

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1794
Wednesday, June 6, 1990, 1:30 p.m.
City Commission Room, Plaza Level, Tulsa Civic Center

| Members Present | Members Absent | Staff Present | Others Present |
|------------------------------|-----------------------|-----------------------------|--------------------------|
| Carnes, 2nd Vice Chairman | Coutant Draughon | Gardner Setters Stump | Linker, Legal Counsel |
| Doherty, Chairman | Paddock | | |
| Horner | Randle | | |
| Parmeale | Wilson | | |
| Selph, County Designee | | | |
| Woodard | | | |

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, June 5, 1990 at 11:00 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Doherty called the meeting to order at 1:37 p.m.

MINUTES:

Approval of the Minutes of May 16, 1990, Meeting #1792:

On **MOTION** of **WOODARD**, the TMAPC voted **5-0-1** (Carnes, Doherty, Horner, Parmele, Woodard, "aye"; no "nays"; Selph, "abstaining"; Coutant, Draughon, Paddock, Randle, Wilson, "absent") to **APPROVE** the **Minutes of May 16, 1990, Meeting #1792.**

Approval of the Minutes of May 23, 1990, Meeting #1793:

On **MOTION** of **CARNES**, the TMAPC voted **5-0-1** (Carnes, Doherty, Horner, Parmele, Woodard, "aye"; no "nays"; Selph, "abstaining"; Coutant, Draughon, Paddock, Randle, Wilson, "absent") to **APPROVE** the **Minutes of May 23, 1990, Meeting #1793.**

REPORTS:

Chairman's Report:

Chairman Doherty introduced a Resolution of Appreciation to be presented to former Planning Commissioner Cherry Kempe in recognition of her years of service to the TMAPC.

TMAPC ACTION: 6 members present

On **MOTION** of **PARMELE**, the TMAPC voted **6-0-0** (Carnes, Doherty, Horner, Parmele, Selph, Woodard, "aye"; no "nays"; no "abstentions"; Coutant, Draughon, Paddock, Randle, Wilson, "absent") to **APPROVE** the **Resolution to Cherry Kempe**, in recognition of her service to the TMAPC.

Committee Reports:

Chairman Doherty announced a **Joint TMAPC Committees** meeting to be held June 13th for a briefing on Open Space Zoning and the Blanket Zoned Areas Study.

Mr. Parmele advised the **Rules & Regulations Committee** had met yesterday to continue review of proposed amendments to the Zoning Code relating to signs.

Mr. Parmele also announced the **Budget & Work Program Committee** would be meeting next Wednesday regarding the FY-91 TMAPC budget and work program items.

Director's Report:

Request to call a Public Hearing for June 27th to consider amendments to Section 1303.A of the Tulsa Zoning Code regarding parking space widths in an enclosed garage.

Hearing no objection from the Commission, Chairman Doherty requested Staff to proceed with notice of the public hearing for June 27th.

SUBDIVISIONS:

FINAL PLAT APPROVAL & RELEASE:

Woodfield (3483) East 111th Street & South Kingston Avenue (RS-1, RS-2)

TMAPC ACTION: 6 members present

On **MOTION** of **CARNES**, the TMAPC voted **6-0-0** (Carnes, Doherty, Horner, Parmele, Selph, Woodard, "aye"; no "nays"; no "abstentions"; Coutant, Draughton, Paddock, Randle, Wilson, "absent") to **APPROVE the Final Plat of Woodfield** and release same as having met all conditions of approval.

EXTENSION OF APPROVAL:

University Center of Tulsa (3602)(192) - North Greenwood & East Haskell Street

Staff advised this was the third extension request due to pending title work. Staff recommends a one year extension.

TMAPC ACTION: 6 members present

On **MOTION** of **CARNES**, the TMAPC voted **6-0-0** (Carnes, Doherty, Horner, Parmele, Selph, Woodard, "aye"; no "nays"; no "abstentions"; Coutant, Draughon, Paddock, Randle, Wilson, "absent") to **APPROVE** the **Extension Request for University Center of Tulsa for One Year**, as recommended by Staff.

REQUEST FOR WAIVER (Section 213):

Z-6227 Albert Pike (2193)

3708 East 31st Street

(OL, PK)

This is a request to waive plat on the west half of Lot 4 of the above named subdivision, owned by the Tulsa Teachers Credit Union. The use proposed is a parking lot for the adjacent credit union building to the east. The existing buildings and grounds to the east are included in PUD 345 which received a waiver of plat approval previously, with the PUD restrictions recorded by separate instrument. The current request is not part of the PUD, but will be used mainly for parking with some interim use as a picnic area for employees on the south half of the tract.

Staff reviewed the request and advised the applicant that approval would be subject to easement and right-of-way dedications, access limitations on 31st Street and grading and drainage plan approval by Stormwater Management through the permit process. Subsequently, the applicant has provided the Staff with the required easements, dedications and access control documents that are ready to file of record. Therefore, Staff recommends **APPROVAL**, noting the documents received will satisfy the requirements of Section 213 of the Zoning Code. (Grading and drainage plan approval applies through the permit process.)

TMAPC ACTION: 6 members present

On **MOTION** of **WOODARD**, the TMAPC voted **6-0-0** (Carnes, Doherty, Horner, Parmele, Selph, Woodard, "aye"; no "nays"; no "abstentions"; Coutant, Draughon, Paddock, Randle, Wilson, "absent") to **APPROVE** the **Waiver Request for Z-6227 Albert Pike**, as recommended by Staff.

VACATION OF RIGHT-OF-WAY & EASEMENTS:

Fox, et al vs City, CJ-90-2384 Woodycrest (1793) NE/c of 27th Pl & Lewis Ave

Staff Recommendation:

Frequently the Legal Department provides the Staff with a copy of pending matters before the District Court regarding vacations of easements and/or rights-of-way. Staff reviews these requests and replies in writing to the Legal Department to advise of any objections or comments. Most items are routine and do not involve any actions of the TMAPC. However, this request does involve right-of-way and easements obtained on a lot split, in accordance with the Subdivision Regulations and Major Street and Highway Plan. Therefore, Staff has scheduled this review and recommendation for the TMAPC. (The applicant has been notified, in writing, of the time and place of this meeting.)

On 9/27/88, the TMAPC/INCOG Staff received and processed L-17099 creating four lots out of a portion of Lot 6, Block 2, WOODYCREST, at the northeast corner of East 27th Place and South Lewis Avenue. The applicant provided all the necessary utility easements and right-of-way required by the Subdivision Regulations consistent with the Major Street and Highway Plan for the City of Tulsa, as well as meeting the Bulk & Area Requirements of the Zoning Code. These easements and rights-of-way were subsequently approved and filed of record with the Tulsa County Clerk. There being no request to waive any of the requirements, the lot split (L-17099) was approved by the TMAPC on 10/5/88, and General Warranty Deeds were released on 11/16/89, completing the process.

The current District Court case seeks to foreclose the City's right to reopen a portion of the easement and right-of-way provided by L-17099 but subsequently closed by Ordinance #17308. This would reduce the total right-of-way from centerline on South Lewis from 50' to 35', and the parallel utility easements from 17.5' to 10'.

Staff notes that the 1989 Arterial Street Study, as well as current maps, show the right-of-way on the east side of South Lewis, from 21st Street to 26th Street, is uniformly 50' from centerline which is in accordance with the Major Street Plan. The remaining one-half mile to 31st Street is 35' from centerline, except for this application which is 50' (Lot 6, Block 2, WOODYCREST). The right-of-way on the west side of South Lewis from 21st to 31st Streets varies from 35' to 40' for the entire mile.

The current District Court request to vacate a portion of the right-of-way and easements obtained by L-17099 does NOT comply with the Subdivision Regulations and the adopted standards of the Major Street and Highway Plan. Therefore, **Staff cannot respond with a favorable recommendation** on this matter, and objects to the closings as presented in the District Court Case.

NOTE: The request from Legal was to determine if the TMAPC has any objections to the petition to vacate. Therefore, the action of the Planning Commission should be to advise the Legal Department of any recommendations and/or comments. This information will then be included in the answer for the District Court action. Additional input may be available from the Legal Department at the TMAPC hearing on this matter.

Comments & Discussion:

Mr. Joe Westervelt (2505 South Boston), representing the applicant, commented that after going through the Prior Approval Lot Split (L-17099), they encountered some "psychological resistance" from prospective buyers of these two lots bordering Lewis Avenue. Mr. Westervelt stated the applicant reconstructed a large masonry wall which was 35' from the centerline. At that time, the City and Traffic Engineers granted a license agreement to leave this wall in place. Additionally, there was some City right-of-way on the inside of the wall plus a 7.5' utility easement. He remarked that, to address this "psychological barrier", it was suggested to go through this process to see if a waiver could be accomplished, based on the indications by the City and Traffic that the 35' right-of-way would be sufficient. Mr. Westervelt pointed out the applicant did increase the utility easement to 11' (from 7.5'), which the Engineers felt would be more than adequate for any road improvements. He added they would not be changing the building pads for the houses nor would they be moving anything closer to Lewis Avenue. Discussion followed to clarify the right-of-way and easement distances as relates to the waiver request.

Mr. Parmele noted that the TMAPC has granted these types of requests favorably in the past based on the possibility of the City needing the right-of-way for widening of a street. Therefore, he had no problem with the 35' right-of-way and 11' easement. Further, he could not see the City widening this portion of Lewis at any time in the future.

Mr. Linker advised that recommendations were also requested from other city agencies, and a recommendation was requested from the TMAPC as to their feelings on granting the waiver. In other words, the Commission was merely being asked to submit any objections against or comments supporting the applicant's request for waiver. Therefore, Mr. Parmele submitted a motion that the TMAPC recommend that Legal Counsel forward the TMAPC's favorable support of the waiver request to reduce the right-of-way to 35' and the easement to 11'. Discussion followed on the motion.

TMAPC ACTION: 6 members present

On **MOTION** of **PARMELE**, the TMAPC voted **5-1-0** (Carnes, Horner, Parmele, Selph, Woodard, "aye"; Doherty, "nay"; no "abstentions"; Coutant, Draughton, Paddock, Randle, Wilson, "absent") to **RECOMMEND** the **Legal Department** advise of the TMAPC's support of the applicant's request (Fox, et al - Woodycrest) in regard to **CJ-90-2384**; i.e., reduce right-of-way from 50' to 35' with an 11' utility easement.

LOT SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

| | |
|------------------------------|-------------------------|
| L-17297 (182) Young* | L-17316 (1292) Moyer |
| L-17313 (3493) Asbury Church | L-17318 (3193) Brainerd |
| L-17314 (2283) Hunters Glen | L-17320 (583) Stuart |

TMAPC ACTION: 6 members present

On **MOTION** of **CARNES**, the TMAPC voted **6-0-0** (Carnes, Doherty, Horner, Parmele, Selph, Woodard, "aye"; no "nays"; no "abstentions"; Coutant, Draughon, Paddock, Randle, Wilson, "absent") to **RATIFY** the Above Listed Lot Splits which have received Prior Approval, as recommended by Staff.

*Has received BOA approval.

OTHER BUSINESS:

PUD 281-9: Minor Amendment of the Required 25' Rear Yard
North of the NW/c of East 64th Street & South 90th East Avenue,
being Lots 3 and 5, Block 1, Kingsridge Estates

Staff Recommendation:

PUD 281 is a 96.58 acre residential development approved by the TMAPC and City of Tulsa in 1982. The subject lots are part of a single-family plat, Kingsridge Estates, which covers approximately 12 acres. The applicant is requesting a minor amendment of the required 25' rear yards to 21.28' on Lot 3 and 20.28' on Lot 5. (Fireplaces are a permitted yard obstruction and may encroach 2 feet into a required yard).

Upon field investigation and review of the applicant's submitted plot plans, Staff could find no unique condition that would necessitate the granting of the minor amendment. Two single-family dwellings have been constructed on the lots immediately south of the subject lots and appear to meet the 25' rear yard requirement.

Therefore, Staff recommends **DENIAL** of the minor amendment.

Comments & Discussion:

Mr. Steve Brown (8718 South Evanston), builder, explained the request was to accommodate the construction of a larger home on these two lots. Mr. Brown submitted a petition of support from the residents in the subdivision. He commented on the dimensions of the other homes in this subdivision, which he also built. Mr. Brown pointed out that there was a detention pond on the backside of these two lots in the Burningtrees Addition.

Mr. Parmele agreed with Mr. Carnes and Mr. Doherty that, had there been residential structures behind these lots instead of a detention pond, he could not consider support of the request. However, due to these physical facts, he moved for approval as requested.

TMAPC ACTION: 6 members present

On **MOTION** of **PARMELE**, the TMAPC voted **6-0-0** (Carnes, Doherty, Horner, Parmele, Selph, Woodard, "aye"; no "nays"; no "abstentions"; Coutant, Draughon, Paddock, Randle, Wilson, "absent") to **APPROVE** the **Minor Amendment to PUD 281-9 Brown**, as requested.

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PUD 364-2: Minor Amendment of the Required 15' Rear Yard
NE/c of East 98th Place & South 100th East Avenue,
being Lot 17, Block 3 of Woodbine II Addition

Staff Recommendation:

The subject tract is part of a 114 acre multi-use PUD that was approved by the TMAPC and City of Tulsa in 1984. The subject tract is a corner lot and the applicant is requesting a minor amendment of the required 15' rear yard to 11' to permit the construction of a single-family dwelling per the applicant's submitted plot plan.

Staff is supportive of the request based on the irregular shape of the lot, that the part of the home closer than 15' is a garage, and only a small portion of the structure will encroach over the 15' setback. Therefore, Staff recommends **APPROVAL** as requested.

Comments & Discussion:

Mr. Doherty advised receipt of a letter of protest from Ms. Linda Cunningham (9829 South 100th East Avenue).

TMAPC ACTION: 6 members present

On **MOTION** of **PARMELE**, the TMAPC voted **6-0-0** (Carnes, Doherty, Horner, Parmele, Selph, Woodard, "aye"; no "nays"; no "abstentions"; Coutant, Draughon, Paddock, Randle, Wilson, "absent") to **APPROVE** the **Minor Amendment to PUD 364-2**, as recommended by Staff.

* * * * *

Z-5842-SP-5 & PUD 411-A: Amendment to Corridor/PUD Site Plan
NE/c of East 98th Street & South Memorial Drive

Staff Recommendation:

The subject tract is part of Development Area 3, which is a total of 16.95 acres in size and has been approved for automobile sales. The applicant is requesting to attach and utilize a one acre tract on the north side of the 9700 Memorial subdivision plat for off-street parking in conjunction with the existing automobile sales facility.

After field investigation and review of the applicant's submitted Detail Site Plan, Staff is supportive of the request finding it consistent with the original approval. Staff would point out the applicant is proposing no additional access to South Memorial and is proposing to add 78 parking spaces for both customer parking and auto sales parking.

Therefore, Staff recommends **APPROVAL** as requested.

Comments & Discussion:

Mr. Charles Norman, attorney for the applicant, stated agreement with the Staff recommendation. Mr. Norman advised the parking was to be a temporary use.

TMAPC ACTION: 6 members present

On **MOTION** of SELPH, the TMAPC voted **6-0-0** (Carnes, Doherty, Horner, Parmele, Selph, Woodard, "aye"; no "nays"; no "abstentions"; Coutant, Draughon, Paddock, Randle, Wilson, "absent") to **APPROVE** the **Amendment to Z-5842-SP-5/PUD 411-A Norman**, as recommended by Staff.

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ELECTION OF TMAPC OFFICERS:

Those in attendance for the election of officers were Gail Carnes, Jim Doherty, Baker Horner, Bob Parmele, John Selph and Luther Woodard.

Chairman Doherty called for the election of officers and opened the nomination for the office of Chairman. Mr. Woodard nominated Mr. Parmele as Chairman; no other nominees were submitted.

The TMAPC voted unanimously for PARMELE as TMAPC Chairman.

The nomination for the office of First Vice Chairman was opened with Mr. Horner nominating Mr. Carnes. No other nominees were submitted.

The TMAPC voted unanimously for CARNES as First Vice Chairman.

The nomination for the office of Second Vice Chairman was opened with Mr. Woodard nominating Mr. Draughon. No other nominees were submitted.

The TMAPC voted unanimously for DRAUGHON as Second Vice Chairman.

The nomination for the office of Secretary was opened with Mr. Carnes nominating Mr. Doherty. No other nominees were submitted.

The TMAPC voted unanimously for DOHERTY as Secretary.

Without objection, TMAPC Election of Officers was then closed.

There being no further business, the Chairman declared the meeting adjourned at 2:28 p.m.

Date Approved 6-20-90
R. J. Dineen
Chairman

ATTEST:

James R. Poblet
Secretary

