

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1940
Wednesday, August 18, 1993, 1:30 p.m.
City Council Room, Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Broussard	Ballard	Gardner	Linker, Legal
Carnes, 2nd Vice Chairman	Neely	Hester	Counsel
Dick	Parmele	Jones	
Doherty, Chairman		Stump	
Horner			
Midget, Mayor's Designee			
Pace			
Wilson			

The notice and agenda of said meeting were posted in the Office of the City Clerk on Tuesday, August 17, 1993 at 1:21 p.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 1:31 p.m.

Minutes:

Approval of the minutes of August 4, 1993, Meeting No. 1938:

On **MOTION** of **MIDGET**, the TMAPC voted **7-0-1** (Broussard, Carnes, Dick, Doherty, Horner, Midget, Pace, "aye"; no "nays"; Wilson "abstaining"; Ballard, Neely, Parmele "absent") to **APPROVE** the minutes of the meeting of August 4, 1993 Meeting No. 1938.

REPORTS:

Chairman's Report

Chairman Doherty announced the schedule and locations for briefings, regarding the Riverside Parkway Plan, to be held in the following Planning Districts:

Planning District 6:

Monday, August 30
All Souls Unitarian Church - Emerson Hall
2952 South Peoria
TMAPC Liaison: Marilyn Wilson

Planning District 7:

Tuesday, September 7
First Methodist Church
1115 South Boulder
TMAPC Liaison: Fran Pace

Planning District 18:
Tuesday, August 31
Southern Hills Baptist Church - Chapel
5590 South Lewis
TMAPC Liaison: Jack Neely

Planning District 26:
Thursday, September 2
St. Bernard's Catholic Church Parish Hall
4001 East 101st Street
TMAPC Liaison: Bob Parmele

Ms. Wilson disclosed that the TMAPC liaisons will be chairing the meetings. She outlined a plan suggesting how the meetings be conducted. Ms. Wilson requested that ample copies of the Comprehensive Plan and proposed amendments to the Comprehensive Plan be available for distribution at the meetings.

Chairman Doherty reported on a meeting August 17 with the Urban Development Committee where proposed changes to the District 1 Comprehensive Plan were presented. He related that John Moody, attorney, attended to voice his client's concerns over proposed changes and a lengthy discussion ensued. Chairman Doherty disclosed that the City Council is taking the matter under advisement.

PRELIMINARY PLAT

Minshall Park IV - Resub (1083) (PD-18) (CD-8)
S. Canton Ave. & S. Fulton Ave. at E. 78th Pl.

(RS-3 / PUD-190-D)

This plat is being filed in order to reduce the number of lots on this tract from 50 to 33. The number exceeds the maximum number to create by lot split and this is the most efficient and quickest way to accomplish the task. No other changes are being made and all the restrictions, easements, and PUD conditions remain the same as on the previous underlying plat. Routine release letters will be required for final approval, as well as conditions listed below.

The plat was presented by Jones with Greg Nickle, Bryan McCracken and Jack Arnold in attendance at the TAC meeting.

The point was made by the utility companies that the cost of existing utility line relocation will be paid by the developers.

Edwards advised that existing hydrant locations need to be identified on a plan and may need to be relocated.

On MOTION of Miller, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the PRELIMINARY PLAT of MINSHALL PARK IV - A RESUBDIVISION OF LOTS 60 THROUGH 67 AND LOTS 15 THROUGH 34, BLOCK 4 AND LOTS 3 THROUGH 17 AND 20 THROUGH 25 BLOCK 6, subject to the above conditions in addition to those listed below:

1. Release letters.
2. Correct key map.
3. Provide certificate of dedication & certificate of survey on face of plat (see example).
4. All (other) Subdivision Regulations shall be met prior to release of final plat.

There were no interested parties in attendance.

TMAPC Action; 8 members present:

On MOTION of **CARNES**, the TMAPC voted **8-0-0** (Broussard, Carnes, Dick, Doherty, Horner, Midget, Pace, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Neely, Parmele, "absent") to **APPROVE** the Preliminary Plat of Minshall Park IV - Resubdivision.

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FINAL APPROVAL AND RELEASE:

Saddlebrook (2383) (PD-26) (CD-8)

East side of South Sheridan Road at East 97th Street South.

Mr. Jones advised that all releases have been received, including a separate instrument to dedicate Reserve Area "A", and Staff recommends approval.

There were no interested parties in attendance.

TMAPC Action; 8 members present:

On MOTION of **CARNES**, the TMAPC voted **8-0-0** (Broussard, Carnes, Dick, Doherty, Horner, Midget, Pace, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Neely, Parmele, "absent") to **APPROVE** the Final Plat of Saddlebrook and **RELEASE** same as having met all conditions of approval as recommended by Staff.

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Home Depot South (784) (PD-18) (CD-8)

East of SE/c of East 71st Street South and South Mingo Road.

Mr. Jones advised that all releases have been received and Staff recommends approval, subject to approval of covenants by the Legal Department.

There were no interested parties in attendance.

TMAPC Action; 8 members present:

On MOTION of CARNES, the TMAPC voted 8-0-0 (Broussard, Carnes, Dick, Doherty, Horner, Midget, Pace, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Neely, Parmele, "absent") to APPROVE the Final Plat of Home Depot South and RELEASE same as having met all conditions of approval as recommended by Staff.

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WAIVER REQUEST, SECTION 213:

BOA-16404 Eastmoor Park (1193) (PD-5) (CD-5)

7301 E. 15th St. South.

The application was presented by Jones with no representative in attendance at the TAC meeting.

This application is a result of a Board of Adjustment application which will be heard on August 10, 1993 to permit a private school within the existing buildings. The Board approved church use in 1959, 1961 and 1962. The plot plan indicates a future building to be constructed south of an existing building. Since the property is presently platted and no construction is planned for the immediate future, it is recommended that the request be APPROVED, subject to the following:

1. Grading and/or drainage plan approval by Department of Public Works in the permit process.
2. Access control agreement for driveway if required by Department of Public Works (Traffic Engineering).
3. Utility extensions and/or easements if needed.
4. Subject to any Board of Adjustment conditions or restrictions.

On MOTION of Nelson, the Technical Advisory Committee voted unanimously to recommend APPROVAL of the plat waiver subject to the conditions listed above.

There were no interested parties in attendance.

TMAPC Action; 8 members present:

On MOTION of MIDGET, the TMAPC voted 8-0-0 (Broussard, Carnes, Dick, Doherty, Horner, Midget, Pace, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Neely, Parmele, "absent") to APPROVE the Waiver of Plat for BOA #16404, Eastmoor Park Addition, as recommended by Staff.

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BOA-16408 (Unplatted) (1194) (PD-17) (CD-6)
16933 E. 21st St. South.

The application was presented by Jones with Ky Nguyen in attendance at the TAC meeting.

The Board of Adjustment will consider church use on the subject tract on August 10, 1993, and if approved, the property will be subject to the platting requirements. After review of the submitted plot plan, Staff has several concerns which are listed below:

1. Incomplete plot plan (no outside dimensions).
2. Lack of full dedication of East 21st Street South (60' required).
3. Lack of easements for utility service.
4. Overall tract size (5 acres).
5. Lack of controlled access locations.
6. Lack of identified septic field location.
7. Potential fire hydrant required when new building is constructed.
8. Additional dedication on East 21st Street South if required.

Based on these concerns, Staff is not supportive of the plat waiver and would recommend DENIAL of the application.

Silva advised that the existing septic systems would handle the proposed use, but a new system may be required when the new building is constructed.

Jones explained to the applicant the platting process and the Board of Adjustment process.

On MOTION of Silva, the Technical Advisory Committee voted unanimously to recommend DENIAL of the plat waiver and require the property to be platted if approved by the Board of Adjustment.

There were no interested parties in attendance.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **8-0-0** (Broussard, Carnes, Dick, Doherty, Horner, Midget, Pace, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Neely, Parmele, "absent") to **DENY** the Waiver of Plat for BOA #16408 as recommended by Staff.

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Z-5689 O'Conner Park 2nd (1393) (PD-5) (CD-5)
2130 S. 85th E. Ave.

Jones presented the application with no representatives in attendance.

This is a request to waive the platting requirements on a 1.7 acre CS-zoned tract to permit an expansion of an existing nursing home (See plot plan). The platting requirement was waived by the TMAPC on the tract to the south which contains the existing nursing home in 1989. Discussion with the Fire Department revealed a number of concerns which should be addressed in the permit process.

Staff would recommend **APPROVAL** to waive the platting requirements subject to the following conditions:

1. Grading and/or drainage plan approval by the Department of Public Works in the permit process.
2. Access control agreement for East 21st Street South if required by the Department of Public Works (Traffic Engineering).
3. Utility extensions and/or easements if needed.
4. Plan approval by the Fire Department in the permit process.

Jones stated the Fire Department's concerns as to the turn-around and access into the tract.

Concerns were pointed out by Cotner as to large tracts such as the subject tract not being required to plat.

Jones stated that the property would probably be further developed in the future and it may be hard to obtain necessary easements.

Considerable discussion was given to the need for platting the subject tract.

On **MOTION** of Cotner, the Technical Advisory Committee voted unanimously to **DENY** the plat waiver and require the property to be platted prior to new construction.

Mr. Jones explained that the proposed new building will tie in with the existing building to the south. He explained that Staff did not want to waive plat on the entire tract since only the south 90' of this lot will be utilized for the expansion. Mr. Jones advised that TAC had concerns with waiving the plat on a piece of property where there is uncertainty as to how it will develop. Mr. Jones informed that since the TAC meeting, the applicant hired an engineering firm and has devised a possible solution. Public Works is in agreement, as is Staff, of waiving the plat on only the south 90' of the property. Mr. Jones advised that the applicant must apply to the Board of Adjustment, so the Board of Adjustment can place any conditions and limitations that they deem necessary. He advised that Staff recommends waiving the plat on the south 90' of the subject tract with the northern portion still subject to plat.

Mr. Carnes asked Mr. Sack, applicant's engineer, why this plat needs to be waived.

Mr. Sack explained that the applicant is trying to obtain a building permit on the extension of the nursing home. He explained that the building permit will only be for the south 90', and there will be the need to process a lot split. He advised that when the applicant decides what to do with the balance of the property on 21st Street, then the need can be addressed. Mr. Sack advised having met with Development Services, Public Works, and the Fire Marshall's Office. He explained that the Fire Marshall's concerns can be resolved during the building permit application.

Mr. Jones pointed out the precedent set by the Planning Commission having waived the plat on property immediately south, and on several other pieces surrounding the subject tract.

TMAPC Action; 8 members present:

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Broussard, Carnes, Dick, Doherty, Horner, Midget, Pace, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Neely, Parmele, "absent") to **APPROVE** the Waiver of Plat for Z-5689 O'Conner Park 2nd Addition as recommended by Staff on only the south 90' of the property.

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LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-17737 (684) Langenkamp (PD-18) (CD-8)	CO
6200 block on the east side of S. 107th E. Avenue	
L-17758 (2793) Walters (PD-6) (CD-7) 4307 S. Allegheny E. Ave.	RS-3
L-17759 (3113) Pressnall (PD-24) (County)	
1544 E. 71st Street North	
L-17760 (2093) Clark (PD-18) (CD-2) 9414 S. Gary	RS-2

Staff Comments

Mr. Jones announced that Staff has found the above-listed lot-splits to be in conformance with the lot-split requirements.

TMAPC Action; 8 members present:

On MOTION of MIDGET, the TMAPC voted 8-0-0 (Broussard, Carnes, Dick, Doherty, Horner, Midget, Pace, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Neely, Parmele, "absent") to RATIFY the above-listed lot-splits having received prior approval.

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PUD-496: Detail Landscape Plan - northwest corner of Pine Street and Sheridan Road.

Staff Comments

The applicant's landscape plan for a Walgreen's store generally agrees with the landscaping scheme shown on the concept plan submitted as part of the original PUD in October of 1992. Trees in the plan are primarily placed on the west and north sides of the development across the street from single-family residential. There are 12 trees proposed in this area, of which 4 are existing trees of 12" caliper or greater. There are 6 ornamental trees on the Sheridan and Pine frontages. The existing trees would count double according to the draft ordinance. That would mean the plan is credited with providing 22 total trees. The draft landscape ordinance would require a total of 26 trees. Since this PUD was approved without a condition requiring compliance with the landscape ordinance, Staff's opinion is that the proposed plan meets the intent of the PUD and is close to meeting the requirements of the landscape ordinance. Therefore, Staff recommends **APPROVAL** of Detail Landscape Plan for PUD-496.

TMAPC Comments

Mr. Carnes questioned why Staff would approve the landscape plan when the application is four trees short of compliance.

Mr. Stump explained that emphasis was placed on planting trees on the north and west side of the development where residential areas face the structure. He pointed out that some of the larger existing trees are being preserved and a brick wall is being constructed to screen commercial from the residential area. Mr.

Stump also noted that this property is surrounded by four street yards, and therefore, there is an increased requirement on it.

Chairman Doherty declared that this is a classic example of what the Planning Commission was attempting to address with the alternative compliance provision and where the strict application of the code was onerous, but there are alternative means of resolution.

Mr. Gardner declared that, in this case, the trees make a better buffer between residential areas. He noted the emphasis is on how to landscape and beautify the north and west boundaries since residential areas front these boundaries, which is the reason for the majority of the trees being planted on these boundaries.

TMAPC Action; 8 members present:

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Broussard, Carnes, Dick, Doherty, Horner, Midget, Pace, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Neely, Parmele, "absent") to **APPROVE** PUD 496 Detail Landscape Plan as recommended by Staff.

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PUD-452-1: Minor Amendment - southwest corner of Delaware Avenue and 55th Street South.

Staff Recommendation

The applicant is requesting a reduction of the required rear yard from 10' to 0' for lots on the west side of the existing creek when their rear yard abuts the common area containing the creek. There are five dwelling units allocated to the PUD which have not been developed. It is anticipated that these units will be placed on lots on the west side of the creek facing west. Since the common area for the creek ranges from 70' to 40' wide in this area, Staff has no objection to using this area as the rear yard for these dwellings. Therefore, Staff recommends **APPROVAL** of PUD-452-1 as requested.

TMAPC Comments

Chairman Doherty pointed out that these homes do not back up to other houses.

TMAPC Action; 8 members present:

On **MOTION** of **DICK**, the TMAPC voted **8-0-0** (Broussard, Carnes, Dick, Doherty, Horner, Midget, Pace, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Neely, Parmele, "absent") to **APPROVE** PUD 452-1 Minor Amendment as recommended by Staff.

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PUD-405-7: Minor Amendment - Tract A of Lot 2, Block 4, 9100 Memorial - south of the southwest corner of Memorial Drive and 93rd Street South.

The applicant is proposing to impose a 15' building setback from the north boundary of Tract A in Lot 2, Block 4, 9100 Memorial. Staff has no objection to the new restriction and recommends **APPROVAL**.

TMAPC Comments

There was discussion as to why the additional 15' setback is being required.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Broussard, Carnes, Dick, Doherty, Horner, Midget, Pace, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Neely, Parmele, "absent") to **APPROVE** PUD 405-7 Minor Amendment as recommended by Staff.

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PUD-179-C: Detail Sign Plan - north of the northeast corner of Memorial Drive and 73rd Street South.

The applicant is proposing a new ground sign for Mathis Brothers Furniture on the north and south sides of an existing concrete structure. The new sign complies with the PUD conditions; therefore, Staff recommends **APPROVAL** of the Detail Sign Plan.

TMAPC Action; 8 members present:

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Broussard, Carnes, Dick, Doherty, Horner, Midget, Pace, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Neely, Parmele, "absent") to **APPROVE** PUD 179-C Detail Sign Plan as recommended by Staff.

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PUD-369-3: Minor Amendment - 8908 East 95th Place, Lot 18,
Block 2, Cedar Ridge Park III

Staff Comments

The applicant is requesting a reduction in the required rear yard from 20' to 12'6" to construct an addition to the house. The lot is no different in depth or shape from all the other 17 lots on the block face, and the rear of this lot abuts the rear of a row of single-family lots. All these lots are required to have a 20' rear yard. Staff can find nothing unique or unusual about this lot which would create a hardship not shared by others in this PUD. Therefore, Staff recommends **DENIAL** of PUD-369-3.

AND

PUD-369-4: Minor Amendment - 8903 East 96th Place, Lot 20,
Block 2, Cedar Ridge Park III

Staff Comments

The applicant is requesting a reduction in the required rear yard from 20' to 15'6" to construct an addition to the house. The lot is no different in depth or shape from all the other 17 lots on the block face, and the rear of this lot abuts the rear of a row of single-family lots. All these lots are required to have a 20' rear yard. Staff can find nothing unique or unusual about this lot which would create a hardship not shared by others in this PUD. Therefore, Staff recommends **DENIAL** of PUD-369-4.

TMAPC Comments

Chairman Doherty asked if the required rear yard is below underlying zoning standards in the PUD.

Mr. Stump advised that the required rear yard is the same as the underlying zoning (RS-3) standard.

Applicant's Comments

David Gibson

Mr. Gibson informed that the request is to seek relief for patio covers, which have already been constructed. He advised that patio covers were added at the buyers' request before occupancy. Mr. Gibson advised that this is a common practice and city inspectors have only recently begun citing builders for this upon final inspection. He noted the patio covers were not shown on the plot plan used to apply for a building permit.

TMAPC Comments

Mr. Carnes moved approval of PUD 369-3 and PUD 369-4. Mr. Midget seconded the motion for discussion purposes.

Mr. Midget asked if there were similar structures in the area.

Mr. Stump advised that an aerial photograph from March, 1993 does not reveal any such structures in this area.

Discussion ensued as to the portion of patio cover which would have to be removed for the structure to be in compliance.

Mr. Carnes asked if the patio cover is of the same roof material that is on the structure.

In response to questions from the Planning Commission, Mr. Gibson acknowledged that the patio cover was constructed during the framing of the house and is part of the structure of the roof.

Mr. Carnes then withdrew his motion.

Mr. Gardner noted that the building permit issued did not allow for the patio cover.

Concern was expressed among the Planning Commission that at a later date the owner may decide to enclose the patio and convert it into a room.

It was determined that the builder was listed as the owner of an abutting property according to property records and notice was not given to the current abutting property owner.

Mr. Gardner informed that when the Board of Adjustment approves a matter similar to this, they require that at no time in the future can the patio have sides added to it.

Since the applicant has buyers for these properties, Mr. Carnes made a motion for approval of PUD 369-3 and PUD 369-4 with the condition that the patio can never be enclosed in any fashion. This was seconded by Commissioner Dick.

Mr. Stump advised that notice may be flawed since the current property owner immediately to the rear of the subject property did not receive notice. The applicant was the owner of record, according to courthouse records, when notice was initially mailed.

With the information of possible defective notice, Mr. Carnes withdrew his motion.

Chairman Doherty urged all Planning Commissioners to field check the property.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **8-0-0** (Broussard, Carnes, Dick, Doherty, Horner, Midget, Pace, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Neely, Parmele, "absent") to **CONTINUE** PUD 369-3 and PUD 369-4 to September 1, 1993.

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There being no further business, the Chairman declared the meeting adjourned at 2:25 p.m.

Date Approved: 9/1/93

James R. O'Neil
Chairman

ATTEST:

Jack H. Neely
Secretary

