

TULSA METROPOLITAN AREA PLANNING COMMISSION
MINUTES of Meeting No. 1382
Wednesday, November 4, 1981, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Eller Higgins Holiday, Secretary Kempe, 2nd Vice- Chairman C. Young, Chairman T. Young	Freeman Gardner Parmele Petty Inhofe	Chisum Compton Gardner Lasker Wilmoth	Linker, Legal Department

The notice and agenda of said meeting were posted in the office of the City Auditor, Room 919, City Hall, on Tuesday, the 3rd day of November, 1981, at 11:18 a.m., as well as in the Reception Area of the INCOG Offices.

Chairman C. Young called the meeting to order at 1:50 p.m. and declared a quorum present.

MINUTES:

On MOTION of HOLLIDAY, the Planning Commission voted 6-0-0 (Eller, Higgins, Holliday, Kempe, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Parmele, Petty, Inhofe, "absent") to approve the Minutes of October 14, 1981 (No. 1379).

CHAIRMAN'S REPORT:

C. Young advised that he and Marian Holliday had attended the leadership retreat at Shangri-la and felt it was a great success.

A letter was received from Charles Norman, Attorney, requesting two amendments to the Zoning Code. C. Young stated this will go to the Rules and Regulations Committee for report back to the Planning Commission.

DIRECTOR'S REPORT:

Jerry Lasker also felt the leadership retreat was worthwhile and hoped that next year more people would be able to attend. There were a lot of good issues discussed and some changes will be made.

SUBDIVISIONS:

Brittany Square (PUD #266) (3293) South and East of 51st Street and Delaware Place (RM-1, RM-2, RS-2 and FD)

The Staff noted that this plat has a Sketch Plat APPROVAL, subject to conditions.

The Technical Advisory Committee has advised that 52nd Street had been vacated and that 53rd Street would be the second point of access. (Permitted by the PUD). Some small amount of easement will be required at the SW corner to provide the full width street paving and room for utilities.

Brittany Square (PUD #266) (continued)

The Technical Advisory Committee and Staff recommended APPROVAL of the preliminary plat of Brittany Square, subject to the conditions.

Mr. Wilmoth advised the name has been changed from Delaware Square to Brittany Square because a subdivision is already using Delaware Square. This is the PUD that was approved by the Planning Commission and some modifications were made by the City Commission. It is ready for preliminary approval but not for release. The changes made by the City were vacation of 52nd Street, because of the P.S.O. substation. A mutual access easement runs through the plat for access to 51st Street. Stan Ewing was present and had no objection to the recommendation.

T. Young asked Wilmoth to discuss the P.S.O. substation further. Wilmoth explained that P.S.O. owns the two lots on each side of 52nd Street. This Street is in the process of vacation, so there will be no access for the PUD. Linker advised that the vacation has not been completed, but is pending. None of the departments have made any objections to the vacation. T. Young stated the problem is the PUD to the east of the substation required the second point of access to be 52nd Street. It was noted in the PUD at that time the vacation might be pending and the Planning Commission noted the PUD would take priority over the vacation and did not feel the Planning Commission could act on this preliminary plat while the vacation is still pending.

Mr. Wilmoth pointed out that the City Commission changed the Planning Commission recommendation for the PUD, which permitted access to 53rd but not to 52nd. Mr. Gardner stated that the City Commission was well aware of the concerns by the Staff and the Planning Commission. There was no representation at the meeting by the residents. However, the Planning Commission Minutes included the protests and the Staff made the point of the traffic traveling in front of the houses. The Staff felt 52nd Street should be the street left opened. The City Commission was in total agreement on the changes they made to the Planning Commission recommendation. Mr. Wilmoth concluded that this plat does meet the requirements made by the City.

On MOTION of HOLLIDAY, the Planning Commission voted 5-1-0 (Eller, Higgins, Holliday, Kempe, C. Young, "aye"; T. Young "nay"; no "abstentions"; Freeman, Gardner, Parmele, Petty, Inhofe, "absent") to approve the preliminary plat for Brittany Square, subject to the following conditions:

1. All conditions of PUD #266 shall be met prior to release of final plat, including any applicable provisions in the covenants, or on the face of the plat. Include PUD approval date and references to Sections 1100-1170 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, (17½'). Existing easements should be tied to, or related to property and/or lot lines. (Show P.S.O. easements of record.)
3. Water plans shall be approved by the Water and Sewer Department prior to release of final plat. (Include language in covenants relating to water and sewer.)

Brittany Square (PUD #266) (continued)

4. Pavement repair within restricted water line easements as a result of water line repairs due to breaks and failures shall be borne by the owner of the lot(s).
5. A request for creation of a Sewer Improvement District shall be submitted to the Water and Sewer Department prior to release of final plat. (Additional sewer line right-of-way is required, approximately 20'.)
6. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer.
7. Paving and/or drainage plans shall be approved by the City Engineer, including storm drainage and detention design (and Earth Change Permit where applicable), subject to criteria approved by City Commission.
8. A Corporation Commission letter (or Certificate of Nondevelopment) shall be submitted 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.)
9. In covenants, add a provision explaining use and maintenance of the "Mutual Access Easement." Also, it appears that time limit (last paragraph) refers to the PUD conditions. This should be eliminated, since the Zoning Ordinances contain provisions for abandonment or amendment.
10. 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 the Subdivision Regulations.)
11. All Subdivision Regulations shall be met prior to release of final plat.

Morton View Addition (2014) North and East of East 86th Street North and Highway #169 (CG)

The Staff presented the plat. The engineer was not present, but had no objections to the conditions.

The Technical Advisory Committee and Staff recommended APPROVAL of the preliminary plat of Morton View Addition, subject to the following conditions:

Mr. Wilmoth advised this is a small county plat in the Y where the Mingo Valley Expressway ends and the new alignment takes off to the northeast. It is recently rezoned to a commercial use to permit a boat sales. The County Engineer has reviewed it.

On MOTION of ELLER, the Planning Commission voted 6-0-0 (Eller, Higgins, Holliday, Kempe, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Parmele, Petty, Inhofe, "absent") to approve the preliminary plat for Morton View Addition, subject to the following conditions:

Morton View Addition (continued)

1. On the face of the plat show: "Lot 1, Block 1"; extend easement line to the west property line, or provide north/south easement of 17½' parallel to Highway #169, (subject to utility approval); identify adjacent land as "unplatted" to the north and south; show under title "1 lot, 1.29 acres."
2. Show Owasso City Limits on location map and identify same.
3. Utility easements shall meet the approval of the utilities, coordinate with the Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements should be tied to, or related to property and/or lot lines.
4. Water and sewer plans shall be approved by the applicable authorities prior to release of final plat.
5. Paving and/or drainage plans shall be approved by the County Engineer, including storm drainage and detention design (and Earth Change Permit where applicable), subject to criteria approved by County Commission.
6. Bearings, or true north-south, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
7. Access points shall be approved by County Engineer. (Driveway tile sizes subject to approval of County Engineer.)
8. Street lighting in this Subdivision shall be subject to the approval of the County Engineer and adopted policies as specified in Appendix "C" of the Subdivision Regulations.
9. 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.
10. The method of sewage disposal and plans therefore, shall be approved by the City-County Health Department.
11. The owner or owners 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 the restrictive covenants.)
12. The method of water supply and plans therefore, shall be approved by the City-County Health Department.
13. A Corporation Commission letter (or Certificate of Nondevelopment) shall be submitted concerning any oil and/or gas wells before the plat is released. (A building line shall be shown on plat on any wells not officially plugged.)
14. This plat has been referred to Owasso because of its location near or inside a "fence line" of that municipality. Additional requirements may be made by the applicable municipality; otherwise only the conditions listed herein shall apply.

Morton View Addition (continued)

15. 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 the Subdivision Regulations.)
16. All Subdivision Regulations shall be met prior to release of final plat.

MPSI Centre (PUD #270) (1483) West side of South Memorial Drive, South of
81st Street (RS-3 and AG)

The Staff presented the plat with the applicant not represented.

In the Technical Advisory Committee meeting, the City Engineer advised that the applicant should ascertain the exact boundary of the floodplain. The Traffic Engineer advised the applicant should work with that Department regarding the island in the access point. There were no objections to the access location. Oklahoma Natural Gas Company advised that the applicant should verify the Book and Page Numbers on the O.N.G. easements. P.S.O. may need perimeter easements, subject to review of the Subsurface Committee.

Therefore, the Technical Advisory Committee and Staff recommended APPROVAL of the preliminary plat of MPSI Centre, subject to the conditions.

Mr. Wilmoth pointed out that this is a PUD that has been approved by the Planning Commission and is pending City Commission approval. There are no conflicts with it, but condition #1 would catch anything if the City Commission made any changes. It will be a one lot, one block plat containing one building.

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Eller, Higgins, Holliday, Kempe, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Parmele, Petty, Inhofe, "absent") to approve the preliminary plat of MPSI Centre, subject to the following conditions:

1. All conditions of PUD #270 shall be met prior to release of final plat, including any applicable provisions in the covenants, or on the face of the plat. Include PUD approval date and references to Sections 1100-1170 of the Zoning Code, in the covenants.
2. Utility easements shall meet the approval of the utilities. Coordinate with the Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements should be tied to, or related to property and/or lot lines.
3. A request for creation of a Sewer Improvement District shall be submitted to the Water and Sewer Department prior to release of final plat.
4. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer. (if required.) plat.
5. Paving and/or drainage plans shall be approved by the City Engineer, including storm drainage and detention design (and Earth Change Permit where applicable), subject to criteria approved by City Commission

MPSI Centre (continued)

6. Access points shall be approved by City and/or Traffic Engineer. Show on plat.
7. 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. Burnin g of solid waste is prohibited.
8. 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 the Subdivision Regulations.)
9. All Subdivision Regulations shall be met prior to release of final plat.

The Shoals (783) 81st Street and South Wheeling Avenue (CS and OM)

The Staff presented the plat with the applicant not represented.

In the Technical Advisory Committee meeting, the Traffic Engineer advised that the developer should work out the access and left turn bays with the Traffic Engineering Department before proceeding much further. If any work is required in the dedicated right-of-way on Wheeling Avenue, it will require approval of the City Engineer.

The Technical Advisory Committee and Staff recommended APPROVAL of the preliminary plat of The Shoals, subject to the conditions.

Mr. Wilmoth advised that two lots remained unplatted on each side of Wheeling at 81st. Wheeling Avenue that comes down through the Kensington Addition intersects 81st Street, which goes to Oral Roberts University across a low-water crossing on the old Joe Creek Channel. One lot is zoned office and one is zoned commercial, but have Board of Adjustment approval for apartments. The T.A.C. has reviewed the site plan as well as the plat. The engineer was not present, but had no objections to the conditions.

T. Young questioned the problem with the low-water crossing and wanted to know if the plat related to the improvement of the crossing. Mr. Wilmoth stated the plat would not have anything to do with that, since the crossing is outside the bounds of this plat. The access to the plat is a paved street (Wheeling) that comes down through Kensington Addition. T. Young wanted to know if the proposed development would have the potential of increasing the flow across the low-water crossing. Mr. Wilmoth answered that the Engineering Department did not include any special conditions other than to take the storm water to the river. Mr. Gardner added that the crossing T. Young is concerned about is the dip on 81st which would provide a third point of access, but is not required for two points of access. Traffic could go north or west on 81st Street. Mr. Wilmoth stated that Wheeling Avenue is a double boulevard street, but is not a collector street on the official Major Street Plan.

On MOTION of KEMPE, the Planning Commission voted 6-0-0 (Eller, Higgins, Holliday, Kempe, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Parmele, Petty, Inhofe, "absent") to approve the preliminary plat for The Shoals Addition, subject to the following conditions:

The Shoals Addition (continued)

1. Utility easements shall meet the approval of the utilities. Coordinate with the Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements should be tied to, or related to property and/or lot lines.
2. Water plans shall be approved by the Water and Sewer Department prior to release of final plat.
3. Pavement repair within restricted water line easements as a result of water line repairs due to breaks and failures, shall be borne by the owner of the lot(s).
4. 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?)
5. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer.
6. Paving and/or drainage plans shall be approved by the City Engineer, including storm drainage and detention design (and Earth Change Permit where applicable), subject to criteria approved by City Commission.
7. 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.
8. A Corporation Commission letter (or Certificate of Nondevelopment) shall be submitted 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.)
9. 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 the Subdivision Regulations.)
10. All Subdivision Regulations shall be met prior to release of final plat.

Blackwell-Crockett (3293); and,
Cedarcrest Park (1783)

The Chair, without objection, tabled the above two items.

REQUEST TO WAIVE PLAT:

Z-5367 J. F. Taylor (3104) 1315 North Mingo Road (IL)

This is a request to waive plat on Lot 2, Edmunds Subdivision, since it is already platted. The property already contains a storage building operation and the only changes are to add some additional storage buildings, (as per plot plan submitted). The Staff notes that part of this lot might fall in the floodplain, but as indicated on the plot plan, the additions

Z-5367 (continued)

are not for dwelling purposes. It is further noted that there were other properties included in Z-5367, but this request is for Lot 2 ONLY. Other requests would be processed as separate applications, since there are separate ownerships. The Staff further notes that there is an existing utility easement by the original plat, being the east 10' of the property. The existing storage building encroaches 2' into this easement and the proposed building extension also encroaches 2'. The new construction should be revised to avoid encroachment. The existing storage building that encroaches into the easement should either have 2' removed therefrom, or 2' of the easement vacated, subject to approval of the utilities.

The City Engineer advised the T.A.C. that drainage plans had been approved on August 26, 1981.

The Technical Advisory Committee and Staff recommended APPROVAL of the waiver of plat on Z-5367, as requested.

The applicant was present and had no objections.

On MOTION of ELLER, the Planning Commission voted 6-0-0 (Eller, Higgins, Holiday, Kempe, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Parmele, Petty, Inhofe, "absent") to approve the waiver of plat for Z-5367, subject to revision to avoid encroachment on the existing easement.

Z-5590 Jim Sanders (3193) 1330 East 58th Street

(OL)

This request is to waive plat on Lot 6, Southlawn Addition, since it is already platted. The proposed use is office buildings. Note: the plot plan also includes part of Lot 7, but that Lot is not a part of this request and is not subject to a plat. It is included as information at this time and the only part subject to platting is Lot 6. P.S.O. was of the opinion that the proposed buildings may be encroaching on one of their lines and/or easements. Water and Sewer Department requires an easement to reach the rear of the property. This may necessitate moving the buildings east approximately 11' to provide room for utility extensions. Other routes might be feasible, if the applicant wishes to work that out with the Water and Sewer Department and Public Service Company of Oklahoma.

The Technical Advisory Committee and Staff recommended APPROVAL of the waiver of plat on Z-5590, subject to the conditions.

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Eller, Higgins, Holliday, Kempe, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Parmele, Petty, Inhofe, "absent") to approve the request to waive plat for Z-5590, subject to the following conditions:

- (a) Determination that buildings as planned do not encroach on existing P.S.O. lines and/or easements; and
- (b) dedication of an 11-foot easement on the west side of Lot 6, or other location satisfactory to the Water and Sewer Department and Public Service Company of Oklahoma.

Z-4349 Consolidated Masonry (1303) SE corner of 46th Street North and
North 93rd E. Avenue (IL)

This is a request to waive the platting requirement on a small tract of land bounded by 46th Street North, North 93rd East Avenue and East 44th Street North. A lot-split is working adjacent to the part that is subject to a plat, so this request actually covers a part of the lot-split (#15138) with the remainder not being subject to a plat. The necessary right-of-way for the Port Road (46th Street North) has already been purchased and improved, so there are no additional right-of-way requirements. Utility line extensions might be required, and/or approval of septic system. The lot-split has been sent to the Highway Department for their review. The Staff sees no objection to the waiver if the applicant can meet utility and Highway Department requirements. (A plat was working on this tract about two-years ago, but it was never completed. It appears that any requirements made on the previous application for a plat are being met by lot-split (#15138). ("Mooney Industrial District" was name of old application.)

Mr. Wilmoth advised that the only part subject to a plat is the east 100' of this property. The request to waive platting requirements would include that portion only.

At the time of review, the Water and Sewer Department advised that both water and sewer main extensions would be required, or in the case of sewer, Highway Department approval of a septic system. P.S.O. will need an easement to cover existing lines.

The Technical Advisory Committee and Staff recommended APPROVAL of the waiver of plat on Z-4349, subject to the following conditions:

- (a) Water main extension or approval of water tap by the Water and Sewer Department
- (b) Sewer extension OR Health Department approval of septic system.
- (c) 10' P.S.O. easement on the south 200', 5' each side of the property line.

Mr. Wilmoth stated that the Water and Sewer Department has received an approved water tap, so Item (a) of the T.A.C. conditions has been accomplished and Item (b) has been approved by the Health Department for septic system. The applicant was not present, but Mr. Wilmoth assured the Commission that he was aware of the conditions.

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Eller, Higgins, Holliday, Kempe, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Parmele, Petty, Inhofe, "absent") to approve the waiver of plat for Z-4349, subject to the following condition:

- (c) 10' P.S.O. easement on the south 200', 5' each side of the property line.

Z-4675 Creek County -- Rural Water District #2 - (1082) North of the NW corner of 81st Street and South Union Avenue (CS)

This request only covers the portion of this Zoning Application that is owned by the Creek County Rural Water District. The abutting 2½ acres to the south on the corner, is not included and is still "subject to a plat." The Water District will use this site for a booster station and storage tank adjacent to the connection with the City of Tulsa water main. Due to the nature of the use, and adequate right-of-way already existing on South Union Avenue, the Staff sees no objection to the waiver on this portion of Z-4675, subject to concurring APPROVAL of the City Engineer, Water Department and other utilities. (A lot-split application is also in progress, but will not require any waivers, #15330).

The applicant will need to contact P.S.O. for easement required for power service.

On MOTION of HOLLIDAY, the Planning Commission voted 6-0-0 (Eller, Higgins, Holliday, Kempe, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Parmele, Petty, Inhofe, "absent") to approve waiver of plat for Z-4675, subject to the following condition:

- (a) Waiver covers only the 2½ acres owned by Creek County Rural Water District #2.

LOT-SPLITS:

On MOTION of T. Young, the Planning Commission voted 6-0-0 (Eller, Higgins, Holliday, Kempe, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Parmele, Petty, Inhofe, "absent") to approve ratification of prior approval on the following Lot-splits:

- L-11967 (803) Paul E. Sarver
- 15138 (1303) Consolidated Masonry & Supply Company
- 15213 (283) Crow-Dobbs
- 15326 (183) (PUD #112) Freeman Construction Company, Inc.
- 15330 (1082) Creek County Rural Water District #2
- 15333 (2003) T.J. Hunter
- 15334 (2003) Faye Foster
- 15335 (2703) Charles R. Banfield
- 15336 (2692) Word Industries, Inc.
- 15337 (363) William Barnard
- 15338 (1994) G. S. M. I., Inc.
- 15339 (783) The Kensington Company, Ltd.

LOT-SPLITS FOR WAIVER:

L-15325 L. Schwartz and R. Holcombe (2993) 2500 Block East., between 46th Place and 47th Street (RS-1)

This is a request to split a previously split lot with additionally acquired land from the south and east to create 4 lots. The applicant is asking for a waiver of both the area and frontage requirements, also the applicant was present and is aware that the sewer will have to be extended from the south to serve the lots.

The Water and Sewer Department advised that a water main extension would also be required. O.N.G. advised service would only be available at the SE area of the lots on 47th Street.

L-15325 (continued)

The Technical Advisory Committee and Staff recommended APPROVAL of L-15325, subject to the conditions.

Mr. Wilmoth advised that this was previously split into a 76' lot from 46th Place to 47th Street. The lots to the south have sufficient frontage, but will be a little short on area to meet the zoning requirement. The two lots on the north will meet the area requirements, but one will not meet the frontage requirements.

On MOTION of T. YOUNG, the Planning Commission voted 6-0-0 (Eller, Higgins, Holliday, Kempe, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Parmele, Petty, Inhofe, "absent") to approve L-15325, subject to the following conditions:

- (a) Board of Adjustment approval; and
- (b) water and sewer main extensions, and the easements therefor.

L-15327 Emil Hastings (1793) North side of 25th Street South, West of
Birmingham Avenue (RS-2)

Mr. Wilmoth advised that this a large estate that had previous splits but the owners have not sold the property, so it has been rearranged. The new plan will allow an access driveway for tracts D, C and B to the back. Tract A does not involve a waiver, since it meets the zoning requirements. There is plency of area and it is only a waiver for the frontage requirements which will be provided by a mutual access easement across all three handles to meet the RS-2 requirements.

This is a request to waive the frontage requirements to permit 3 handles of 8' each, to be used as mutual access to the 3 lots to the north. All lots exceed the minimum lot size of 9,000 square feet required by the RS-2, also Tract "A" meets the 75-foot frontage.

(The Staff noted that on L-13385 some utility easements were granted that will not fit the configuration of the new split. It is believed that those original easement grants were vacated, so new easements may be required on this split.) Bill Lewis was present at the T.A.C. Meeting for the applicant and advised he would check on the status of the easements.

On MOTION of COBB, the Technical Advisory Committee voted unanimously to recommend APPROVAL of Lot-split #15327, subject to the following conditions.

On MOTION of HOLLIDAY, the Plannign Commission voted 6-0-0 (Eller, Higgins, Holliday, Kempe, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Parmele, Petty, Inhofe, "absent") to approve this waiver of frontage requirements for L-15327, subject to the following conditions:

- (a) Board of Adjustment approval; and
- (b) utility easements as recommended by utilities, if not already existing.

L-15322 James Moreland (524) 176th Street North, West of 129th East Avenue
(AG)

This is a request to split a 4.50 acre tract with an existing residence into a 2.31 acre tract for the existing house and a 2.03 acre tract for development. A waiver of the frontage requirement is needed and approval of the Health Department for the septic systems. The applicant is willing to make the additional dedication of right-of-way to meet the Major Street Plan.

The Technical Advisory Committee and Staff recommended APPROVAL of Lot-split #15322, subject to the following conditions.

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Eller, Higgins, Holliday, Kempe, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Parmele, Petty, Inhofe, "absent") to approve waiver of the frontage requirements for L-15322, subject to the following conditions:

- (a) Board of Adjustment approval; and
- (b) Health Department approval of septic systems.

Report of Field Check for Request for Change in Plan of District 24 on 66th Street North from Peoria to 75 Highway East to allow Commercial Zoning if desired.

Existing Commercial Structures on 66th Street between Peoria and Lewis

- (1) Residence and television sales and service
- (2) Convenience store
- (3) Residence, statuary sales and turf nursery
- (4) Painting shop
- (5) Tractor sales and services with residence

Mr. Gardner advised that two weeks ago the Staff presented the Board with a copy of a petition in favor of amending the Comprehensive Plan of District 24 to include properties on either side of 66th Street North. The purpose was to permit commercialization along that particular street. The Staff provided a map showing the potential floodplain, basically from Lewis to the east. Essentially, under the study, the Staff is talking about the area between Peoria and Lewis on either side of 66th Street North. The map shows that approximately 2/3 of the area between 56th and 66th Streets along Peoria is already zoned commercial. North of 66th a couple of areas are zoned commercial and some that could be zoned commercial, but applications have not been received. On Lewis, the commercial is limited to the major intersections, except at the half-section where commercial was approved many years ago for a convenience grocery and a small commercial site leads into the County park at that area. The plan calls for that to remain in a low intensity classification. The plan also calls for the 66th Street properties to remain in a low classification, which is the purpose of this request from the District. The purpose of this Board is to determine whether a public hearing should be held to consider the amendment of the Comprehensive Plan for that area. Mr. Gardner feels the Board should consider the following questions and make some kind of determination:

Report of Field Check (continued)

1. In your opinion, what is the predominant use along 66th Street North between Peoria and Lewis?
2. Is the predominant use the most appropriate long-range use?
3. Is the commercial market strong enough for all properties that want to develop commercially to do so as opposed to spot zoning?
4. Are there residential properties who want protection against commercial zoning?
5. Is 66th Street a logical extension to the North Peoria business community?

Ray Bates, 6330 North Utica, Turley, is the alternate chairman of District 24. He has been working on this issue with the people in the district. Several of the people in the area asked Mr. Chet Miller, District Chairman, and Mr. Bates how to get commercial zoning on 66th. Turley is an unincorporated community in the County just outside the City Limits of Tulsa. There are over 4,000 citizens in the community. All of North Peoria has been put in the plan as potential commercial use. There have been several businesses over the years in the area, particularly from 56th Street out to 76th Street, then east on 66th Street. The main street of Turley is where 66th Street is a four-way cross with Peoria. There are businesses on all four corners. Since the plan was brought into effect, the Cherokee Expressway has opened and he feels that Turley is going to experience some substantial growth. 66th Street has become a major arterial street as an outlet for the Turley area to the Expressway. He does not feel that a change in the zoning will create a rush for land speculation, but in the next 3 to 10 years this should become a well-developed area. A petition was presented (Exhibit "A-1") with approximately 200 legitimate signatures. A meeting was held in the District with people voicing their opinions on whether this is needed and the decision was made to present this to the Planning Commission.

Mr. Gardner reminded the Board that a previous zoning application was referred to the Board of Adjustment, since the plan did not call for that particular zoning. The Board of Adjustment did grant relief, but that is not what the District is requesting at this time. They are stating that this whole area should be zoned business, which is more than the Board of Adjustment granting relief. This is a situation where it could be zoned to be sold and subdivided for business. C. Young wanted to make sure this type of strip zoning would be clearly defined in the plan, if this request is granted. Mr. Gardner stated that the strip zoning on Peoria is encouraged by the Plan because that is the obvious use of the property. Many of the lots north of 66th Street are vacant. A few of them have been zoned and the corridor west of Peoria and north of 66th, between the railroad is designated for light industry. If this strip is rezoned, the Board would have to have some logical reason why this can be distinguished from other streets. Lewis is not in the plan to be zoned business. The distinction would be the access to the Cherokee Expressway. Mr. Bates advised there are a lot of businesses from 46th Street North that were in business before the plan was developed and have not gotten the proper zoning allowed by the Plan.

Report of Field Check (continued)

Mr. Gardner advised that this matter would be subject to a public hearing and the Comprehensive Plan Steering Committee would have to meet to discuss the issue. T. Young thought the Board may wish to recognize that a peculiar set of circumstances exists along 66th Street as it relates to a town-type development. He thought that if the Special District could be extended that a statement should be made to explain why the Planning Commission allowed this to happen. Mr. Gardner agreed, since that is how it was handled along Peoria. T. Young felt the hearing should be to amend the Plan to extend the Special District and provide language in the Special District to allow zoning. The Town of Turley probably would be incorporated if the State Statutes would have allowed it. If it should become part of the City of Tulsa in the future, there should be some record of how this came to be zoned.

On MOTION of T. YOUNG, the Planning Commission voted 6-0-0 (Eller, Higgins, Holliday, Kempe, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Parmele, Petty, Inhofe, "absent") to set a public hearing for December 9, 1981, to consider amending the District 24 Plan by extending the Special District to allow commercial zoning along 66th Street between Peoria and Lewis.

Further Discussion of Subdivision Plat for Preliminary Approval

PUD #266 (3293) South and East of 51st Street and Delaware Place
(RM-1, RM-2, RS-3 and FD)

Mr. Gardner advised that the paper work had begun to vacate 52nd Street when the PUD was heard by the City Commission. City Departments and the utility companies favored access to 53rd Street during the hearing before the City Commission. No neighborhood representatives were present for the City Commission hearing. The Staff represented the recommendation of the Planning Commission and the reasons for the recommendation. C. Young was concerned that the citizens were not heard and that the City Commission ignored the recommendation of the Planning Commission. Mr. Gardner advised that everyone who spoke before the Planning Commission was notified of the hearing before the City Commission and were afforded the opportunity. Mr. Linker stated that in a vacation action it is a requirement to give notice to all owners within 300 feet of the affected property. Mr. Gardner said that part of the conversation in the City Commission meeting included the fact that 52nd Street has never been improved and is just grass, whereas 53rd Street is paved. There will be 212 units on the tract. T. Young thought the Planning Commission should voice an objection to the way the PUD was changed and state the circumstances to the City Commission with a request this PUD be reconsidered before the Ordinance is published.

Mr. Gardner pointed out to the City Commission that the access did not have to be at 52nd Street, but could be further north or south, so long as it was the general vicinity and the applicant could work with P.S.O. on this problem. However, this suggestion was not acknowledged. C. Young felt that the Planning Commission is in a bind because when the original zoning was recommended for approval of RM-1, the basis for approval was that the only way they could get out was to 51st Street and now a huge residential apartment development is dumping into a single-family residential area, which was never the Planning Commission's intention.

PUD #266 (continued)

C. Young requested the Staff draft a letter from the Planning Commission asking the City to reconsider the PUD, making the point that a crash gate should be put at 53rd Street and all traffic to access on 51st St. T. Young requested that a copy of the Minutes be forwarded with the letter so the City Commission could understand what transpired.

Mr. Linker advised that it is possible for the Planning Commission, during the platting process, to disagree with something that was approved in the zoning part of the PUD. The approval of a plat is final with the Planning Commission and the next step would be District Court.

On MOTION of T. YOUNG, the Planning Commission voted 6-0-0 (Eller, Higgins, Holliday, Kempe, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Parmele, Petty, Inhofe, "absent") to reconsider preliminary approval of plat for PUD #266, Item #6.

The Chair, without objection, tabled this item until November 18, 1981.

There being no further business, the Chair adjourned the meeting at 3:00 p.m.

Date Approved November 18, 1981



Chairman

ATTEST:



Secretary

