

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1749
Wednesday, **June 21, 1989**, 1:30 p.m.
City Commission Room, Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Carnes, 2nd V-Chr	Randle	Gardner	Linker, Legal
Coutant		Lasker	Counsel
Doherty, Chairman		Setters	
Draughon, Sec		Stump	
Kempe		Wilmoth	
Paddock			
Parmele			
Selph			
Wilson, 1st V-Chr			
Woodard			

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, June 20, 1989 at 9:15 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 1:40 p.m.

MINUTES:

Approval of the Minutes of June 7, 1989, Meeting #1747:

On **MOTION** of **DRAUGHON**, the TMAPC voted **9-0-1** (Carnes, Coutant, Doherty, Draughon, Kempe, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; Paddock, "abstaining"; Randle, "absent") to **APPROVE** the **Minutes of June 7, 1989, Meeting #1747.**

REPORTS:

Report of Receipts & Deposits for the Month Ended May 30, 1989:

On **MOTION** of **DRAUGHON**, the TMAPC voted **10-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Randle, "absent") to **APPROVE** the Report of Receipts & Deposits for the month ended May 30, 1989, as confirmed by Staff to be in order.

REPORTS: - Cont

Committee Reports:

Mr. Paddock announced a meeting of the **Rules & Regulations Committee** was scheduled upon adjournment of today's TMAPC hearing to continue discussion of QuikTrip's request as relates to signage. He advised the Committee would also begin review of the major/minor amendment language for PUD's.

Mr. Coutant advised the **Comprehensive Plan Committee** had met this date to review the annual housekeeping-type amendments to the various District Plans scheduled for public hearing on July 12th. Other agenda items included review of the Utica Medical Corridor Study and the Arterial Right-of-Way Study.

Director's Report:

Mr. Jerry Lasker advised the City Commissioners would conduct the budget review hearing on June 23rd, which included the TMAPC budget and work program. Mr. Lasker also mentioned INCOG's Lobbyist and Legislative Committee and asked that the TMAPC members advise of any items which might need to be addressed during the next legislative session.

SUBDIVISIONS:

PRELIMINARY PLAT APPROVAL:

Space Center East, Block 3 (2994) 11800 Block of East 51st Street (IL)

This is the third phase of an ongoing industrial development. The Staff has received correspondence from the Oklahoma Department of Transportation advising that the widening of the Broken Arrow Expressway will require an additional 30' along the existing right-of-way on the north end of the plat. Staff notes that existing easements already provide at least a 35' area that is restricted from being built upon and free of structures. (See condition #1 below).

The Staff presented the plat with the applicant represented by E.C. Summers.

The TAC voted unanimously to recommend **approval** of the PRELIMINARY plat of Space Center East, Block 3, subject to the following conditions:

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements including a 17.5' utility easement parallel to 51st Street. Show perimeter easements as required. Note that if the expressway widening project requires removal of some of the utility lines

Space Center East - Cont

along the north property right-of-way line, then some additional easements may be needed in that area. Provide Book/Page recording data for existing easements if applicable.

2. Indicate on the face of the plat that this is "Block 3", consistent with the other two plats.
3. Covenants:
 - a) Page 3, Section II: Omit the reference to limited access since that is addressed on pages 1 & 2.
 - b) Include language for paving/landscape repair, and include references to cable TV along with other utilities, as follows: "THE OWNER SHALL BE RESPONSIBLE FOR THE REPAIR AND REPLACEMENT OF ANY LANDSCAPING AND PAVING LOCATED WITHIN THE UTILITY EASEMENTS IN THE EVENT IT IS NECESSARY TO REPAIR ANY UNDERGROUND WATER OR SEWER MAINS, ELECTRIC, NATURAL GAS, COMMUNICATIONS OR TELEPHONE SERVICE."
4. 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. (May need additional fire hydrants.)
5. 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).
6. A request for creation of a Sewer Improvement District shall be submitted to the Water and Sewer Department prior to release of final plat.
7. 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.
8. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer. (If required.)
9. Limits of Access or (LNA) as applicable shall be shown on the plat as approved by City/Traffic Engineer. (OK as submitted.)
10. It is recommended that the developer coordinate with Traffic Engineer during the early stages of street construction concerning the ordering, purchase, and installation of street marker signs. (Advisory, not a condition for release of plat.)
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.

Space Center East - Cont

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 (other) Subdivision Regulations shall be met prior to release of final plat.

TMAPC ACTION: 10 members present

On **MOTION** of **PADDOCK**, the TMAPC voted **10-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Randle, "absent") to **APPROVE** the Preliminary Plat for Space Center East, subject to the conditions as recommended by the TAC and Staff.

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South Lewis Express Storage (1783) 8905 South Lewis Avenue (CS)

Zoning application Z-6243 has been approved by the TMAPC and is pending City Commission approval as of the date of writing this recommendation (6/9/89). Board of Adjustment approval is required for the mini-storage and case# 15172 is pending 6/15/89. In the event that either or both City Commission and Board of Adjustment do not approve prior to the scheduled TMAPC review of this plat, it will be continued to the next land division TMAPC meeting after the approvals.

The Staff presented the plat with the applicant represented by Ted Sack.

The TAC voted unanimously to recommend **approval** of the PRELIMINARY plat of South Lewis Express Storage, subject to the following conditions:

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements should be tied to or related to property lines and/or lot lines. (Show 17.5' utility easement parallel to South Lewis.)
2. Water plans shall be approved by the Water and sewer Dept. prior to release of final plat. (Include language for W/S facilities in covenants.) (A fire line and hydrant may be required near the rear of the tract. Coordinate with Fire and Water Departments.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owner(s) of the lot(s).
4. 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.)

South Lewis Express Storage - Cont

5. 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.
6. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer. (If required.)
7. Limits of Access or (LNA) as applicable shall be shown on the plat as approved by City/Traffic Engineer. (Access OK as per plot plan.)
8. 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.
9. Show a land tie to a nearby quarter corner. Also identify and dimension the existing R/W at the SW/c of the plat.
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 Subdivision Regulations.
11. All (other) Subdivision Regulations shall be met prior to release of final plat.

TMAPC ACTION: 10 members present

On **MOTION** of **PARMELE**, the TMAPC voted **10-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Randle, "absent") to **APPROVE** the Preliminary Plat for **South Lewis Express Storage**, subject to the conditions as recommended by the TAC and Staff.

REQUEST FOR WAIVER (Section 260):

Z-6235 Stonebraker Heights (1292)

1718 South Cheyenne Avenue

(OL)

This is a request to waive plat on Lot 4, 5 and 6 of Block 11 of the above named plat. The property contains a residence that will be remodeled into an office. All work is of an interior nature except for one outside staircase. Since the existing structure is to be utilized, the property is already platted, and no easements and/or rights of way are required, Staff recommends **APPROVAL** as submitted, noting that Section 260 of the Code has been met.

TMAPC ACTION: 10 members present

On **MOTION** of **CARNES**, the TMAPC voted **10-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Randle, "absent") to **APPROVE** the Waiver Request for **Z-6235 Stonebraker Heights**, as recommended by the TAC and Staff.

LOT SPLITS FOR WAIVER:

L-17172 Spenco, Inc. (2392)

1115 West 41st Street

(IM)

This lot split was reviewed by TAC on 5/11/89 wherein the recommendations were for approval subject to a list of conditions. The Planning Commission also approved the split on 5/17/89, subject to the same conditions as recommended by TAC. The Board of Adjustment approved the variance to permit 145' of frontage on 6/1/89.

One of the conditions of approval was to provide right-of-way on West 41st Street to meet the Major Street Plan requirement of 50' from centerline. Right-of-way and easement forms were prepared and mailed to applicant to complete and return for filing in compliance with the approval conditions. Applicant has now requested that the Major Street Plan requirements be waived.

Staff researched this tract on the original application determined that numerous dedications have been received on West 41st Street from Union east to Jackson Avenue. In fact the Assessor's maps show that all the necessary right-of-way has been dedicated on the south side of 41st Street in this area, but there have been no dedications on the north side in the vicinity of the lot split application.

Consistent with past actions and recommendations of Staff and TAC, it is recommended that the Street Plan Requirements and Subdivision Regulations be adhered to. We see no hardship and/or justification for a waiver and recommend the request be DENIED, and all conditions imposed by TAC and the Planning Commission remain as presently approved.

A right-of-way map, minutes, and correspondence was provided for information.

The applicant was represented by Tony Spencer, who offered to provide a "roadway easement" in lieu of dedication on West 41st Street. The City Engineering Department advised that they could not accept same since it is not the policy of the City to accept that type of easement, even though the County does utilize that method of meeting right-of-way requirements. Mr. Spencer also provided photographs of the area, but did not have exact measurements from centerline for the buildings shown in the photographs.

The TAC advised that they would not recommend waiver of the Street Plan requirements, due to the industrial/commercial uses in the area and the need for adequate right-of-way for access to U.S. Highway 75 (Beeline). There was further discussion regarding the request to waive the Street Plan, but TAC will not be recommending waiver.

The TAC voted unanimously to recommend **DENIAL** of the request to waive the Major Street Plan requirements on L-17172 based upon the industrial/commercial uses in the area and the other concerns as discussed in the review process.

Applicant's Comments:

Mr. Anthony Spencer (1115 West 41st) and Mr. Darrell Matlock (4410 South 33rd West Avenue) appeared on behalf of the applicant. They requested a waiver of the Major Street Plan requirements and approval of the lot split, as this was a crucial element in a pending sales contract. They reviewed the Site Plan as to the layout of the proposed lot split, and pointed out that, to date, there have been no dedications of right-of-way on this side of West 41st Street. Mr. Matlock advised that, according to conversations with the City Engineer's office, there were no immediate plans for expansion of this portion of 41st Street. He added that they were not asking the Commission to move away from the Street Plan, rather move towards the Plan by increasing the lot frontage by 75' with the combination of these two lots.

Mr. Linker clarified that the applicant was asking for waiver of the dedication requirement, and it now appeared they were not even wanting to offer any easement. Mr. Matlock reiterated that the applicant was asking the TMAPC to look at the facts as presented, taking into consideration that when the lot split was added onto the lot already grandfathered in (75' frontage), this was a move toward, not away from, the Street Plan.

Chairman Doherty confirmed the TMAPC had previously approved this lot split subject to conditions, and they were now asking that the 50' dedication of right-of-way be waived. Discussion followed among the Commission members with Mr. Wilmoth clarifying that on the north side of 41st Street, both east and west of the subject tract, there was future right-of-way of 24.75' from centerline. Mr. Gardner remarked that the full 50' of right-of-way had been obtained on the south side, and this was the first opportunity to obtain any right-of-way on the north side. Discussion continued for clarity of the request.

TMAPC Review Session:

Mr. Parmele commented that he has always been opposed to extraction of right-of-way through the lot split process as it appeared unfair to the remaining property owners. Further, if and when the City decided to four lane to the expressway, he felt there was adequate right-of-way on the south side.

Mr. Paddock pointed out that Staff saw no hardship or justification for a waiver and, as indicated, this was the first opportunity to obtain right-of-way on the north side of 41st Street in order to bring the streets up to standard in this industrially zoned area. Mr. Draughon agreed that, as opportunities for obtaining dedication were presented, they should be acted upon.

Commissioner Selph commented that, normally, he would concur to keep with the Major Street and Highway Plan. However, in this particular case, and from a practical standpoint, he did not see a problem with the applicant's request.

TMAPC ACTION: 10 members present

On **MOTION** of **PADDOCK**, the TMAPC voted **6-4-0** (Coutant, Draughon, Kempe, Paddock, Wilson, Woodard, "aye"; Carnes, Doherty, Parmele, Selph, "nay"; no "abstentions"; Randle, "absent") to **DENY L-17172 Spenco, Inc. (Waiver Request)**, as recommended by the TAC and Staff.

LOT SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-17187 (3193) Sanders
L-17188 (2393) Crews

L-17190 (3693) City of Tulsa
L-17191 (193) Payless Cashways

On **MOTION** of **CARNES**, the TMAPC voted **10-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Randle, "absent") to **APPROVE** the Above Listed Lot Splits for Ratification of Prior Approval, as recommended by Staff.

OTHER BUSINESS:

PUD 201-1: Minor Amendment to reduce setback from a private street
11315 South Richmond Place

Staff Recommendation:

The proposed amendment to PUD 201 is to reduce the required setback from a private street right-of-way from 50' to 25' to construct a single-family home located at Lot 10, Block 1 of Whit-Acres south and west of the southwest corner of South Sandusky Avenue and East 111th Street South. Since this is a 50% reduction in the setback required in the PUD, the request does not fall within the definition of a minor amendment (20% or less) according to TMAPC's General Policies. Staff therefore recommends this be considered a major amendment to the PUD.

Comments & Discussion:

Mr. Jack Arnold (7318 South Yale), representing the applicant, clarified that this case met the required setbacks of the main subdivision, but did not meet the setback from an access easement that cut across the property. Mr. Arnold stated that he had obtained approvals from the property owners in the subdivision.

Discussion initiated on the major/minor amendment issue, with Mr. Stump advising Staff's disagreement with the applicant's request was based solely on the TMAPC General Policies, which Staff was obligated to point out, regardless of the merits of a particular case.

The Commission members voiced their position as to the major/minor amendment issue, with Mr. Carnes noting that this subject was scheduled on today's agenda of the Rules & Regulations Committee. Therefore, he suggested a 60 - 90 day continuance might be in order. Mr. Gardner commented that a possible solution, rather than delay the applicant 60 - 90 days, would be to use the BOA process, in this particular case, where the applicant could seek relief if he could prove a hardship. He recognized that, if the TMAPC had no objection to this suggestion, it would not set a precedent, but would be used for this particular case only.

PUD 201-1 Design Properties - Cont

After further discussion and debate on the major/minor issue, Mr. Parmele moved that the TMAPC waive policy and consider this a minor amendment.

TMAPC ACTION: 10 members present

On **MOTION** of **PARMELE**, the TMAPC voted **4-6-0** (Carnes, Doherty, Kempe, Parmele, "aye"; Coutant, Draughon, Paddock, Selph, Wilson, Woodard, "nay"; no "abstentions"; Randle, "absent") to **CONSIDER** PUD 201-1 Design Properties as a Minor Amendment.

That motion failing, Ms. Wilson moved to consider this case as a major amendment.

TMAPC ACTION: 10 members present

On **MOTION** of **WILSON**, the TMAPC voted **6-4-0** (Coutant, Draughon, Paddock, Selph, Wilson, Woodard, "aye"; Carnes, Doherty, Kempe, Parmele, "nay"; no "abstentions"; Randle, "absent") to **CONSIDER** PUD 201-1 Design Properties as a Major Amendment.

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PUD 179-0-1: Minor Amendment to Reduce Building Setbacks

South and East of 71st Street & South Memorial Drive

Staff Recommendation:

PUD 179-0 contains 6.6 acres and is located on the south side of East 71st Street South one-half mile east of South Memorial Drive. The request is to reduce the required building setback on the north 318' of the east boundary of the PUD from 75' to 60'. The landscaped buffer on the same area would remain at 20' in width. The proposed 20% reduction in the building setback would meet the TMAPC's policy to be classified as a minor amendment.

The amendment is needed to allow the rear of a cafeteria and a major access drive to the proposed shopping center to be placed closer to the east side of the development. Immediately east of this side of the PUD are two story apartments with widows facing the proposed development.

If the reduction in setback is mitigated by screening, buffering and design of the exterior of the building Staff can support the proposed amendment. Therefore, Staff recommends **APPROVAL** of the minor amendment PUD 179-0-1 subject to the following conditions:

- 1) Any refuse containers on the east side of the building be screened from public view and that refuse be collected only between the hours of 8:00 a.m. and 10:00 p.m.

PUD 179-O-1 Sisemore (Wenrick) - Cont

- 2) Evergreen trees which are at least 12' in height when planted and can be expected to reach 20' in height within 10 years shall be planted at small enough intervals to provide an effective vegetative screen in the landscaped buffer from the building setback line to 50' past the south end of the building.
- 3) The east side of the building shall be of the same architectural style and exterior treatment as the other three sides of the building.
- 4) Minimum building setback from the north 318' of the east boundary is 60'.
- 5) That a landscape architect registered in the State of Oklahoma certify that all landscaping and screening fences have been installed in conformity with the approved Detail Landscape Plan.
- 6) That all existing conditions of PUD 179-0 continue to apply unless modified by the above conditions.

Comments & Discussion:

Mr. Stump advised that the applicant presented a revised proposal, and the Staff recommendation had been revised accordingly.

Mr. Roy Johnsen, representing the applicant, stated agreement to the Staff recommendation and conditions.

Discussion followed with the TMAPC members commending Staff for inclusion of condition #5 requiring certification from a registered landscape architect that the landscaping and screening requirements have been met as indicated on the Detail Landscape Plan.

TMAPC ACTION: 10 members present

On **MOTION** of **CARNES**, the TMAPC voted **10-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Randle, "absent") to **APPROVE** the **Minor Amendment to PUD 179-O-1 Sisemore (Wenrick)**, as recommended by Staff.

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PUD 417: Detail Site Plan & Detail Landscape for Area C
SE/c of East 19th Street & South Wheeling Street

Staff Recommendation:

The Detail Site and Landscape Plans for Area C of PUD 417 are for a five level parking garage at the southeast corner of East 19th Street South and South Wheeling Street. Staff finds both plans to be in accordance with the requirements of the PUD.

Therefore Staff recommends **APPROVAL** of the Detail Site Plan and Detail Landscape Plan for Area C of PUD 417 as modified by the applicant to provide a solid 3'6" high wall on each parking level to block light from headlights on the east side of the garage and a 3'6" high berm on the north side of the garage.

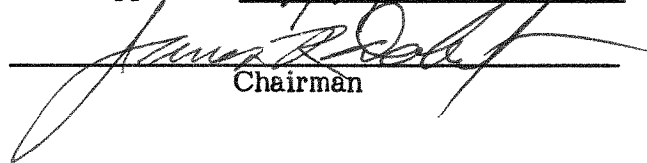
TMAPC ACTION: 10 members present

On **MOTION** of **PARMELE**, the TMAPC voted **10-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Randle, "absent") to **APPROVE** the Detail Site Plan and Detail Landscape Plan for PUD 417 Norman (St. John Medical Center), as recommended by Staff.

There being no further business, the Chairman declared the meeting adjourned at 2:55 p.m.

Date Approved

7/5/89


Chairman

ATTEST:


Secretary

