TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 1713 Wednesday, September 21, 1988, 1:30 p.m. City Commission Room, Plaza Level, Tulsa Civic Center

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT Carnes Doherty Gardner Linker, Legal Coutant, Secretary Matthews Randle Counsel Draughon Malone Setters Harris Kempe, Chairman Stump Paddock, 2nd Vice-Chairman Parmele, 1st Vice-Chairman Wilson Woodard

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, September 20, 1988 at 10:20 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Kempe called the meeting to order at 1:36 p.m.

MINUTES:

Approval of the Minutes of September 7, 1988, Meeting #1711:

On MOTION of COUTANT, the TMAPC voted 8-0-0 (Carnes, Coutant, Draughon, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Doherty, Harris, Randle, "absent") to APPROVE the Minutes of September 7, 1988, Meeting #1711.

REPORTS:

Report of Receipts & Deposits for the Month Ending August 31, 1988:

On MOTION of PADDOCK, the TMAPC voted 9-0-0 (Carnes, Coutant, Draughon, Harris, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Doherty, Randle, "absent") to APPROVE the Report of Receipts & Deposits for the Month Ending August 31, 1988.

Committee Reports:

Mr. Paddock advised the Rules & Regulations Committee had met this date to continue their review of amendments to the Tulsa County Zoning Code as relates to wild or exotic animals. He stated the Committee had voted unanimously to continue the public hearing on this matter, which was scheduled for September 28th, to October 12th, as the Committee would be meeting next Wednesday to finalize the amendments.

Director's Report:

Ms. Dane Matthews, INCOG, requested a public hearing be set for October 19, 1988 to consider amendments to the District 18 Plan Map and Text including, but not limited to, the Mingo Valley Expressway Corridor Area, other map/text amendments, and related matters. She stated the Comprehensive Plan Committee would be meeting on October 12th to review the proposed amendments. Ms. Matthews invited any interested parties to the September 22nd INCOG Staff briefing on the matter.

Ms. Matthews also briefed the Commissioners on the status of the District 1 (Central Business District) Plan amendments being presented to various agencies and local groups.

SUBDIVISIONS:

PRELIMINARY PLAT:

Brenrose II (1993)

3246 South Zunis Avenue

(RS-2)

This is a resubdivision of three platted lots and a cul-de-sac previously closed by Ordinance #4411 dated 9/8/39. The cul-de-sac is being dedicated again and two additional lots are being created for a total of five lots. This is NOT a zoning application, is NOT a PUD, and does NOT require Board of Adjustment approval.

The Staff presented the plat with the applicant represented by Dan Tanner and Don Austin. The applicant provided an updated copy of the plat showing the corrected property lines and additional data requested.

The TAC voted unanimously to recommend **approval** of the PRELIMINARY plat of Brenrose II, subject to the following conditions:

- 1. Title of plat is acceptable since it does not duplicate any other name. Under the title block, spelling of the previous plat should be Bren-Rose as shown on original plat #615.
- 2. On face of plat show, identify or correct as follows:
 - a) Identify adjacent subdivisions of Idyllwyld and Oaknoll
 - b) Update and complete location map; include R-13-E and T-19-N.
- Covenants:
 - a) Section II, B, line 11; omit "or D".
 - b) Private deed restrictions can be filed by separate instrument if desired. (Not a condition for approval of plat.)
- 4. Any paving and/or improvements within the cul-de-sac shall meet the approval of the City Engineer. Any center islands and/or other non-standard features may require license agreement for maintenance if they are to remain. (See conditions #10 & 11.)
- 5. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements should be tied to or related to property lines and/or lot lines. Overhead poles to be on "perimeter". Show 17.5' easement around cul-de-sac. Easement on north side of Lot 1 could be reduced.
- 6. Water plans shall be approved by the Water and Sewer Department prior to release of final plat. Include language for Water and Sewer facilities in covenants.
- 7. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owner(s) of the lot(s).
- 8. A request for creation of a Sewer Improvement District shall be submitted to the Water and Sewer Department prior to release of final plat. (If required.) (Locate sewer.)
- 9. Paving and/or drainage plans shall be approved by Stormwater Management and/or City Engineer, including storm drainage, detention design and Watershed Development Permit application subject to criteria approved by City Commission.
- 10. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer.
- 11. 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.
- 12. A "Letter of Assurance" regarding installation of improvements shall be submitted prior to release of final plat, including documents required under Section 3.6-5 of Subdivision Regulations.
- 13. All Subdivision Regulations shall be met prior to release of final plat.

Comments & Discussion:

In response to Chairman Kempe, Staff advised the total area of the subject tract was 1.76 acres. In regard to condition #4, Ms. Wilson asked what was meant by "nonstandard features". Mr. Malone explained that there currently was a fountain in the middle of the cul-de-sac, and he thought the applicant intended to keep the fountain. Mr. Gardner further explained that the license agreement mentioned in this condition protects the City from having to maintain the fountain. Mr. Coutant verified with Staff that the property was zoned RS-2 and complied with all the RS-2 guidelines. Questions regarding the boundary changes were referred to the applicant for response.

Applicant's Comments:

Mr. Dan Tanner, representing the applicant, stated two wedges of property were deeded off the westerly lot several years ago, and these had not been incorporated into the body of this plat. In reply to Chairman Kempe, Mr. Tanner confirmed there was a large house presently on the property.

In order to clear confusion regarding the lots, Mr. Gardner explained the applicant was including all of the land they now own, but they were not including all of the original lots because part had been deeded to adjacent lots. Mr. Coutant asked if lot split approvals were obtained when the previous splits occurred and the property was originally conveyed. Mr. Tanner stated he did not have an immediate answer, and added that it has been 20-25 years in some instances. Mr. Coutant commented that it could be presumed that, since this was so old, it could have been taken care of by recent legislation (the ten year statute). Mr. Linker stated the ten year statute would have taken care of this if it had been of record for the proper period of time, but this could not be established without looking at the record of the title or abstract. Staff confirmed they did not have this information readily available. Mr. Coutant remarked he was concerned that, should the TMAPC approve the subdivision plat, it might in a de facto way approve a lot split that may or may not have been properly approved. Mr. Linker stated that, even if this did not have previous lot split approval, approving this preliminary plat might correct that situation. He cautioned that there might be some loose ends left with the "slivers" not tied to the other lot. Mr. Gardner commented that Staff would double check this, but it was his understanding that the "slivers" of land were added to the adjoining lots, even though he was not sure how long ago this was done. Mr. Paddock suggested this matter might be handled by adding a condition of approval to this application. Mr. Gardner stated that Staff would verify and have some answers before proceeding on with the final plat approval and release.

In reply to Mr. Paddock, Mr. Tanner confirmed that the existing structure would be removed.

Interested Parties:

Mr. Harry Seay III (320 South Boston Building, Suite 714) stated his property abutted the subject tract. Mr. Seay stated concerns as to the side yard spacing requirements if the utility easements were eliminated on Lot 1 of Brenrose II as this lot abuts his back yard. He requested the TMAPC not approve the plat unless provisions for spacing were made, and he suggested a 25' side yard setback on the north side of Lot 1. Mr. Seay stated that it was his interpretation that the TMAPC had the discretion to review the adequacy of the spacing, even though the plat might meet the minimal requirements. He added that he was also in disagreement with the City Legal Staff as he felt the City Commission was not obligated to accept a plat merely because it was approved as filed. Mr. Seay requested that, if the TMAPC approved this plat, that the Commission include in its acceptance a recommendation to the City Commission to not accept the plat as filed unless provisions for more generous spacing were made.

Mr. Linker commented that the protestant was asking the TMAPC to reject a proposal that meets the Subdivision Regulations and meets the zoning requirements. He continued by stating the Commission has never done this before, and it would be considered an illegal action on the part of the TMAPC should they do so. Mr. Linker added that he also felt it would be totally wrong for the TMAPC to approve the plat, then ask the City Commission to deny the plat just because the City might have discretionary power.

Mr. Coutant clarified that the plat drawing indicates an 11', utility easement on the north boundary abutting Mr. Seay's property, but the remaining easements were 17.5'. Mr. Paddock referred to condition #5 which stated the utility easement on the north side of Lot 1 could be reduced, which was the boundary abutting Mr. Seay's property.

Mr. Seay stated he viewed an amended plat in the applicants engineer's office. Ms. Wilson requested the engineer come forward to clarify which plat the TMAPC was considering. Mr. Don Austin stated the plat viewed by Mr. Seay prior to this hearing was a suggested drawing to try to solve some of these problems. In response to Ms. Wilson, Mr. Austin commented that they were not aware of the problems at the time they submitted the preliminary plat to Staff; therefore, Staff did not have any type of amended plat primarily due to time constraints. Mr. John Woolman (developer) stated that he was approached by Mr. and Mrs. Seay for the first time on the Friday afternoon before this hearing to discuss their problem. Mr. Woolman commented that he was not overly concerned about the size of Lot 1, but understood the problems expressed by the Seays, and he would be agreeable to moving the property lines. Mr. Woolman stated that they do, however, have the right to place the house within five feet of the property line, but they would try to find another solution. advised that the developer did agree to put up screening, per the Seay's In reply to Mr. Parmele, Mr. Woolman confirmed the applicant wanted to proceed with the plat as presented to the TMAPC, obtain approval of the preliminary plat, and then make any necessary changes prior to presenting the final plat. Mr. Woolman clarified he was not objecting to making the lots more equal in size.

Mr. Paddock asked Mr. Woolman to remark on his understanding of condition #5 regarding the possibility of reducing the easement on Lot 1. Mr. Woolman stated that, should the utility companies indicate that they do not need this area for the installation of utilities, then there would be no reason to provide a utility easement on the north side of Lot 1. Mr. Woolman stated he could not assure the Seays where the house would be positioned, as the subsequent purchaser of the lot would be making this decision, not the developer. Mr. Tanner stated he was at the Technical Advisory Committee meeting, and none of the utility companies there (gas, telephone, communications) planned to use the proposed utility easement on the north side of Lot 1. Mr. Tanner added that as a part of the final plat approval process, the applicant was required to obtain assurances from the utilities that they, in fact, do not need this easement. In response to Mr. Draughon, Mr. Gardner clarified that a utility easement does not serve to provide a setback, and should the utilities not require the space, then it can be deleted from the plat. In reply to Mr. Paddock, Mr. Tanner stated the 17.5' perimeter easements on the east, south and west would remain as these were needed by PSO.

Mrs. Joan Seay protested the application due to her concerns for loss of green space, increased density, and the impact of an in-fill development on the integrity to her neighborhood.

TMAPC Review Session:

Chairman Kempe commented this was another instance of in-fill development, and she acknowledged that the neighborhood had a great deal of character because of large lot homes. She stated she felt four lots would be a more reasonable division of the property than the five proposed.

As requested by Mr. Paddock, Mr. Gardner explained the difference between land area and lot area, and reviewed the various lot criteria for the RS zoning categories. He confirmed that the five lot proposal submitted does meet or exceed the requirements for RS-2 zoning.

Mr. Coutant inquired of Legal Counsel if the TMAPC could approve a preliminary plat subject to a condition that the property lines be redrawn to meet some specified criteria. Mr. Linker advised this could be done if it was agreeable with the developer. Mr. Coutant then moved for approval of the preliminary plat subject to the listed conditions, plus additional conditions: 1) that Staff determine if the lot splits along the northerly and westerly property lines of the subdivision have been properly obtained; and 2) that none of the lots proposed for Brenrose II have less than 12,000 square feet.

Mr. Paddock expressed concerns as to how best to "red flag" this with the added conditions before the final approval. Mr. Gardner stated the applicant has agreed to the conditions and would submit the revisions on the final plat presented to the TMAPC for approval.

Commissioner Harris commented that it appeared that, if the TMAPC approved the motion as made, then the Commission would be assuming an authority that it may not have. However, he pointed out that his concern may be unnecessary if the applicant was agreeable to the added conditions suggested by the Commission. The Commissioners then requested the developer to come forward to state his position. Mr. Woolman agreed to the conditions as stated in the motion.

Chairman Kempe inquired if the TMAPC had the authority to reject or continue a preliminary plat because the Commission wanted to add conditions to put it in the proper shape for their consideration, even though the lots met the requirements. Mr. Linker stated the Commission could delay their review until they had a proper drawing before them. Mr. Carnes commented that he did not feel anything could be gained by delaying this review, and pointed out that the applicant has agreed to the conditions. After being recognized to come forward, Mr. Seay requested the plat review be postponed until such time as the in-fill development study under way was, in fact, completed.

TMAPC ACTION: 9 members present

On **MOTION** of **COUTANT**, the TMAPC voted **9-0-0** (Carnes, Coutant, Draughon, Harris, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Doherty, Randle, "absent") to **APPROVE** the **Preliminary Plat for Brenrose II**, subject to the conditions as recommended by the TAC and Staff, plus the following additional conditions as recommended by the TMAPC:

- 1) Staff determination that the lot splits along the northerly and westerly property lines of the subdivision have been properly obtained; and
- 2) None of the lots proposed for Brenrose II shall contain less than 12,000 square feet.

REVISED FINAL PLAT APPROVAL & RELEASE:

Woodhill (1583)

East 89th Place & South Kingston Avenue

(RS-2)

Staff advised that this plat had not yet been filed of record due to an appeal pending in District Court by neighboring protestants. In order to settle the dispute, the plat has been returned to one of the early designs previously reviewed. It is placed on the TAC agenda as an item of "Old Business" so we can show some action and/or comment for the Planning Commission rather than just have the changes made and filed as part of the District Court action.

The TAC acknowledged the changes and had no further comments and/or conditions. Although updated release letters based on the new plat may be submitted by Traffic Engineering and the City Engineer, the other departments and/or agencies indicated the previous releases would be sufficient.

The Staff presented the plat with the applicant represented by Jack Cox, Lindsay Perkins and Craig Breedlove.

The TAC voted unanimously to recommend **approval** of the REVISED FINAL PLAT of Woodhill as submitted and had no objections to its release.

Comments & Discussion:

Mr. Parmele stated that he has changed his position from the previous presentation of this plat due to his understanding of the financial impact to the developer with the time delays caused by the appeal filed by the protestants. In response to Mr. Coutant, Mr. Gardner clarified spacing requirements for access in the Subdivision Regulations; discussion followed.

TMAPC ACTION: 9 members present

On MOTION of WILSON, the TMAPC voted 7-0-2 (Carnes, Coutant, Harris, Kempe, Paddock, Parmele, Wilson, "aye"; no "nays"; Draughon, Woodard, "abstaining"; Doherty, Randle, "absent") to APPROVE the Final Plat of Woodhill and release same as having met all conditions of approval.

REQUEST FOR WAIVER (Section 260):

CBOA-846 Unplatted (2092)

6035 West 40th Street

(AG)

This is a request to waive plat on a 2.3 acre tract that contains an existing church and will include a daycare center as part of the approved uses. The existing church did not go through the plat waiver process. The current application is being filed as a result of a District Court case that required the applicant to reapply through the Board of Adjustment of the daycare center. Staff research indicates that the street right-of-way for South 61st West Avenue is dedicated (Book 4154, 2275, 76), and the applicant's plot plan shows existing septic facilities. The following shall apply:

- a) Approval of City/County Health Department for existing and/or new septic systems.
- b) If any grading and/or paving is done, approval of County Engineer will be required in the permit process.
- c) Subject to extension of any utilities and easements therefore, if required, including an 11' utility easement on the north, east and west sides of the property.

The applicant was not represented.

The TAC voted unanimously to recommend approval of the WAIVER OF PLAT on CBOA-846 subject to the conditions outlined by Staff and TAC.

TMAPC ACTION: 9 members present

On MOTION of CARNES, the TMAPC voted 9-0-0 (Carnes, Coutant, Draughon, Harris, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Doherty, Randle, "absent") to APPROVE the Waiver Request for CBOA-846 Unplatted, subject to the conditions as recommended by the TAC and Staff.

BOA-14936 Chandler-Frates 3rd (1032) 3709 North Hartford Avenue (RS-3)

On 10/21/87 the TMAPC waived the plat requirements on BOA-14643 which was a day care center in an existing house on a platted lot. The legal description furnished to the BOA was in error so the case is being refiled under a new application. The legal given on the previous case was Lot 10, Block 1 of the above subdivision, whereas it should have been Lot 11, Block 1. There are no changes other than the correction of the lot number. Staff recommends APPROVAL as submitted, Section 260 being met by the existing plat.

TMAPC ACTION: 9 members present

On MOTION of PADDOCK, the TMAPC voted 9-0-0 (Carnes, Coutant, Draughon, Harris, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Doherty, Randle, "absent") to APPROVE the Waiver Request for BOA-14936 Chandler-Frates 3rd, as recommended by Staff.

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Z-6203 East Tulsa Medical Group Center NE/c of E. 21st & S. 89th E. Ave.

Staff requested this item be stricken at this time as the associated PUD has not been approved by the City Commission as yet. However, they requested that they reserve the right to place this back on the agenda at the appropriate time. The Commission had no objection.

TMAPC ACTION: 9 members present

On MOTION of CARNES, the TMAPC voted 9-0-0 (Carnes, Coutant, Draughon, Harris, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Doherty, Randle, "absent") to STRIKE the Waiver Request for Z-6203 East Tulsa Medical Group Center, as recommended by Staff.

L-17085 New Bedford Dev. (2093)

3219 South Birmingham Avenue

(RS-1)

Mr. Malone advised that the applicant has requested a withdrawal of this case. Therefore, Mr. Paddock moved for withdrawal of L-17085.

On MOTION of PADDOCK, the TMAPC voted 9-0-0 (Carnes, Coutant, Draughon, Harris, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Doherty, Randle, "absent") to WITHDRAW L-17085 New Bedford Development, as requested by the Staff.

Comments & Discussion:

Mr. Gardner advised that this item was listed on the September 7th agenda under Lot Splits for Ratification of Prior Approval; that listing was in error. He suggested some reference be made in these minutes clarifying that this had been improperly listed; therefore, any previous action would be nullified. After discussion among the Commission members, the consensus was to request that Staff amend the September 7th minutes on this application to cross-reference those minutes with today's hearing in order to clarify that no approval had been granted for L-17085 New Bedford at the above address. The amended September 7th minutes will be placed on next week's agenda for approval.

LOT SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-17088 (382) West Highlands Dev. L-17091 (1992) Allison L-17090 (2692) Goins L-17093 (2094) Anderson

On MOTION of WOODARD, the TMAPC voted 8-0-1 (Coutant, Draughon, Harris, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; Carnes, "abstaining"; Doherty, Randle, "absent") to APPROVE the Above Listed Lot Splits for Ratification of Prior Approval, as recommended by Staff.

ZONING PUBLIC HEARING:

Application No.: **Z-6209** Present Zoning: RS-2

Applicant: Levy (Hamm) Proposed Zoning: CS, CG & CH

Location: SE/c of East 11th Street & South 129th East Avenue

Date of Hearing: September 21, 1988

Continuance Requested to: September 28, 1988

Comments & Discussion:

Staff noted the applicant was not present, and there were no interested parties in attendance. Mr. Parmele suggested a one week continuance might be in order, and he requested Staff contact the applicant to advise him of the continued hearing.

TMAPC ACTION: 9 members present

On MOTION of PARMELE, the TMAPC voted 9-0-0 (Carnes, Coutant, Draughon, Harris, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Doherty, Randle, "absent") to CONTINUE Consideration of Z-6209 Levy (Hamm) until Wednesday, September 28, 1988, 1988 at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

OTHER BUSINESS:

PUD 379-A-3: Amended Detail Sign Plan for Wall Sign 6800 Block of South Memorial Drive (west side)

The subject tract is located in the 6800 Block of South Memorial Drive on the west side and is the site of The Village at Woodland Hills Shopping Center. Sign standards, which are based on the lineal feet of street frontage, are 1.5 square feet (sf) of display surface area per lineal foot of street frontage for wall signs.

TMAPC approved wall signs for this business per a previous Detail Sign Plan application on August 24, 1988. At that time, Staff recommended and TMAPC approved, signs on only the east (facing Memorial) and north side of the building on the second level. The applicant has an existing sign which was used at a previous location which he wishes to install on the south or rear facade of the Center at the second level. Staff considers this an inappropriate request as any business on the second or first level of this Center, or any other similarly located center, could seek similar approvals which would contribute to sign clutter. Signs for other businesses in the Center could also be seen from the south over the existing buildings. It is also noted that the character and design of the proposed signs (letter height and size) is inconsistent with existing signs.

Therefore, Staff recommends DENIAL of PUD 379-A-3.

Applicant's Comments:

Mr. Bob Harris, owner of Janie's Bridal Shop, advised he has been working for two years with The Village Shopping Center before signing their lease, whereby they finally agreed to accept his current sign which was different than the other signage in this center. Mr. Harris requested approval of the wall sign, due to the following circumstances which warrant his needing the additional sign: (1) his building was on the end of the center which protrudes out past the other buildings and offered a side exposure to oncoming traffic on Memorial; (2) his previous landlord in Centre 71 will not permit him to display a "moved to new address" sign, thereby adding to the need for additional exposure at the new site, as it was also too late to get the new location in the 1989 phone book; and (3) based on advice from the sign company, two new signs had already been ordered and received, and when they went to get a Building Permit, it was discovered that a third sign was not approved.

Comments & Discussion:

Mr. Paddock inquired if Staff recalled the Commission ever granting a sign on a temporary basis such as one year, considering the circumstances of this case. Mr. Gardner commented the BOA usually was the one faced with this type situation. He added that, in this particular instance, if the TMAPC was supportive of the applicant's situation, some distinction should be made, as Staff was concerned about the precedent that could be established.

Mr. Paddock remarked he felt inclined to go with Staff's recommendation. Chairman Kempe commented this was the kind of specialty shop where the client would search the shop out wherever it was located. Ms. Wilson also stated support of Staff's recommendation. Discussion continued among the Commission as to the fair treatment to all tenants under this PUD at The Village.

TMAPC ACTION: 8 members present

On MOTION of PADDOCK, the TMAPC voted 8-0-0 (Carnes, Coutant, Draughon, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Doherty, Harris, Randle, "absent") to DENY the Amended Detail Sign Plan for PUD 379-A-3 (Harris), as recommended by Staff.

There being no further business, the Chairman declared the meeting adjourned at 3:44~p.m.

Date Approved

Chairman

ATTEST:

Secretary

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