southeast corner

** A PFPI is not required for the detention pond because it would not tie into a public storm sewer.

*** Limits of no access must be recorded for the entire length of the I-44 access road.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **10-0-0** (Boyle, Dick, Carnes, Harmon, Hill, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ledford "absent") to **APPROVE** the plat waiver for Z-6520, subject to dedication of right-of-way

of five feet on the east side and south side and 25' radius at the southeast corner of subject property; an easement for the detention pond and limits of no access being filed of record as recommended by staff.

DECLARATION OF COVENANTS:

PUD-614 – Roy Johnsen

(PD-6) (CD-4)

Southeast corner 15th and Victor

(Declaration of covenants implementing conditions of PUD-614.)

STAFF RECOMMENDATION:

Mr. Stump stated that staff received a copy of the restrictive covenants that he plans to record to implement the requirements of PUD-614. The PUD was given a plat waiver earlier with a condition that the conditions of the PUD be recorded by separate instrument. Mr. Stump stated that staff has reviewed the declaration of covenants and they do reflect the conditions of the PUD; therefore, staff recommends **APPROVAL** of the declaration of covenants implementing conditions of PUD-614.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 10 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **10-0-0** (Boyle, Dick, Carnes, Harmon, Hill, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ledford "absent") to **APPROVE** the Declaration of Covenants implementing conditions of PUD-614 as recommended by staff.

Midget out at 2:15 p.m.

ZONING PUBLIC HEARING

Application No.: PUD-567-C-1/Z-4789-SP-6d

Applicant: Charles Norman

(PD-19) (CD-8)

Location: Southeast corner East 71st Street South and South 109th East Avenue
(Minor Amendment and Covenants)

STAFF RECOMMENDATION:

The applicant is requesting minor amendment approval to divide Tract C into three tracts; to allocate previously approved building floor area to each tract and to reduce the minimum lot frontage for the easternmost of the three tracts along East 71st Street from

150 feet to 136 feet and approval of covenants implementing this change. Staff notes that Lot-Split 18922 has been filed concurrently with the request for approval of PUD-567-C-1.

Tract C was created by Lot-Split 18804 which divided Development Area C of PUD-567/B&C into four tracts and allocated tract area and maximum floor area to each tract as follows while maintaining the approved and amended development specifications:

	<u>Land Area</u>	<u>Maximum Floor Area</u>
Tract A	4.40 acres	110,000 SF
Tract B	2.30 acres	55,000 SF
Tract C	3.27 acres	25,000 SF
Tract D	.98 acre	10,000 SF

Lot-Split 18922/PUD-567-C-1 requests the division of Tract C into three tracts with net tract area and allocation of building floor area as follows:

	<u>Land Area</u>	<u>Maximum Floor Area</u>
Tract C-1	0.811 acre	4,500 SF
Tract C-2	0.955 acre	5,500 SF
Tract C-3	1.505 acres	15,000 SF

Staff has examined the request and finds no change to maximum building floor area or to the approved access/limits of no access adjacent to Tract C per the Woodland Park Center Plat. The applicant has also proposed the imposition of a mutual access easement to permit access by users of Tracts C-1, C-2 and C-3 to the two 40-foot access points indicated on the approved plat.

Staff has also examined the proposed 14-foot reduction in the width of Tract C-1. The development specifications stipulate that lots fronting on East 71st Street are required to be at least 150 feet in width. Staff has reviewed the original approval and is of the opinion that the requirement was, for the most part, intended to limit drive cuts and prevent future traffic conflicts along East 71st. The provision of a mutual access easement and adherence to the limits of no access indicated on the plat would appear to maintain the intent of the original approval contained in PUD-567 Development Area C.

Staff, therefore, recommends **APPROVAL** of PUD-567-C-1/Z-4789-SP-6d as submitted subject to the following conditions:

1. Approval of an amended Deed of Dedication and Restrictive Covenants for Woodland Park Center submitted with the Minor Amendment application as Exhibit "D" and recording of the same with the Tulsa County Clerk.
2. Filing of a mutual access easement as depicted in Lot-Split Exhibit C and recording of the same with the Tulsa County Clerk.

DECLARATION OF COVENANTS

WHEREAS, Terrace Development 15th Street, L.L.C., an Oklahoma limited liability company (hereafter "Owner/Developer") is the owner of the following described property:

All of Lots Eleven (11) and Twelve (12), and the East 62.5 feet of Lot Thirteen (13), Block One (1), Terrace Park Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof (hereafter the "Property")

WHEREAS, the Property was submitted as a planned unit development (designated as PUD No. 614) pursuant to Sections 1100-1107 of Title 42 Tulsa Revised Ordinances (Tulsa Zoning Code) and,

WHEREAS, PUD No. 614 was affirmatively recommended by the Tulsa Metropolitan Area Planning Commission on July 21, 1999 and approved by the Council of the City of Tulsa, Oklahoma, on August 12, 1999 the planned unit development implementing Ordinance No. 19627 being adopted on August 19, 1999 and published on August 30, 1999 and,

WHEREAS, the Planned Unit Development provisions of the Tulsa Zoning Code require the establishment of covenants of record, inuring to and enforceable by the City of Tulsa, Oklahoma, sufficient to assure the implementation and continued compliance with the approved planned unit development and,

WHEREAS, the Owner/Developer desires to establish restrictions for the purpose of providing for an orderly development and to assure adequate restrictions for the mutual benefit of the Owner/Developer, its successors and assigns, and the City of Tulsa, Oklahoma.

THEREFORE, the Owner/Developer does hereby impose the following restrictions and covenants which shall be covenants running with the land and shall be binding upon the Owner/ Developer, its successors and assigns, and shall be enforceable as hereinafter set forth:

A. Use of Land

1. The development of the Property shall be subject to the Planned Unit Development provisions of the City of Tulsa Zoning Code, as such provisions existed on August 30, 1999, or as may be subsequently amended.
2. The use of the lots within the subdivision shall be limited to the uses permitted by right within an OL Office Low Intensity District and accessory uses customarily incidental thereto.

B. Development Standards

The Property shall be subject to the following development standards:

1. Floor Area

The maximum floor area of buildings shall be 12,500 square feet.

2. Building Setbacks

Buildings shall be setback a minimum distance from the boundaries of the Property as follows:

From West boundary	15 ft.
From Centerline of East 15 th Street South	85 ft.
From East boundary	0 ft.
From South boundary	10 ft.

3. Maximum Building Height

Buildings shall not exceed one story in height.

4. Other Bulk and Area Requirements

Except as above set forth buildings and other improvements shall comply with the bulk and area requirements of an OL District as set forth within the Tulsa Zoning Code.

5. Off-Street Parking Requirements

Off-street parking spaces shall be provided as required for the applicable use unit as set forth within the Tulsa Zoning Code.

6. Access Limitations

Vehicular access to or from South Victor Avenue shall be prohibited and vehicular access to or from East 15th Street South shall be limited to one point of access at a location approved by the Traffic Engineer of the City of Tulsa, Oklahoma.

7. Building Design Limitations

The main entrance of the principal building shall be located at the northeast corner of the building. The principal building shall be of an architectural style which is residential in character and consistent with the Craftsman design. Building exits within the south 130 feet of the Property and located on south or west facing walls shall be limited to emergency exits.

8. Landscaping and Screening

A screening fence or wall 8 feet in height shall be constructed and maintained along the south boundary of the Property. A screening fence or wall 6 feet in height shall be constructed and maintained along a line 15 feet east of the west boundary of the Property and commencing at the south boundary and extending north and parallel to South Victoria Avenue a distance of 160 feet. Landscaping shall be established and maintained as set forth within Sections 1000 thru 1003 of the Tulsa Zoning Code and shall comply with the following additional restrictions:

- a. Not less than 15% of the area of each lot shall be landscaped.
- b. A landscaped area of not less than 15 feet in width shall be established along the south 160 feet of the west boundary of the Property.

9. Trash and Mechanical Equipment

Trash receptacles and mechanical equipment areas shall be screened from public view by persons standing at ground level. Bulk trash containers shall be set back not less than 75 feet from the south and west boundaries of the Property.

10. Parking Area Lighting

Parking area lighting shall be limited to hooded fixtures designed to direct light downward and away from adjoining residential areas. No building mounted light or light standards shall be located within the south 20 feet of the Property. Light standards located within the south 50 feet of the Property shall not exceed 8 feet in height and no light standard shall exceed 12 feet in height.

11. Signs

Signs accessory to principal or permitted accessory uses shall comply with the restrictions of the OL District and shall comply with the following additional restrictions:

- a. Ground signs shall be prohibited along the south 200 feet of the South Victoria Avenue frontage.
- b. Wall signs shall be prohibited on the south and west walls of the building.

C. Mutual Access

The Owner/Developer shall establish connecting vehicular access to the property adjoining

the east boundary of the Property.

D. Site Plan, Landscaping Plan, and Sign Plan Requirements

Prior to the issuance of a building permit, a detailed site plan (including landscaping) for the improvements proposed to be constructed shall be submitted to and approved by the Tulsa Metropolitan Area Planning Commission. Prior to the occupancy of any building, landscaping shall be installed in accordance with the approved landscaping plan, and in accordance with an approved phasing schedule. Prior to each occupancy permit, a landscape architect registered in the State of Oklahoma shall make written certification that landscaping has been installed in accordance with the approved plan and the approved phasing schedule. Subsequent to the initial installation, landscaping shall thereafter be maintained and replaced as needed by the owner of the Property. Prior to the installation of any sign, a detailed plan of the sign or signs proposed to be installed shall be submitted to and approved by the Tulsa Metropolitan Area Planning Commission. The development and use of the Property shall be in compliance with the approved site plans, landscape plans, and sign plans, or such amendments thereof as may be later approved by the Tulsa Metropolitan Area Planning Commission or its successor.

E. Minor Amendments

The foregoing restrictions shall be deemed amended (without necessity of execution of an amending document) to conform to amendments to bulk and area requirements or landscaping requirements that may subsequently be approved by the Tulsa Metropolitan Area Planning Commission pursuant to its review of a minor amendment processed in accordance with the provisions of Subsection H. of Section 1107 of the City of Tulsa Zoning Code, and the filing of a certified copy of the minutes of the Tulsa Metropolitan Area Planning Commission with the County Clerk of Tulsa County, Oklahoma.

F. Definitions

In the event of ambiguity of any word or term set forth herein, the meaning thereof shall be deemed to be defined as set forth within the City of Tulsa Zoning Code as the same existed on August 30, 1999 or as subsequently amended.

G. Enforcement

The restrictions herein set forth are covenants to run with the land and shall be binding upon the Owner/Developer, its successors and assigns. The covenants and restrictions above set forth are established pursuant to the Planned Unit Development provisions of the City of Tulsa Zoning Code and shall inure to the benefit of the City of Tulsa, Oklahoma. If the undersigned Owner/Developer, or its successors or assigns, shall violate any of the covenants and restrictions, it shall be lawful for the City of Tulsa, Oklahoma to maintain any action at

law or in equity against the person or persons violating or attempting to violate any such covenant, to prevent him or them from so doing or to compel compliance with the covenant.

H. Duration

These restrictions, to the extent permitted by applicable law, shall be perpetual but in any event shall be in force and effect for a term of not less than thirty (30) years from the date of the recording of this Declaration of Covenants unless terminated or amended as hereinafter provided.

I. Amendment

The covenants and restrictions above set forth, may be amended or terminated at any time by a written instrument signed and acknowledged by the owner of the Property and approved by the Tulsa Metropolitan Area Planning Commission, or its successors. The provisions of any instrument amending or terminating covenants as above set forth shall be effective from and after the date it is properly recorded.

J. Severability

Invalidation of any restriction set forth herein, or any part thereof, by an order, judgment, or decree of any Court, or otherwise, shall not invalidate or affect any of the other restrictions or any part thereof as set forth herein, which shall remain in full force and effect.

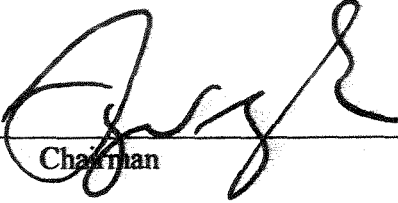
IN WITNESS WHEREOF, the undersigned Owner/Developer, has executed this instrument this ____ day of _____, 1999.

Terrace Development 15th Street, L.L.C.,
an Oklahoma limited liability company

By _____,
_____, Managing Member

APPROVAL

The foregoing instrument was approved by the Tulsa Metropolitan Area Planning Commission on the 22 day of September, 1999.



Chairman

Attest:



Secretary

STATE OF OKLAHOMA)
) ss.
COUNTY OF TULSA)

This instrument was acknowledged before me this _____ day of _____, 1999,
by _____ as Managing Member of Terrace Development 15th Street, L.L.C.,
an Oklahoma limited liability company.

Notary Public

My Commission Expires:

- 3. Approved and amended development specifications for PUD-567, PUD-567-B, PUD-567-C and Z-4789-SP-6d remain unchanged and apply to Tracts C-1, C-2 and C-3 except as modified herein.

Mr. Stump stated that the reason staff would allow the reduction in the minimum width is because the access points are not being increased.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Boyle, Carnes, Dick, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ledford, Midget "absent") to **APPROVE** the minor amendment of PUD-567-C-1/Z-4789-SP-6d subject to conditions as recommended by staff.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Boyle, Carnes, Dick, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ledford, Midget "absent") to **APPROVE** the covenants implementing PUD-567-C-1/Z-4789-SP-6d as recommended by staff.

Application No.: PUD-275-4

Applicant: Richard Stuber

(PD-18) (CD-8)

Location: 9242 South Yale Avenue
(Minor Amendment)

STAFF RECOMMENDATION:

The applicant is requesting minor amendment approval to modify the architectural features and length of the required solid screening fence along the entire south and southwestern bank property boundary.

The development specifications, approved in 1982, required that "screening will be provided by a six-foot solid surface fence between Development Area A and Development Area B, except where pedestrian access points are to be provided." The length of the property boundary separating the bank in Development Area A and condominium housing in Development Area B is 388 feet. A six-foot screening fence and retaining wall was approved as part of the Detail Site Plan for a bank use within Development Area A in February 1999. The condominium developer, prior to development of the bank site, constructed a wrought-iron security fence within its property line.

The current request represents an agreement between the bank and condominium association to relocate the wrought-iron fencing to a 170-foot portion of the remainder of the retaining wall. The proposal will eliminate a 135-foot portion of the screening fence abutting the condominium entry drive. Solid wood fencing is proposed along the remainder of the retaining wall and running to the northwestern corner of the bank property boundary. The solid fencing abuts that portion of the bank lot adjacent to condominium dwelling units.

Staff has examined the request, including the written correspondence between the abutting residential and commercial property owners, and is of the opinion that the screening requirement can be met with the combination of solid fencing, wrought-iron fencing, retaining walls and landscaping. Staff further believes that the purpose and intent of the original screening specification will be maintained.

Staff, therefore, recommends **APPROVAL** of PUD-275-4 modifying the screening requirement along the south/southwestern property boundary of Lot 1, Block 1, NationsBank Branch per the Revised Detail Site Plan.

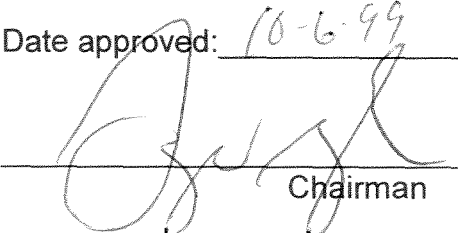
There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

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 **APPROVE** the minor amendment of PUD-275-4 modifying the screening requirement along the south/southwestern property boundary of Lot 1, Block 1, NationsBank Branch per the Revised Detail Site Plan as recommended by staff.

There being no further business, the Chairman declared the meeting adjourned at 2:17 p.m.

Date approved: 10-6-99

Chairman

ATTEST: 
Secretary