

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1798
Wednesday, July 11, 1990, 1:30 p.m.
City Commission Room, Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Carnes, 1st Vice Chairman	Draughon	Baker	Linker, Legal
Coutant	Paddock	Gardner	Counsel
Doherty, Secretary	Randle	Stump	
Horner	Rice		
Parmelee, Chairman			
Wilson			
Woodard			

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, July 10, 1990 at 10:50 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Parmelee called the meeting to order at 1:34 p.m.

MINUTES:

Approval of the Minutes of June 20, 1990 & June 27, 1990:

On **MOTION** of **WOODARD**, the TMAPC voted **6-0-1** (Carnes, Coutant, Doherty, Horner, Parmelee, Woodard, "aye"; no "nays"; Wilson, "abstaining"; Draughon, Paddock, Randle, Rice, "absent") to **APPROVE** the **Minutes of June 20, 1990, Meeting #1796 and June 27, 1990, Meeting #1797.**

REPORTS:

Committee Reports:

Mr. Doherty advised the Rules & Regulations Committee had discussed an amendment to the TMAPC Rules of Procedure to designate the third Wednesday in May as the date to hold annual TMAPC election of officers. He stated the Committee unanimously supported the proposed amendment; therefore, he moved for approval by the TMAPC.

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-0** (Carnes, Coutant, Doherty, Horner, Parmelee, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Paddock, Randle, Rice, "absent") to **AMEND** the **TMAPC Rules of Procedure to designate the third Wednesday in May as the date to hold annual election of officers.**

SUBDIVISIONS:

PRELIMINARY PLAT:

Keystone Lakeside Addition (1890) 26851 West Highway 51 (CG, AG - County)

Comments & Discussion:

Mr. Wilmoth advised that the applicant was needing a continuance in order to conduct a percolation test, based on a request from the City-County Health Department.

TMAPC ACTION: 7 members present

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-0** (Carnes, Coutant, Doherty, Horner, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Paddock, Randle, Rice, "absent") to **CONTINUE Consideration of Keystone Lakeside Addition** until Wednesday, **July 25, 1990** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

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Sampson Industrial Park (3304) NW/c of I-244 & North 145th East Avenue (IL)

This tract was zoned U-4A, "subject to a plat" by Z-3281 on 4/15/69. The U-4A classification was changed to IL on 7/1/70. One proposed use for the tract will be for pipe, supplies, a warehouse, offices, etc. or similar uses within the IL zoning district.

The Staff presented the plat with the applicant represented by Ed Nickle and Ira Crews.

The TAC voted unanimously to recommend **approval** of the PRELIMINARY plat of Sampson Industrial Park, subject to the following conditions:

1. On face of plat show: Identify adjacent land as "unplatted"; show "Lot 1, Block 1"; Identify the City of Tulsa/City of Catoosa City limits and Tulsa/Rogers County Line on 145th East Avenue.
2. Access points shall meet the approval of Traffic Engineering. (Note there is a parallel road in Rogers County that intersects about the middle of this tract on 145th East Avenue. Check with Traffic Engineering for sight distances, etc.) (Maintain 125' separation.)
3. 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.
4. Water plans shall be approved by the Water and Sewer Department prior to release of final plat. (If plans require.)
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).

Sampson Industrial Park - Cont

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. (Fees-in-lieu may be paid for this site.)
8. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer, if required.
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 key or location map shall be complete. Show I-244, Tulsa/Rogers County line)
11. 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.
12. Covenants:
Section I.A - Include references to structures/easements, per Staff sample.
Section III.A - Check/Stormwater regarding official title of that agency.
Section IV.B - Omit after the word "company" ... "and/or the County of Tulsa with the consent of..."
13. 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.
14. All (other) Subdivision Regulations shall be met prior to release of final plat.

Comments & Discussion:

Mr. Ed Nickle and Mr. Ira Crews, representing the applicant, indicated they had no objection to the listed conditions.

TMAPC ACTION: 7 members present

On **MOTION** of **WOODARD**, the TMAPC voted **7-0-0** (Carnes, Coutant, Doherty, Horner, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Draughton, Paddock, Randle, Rice, "absent") to **APPROVE** the **Preliminary Plat for Sampson Industrial Park**, subject to the conditions as recommended by the TAC and Staff.

WAIVER REQUEST: Section 213/260

CZ-183 (Unplatted)(2522)

14300 North Cincinnati Avenue

(County - CS)

This is a request to waive plat on approximately 2.1 acre tract at the above location, which lies just across the street from the Skiatook City Limits. It contains a house, storage building, storm cellar and warehouse which are to remain. No changes are being requested in the driveways as shown on the plot plan submitted by applicant. Since the property is less than 2.5 acres within this request, Staff is of the opinion that the provisions of Section 260 can be met by compliance with the following recommendations:

1. Grading and/or drainage plan approval for any new construction is subject to review by the County Engineer in the permit process.
2. Provide a minimum of 50' of right-of-way from centerline of North Cincinnati Avenue (SH#11) to meet the Major Street and Highway Plan. (46.5' already provided as per legal description.)
3. Provide a 17.5' utility easement parallel to the street right-of-way for future use.
4. Access points subject to approval by County Engineer and/or State Highway Department.

The applicant was represented by Warren Morris.

The TAC voted unanimously to recommend **approval** of the WAIVER OF PLAT on CZ-183, subject to the conditions outlined by Staff and TAC.

TMAPC ACTION: 7 members present

On **MOTION** of **CARNES**, the TMAPC voted **7-0-0** (Carnes, Coutant, Doherty, Horner, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Draughton, Paddock, Randle, Rice, "absent") to **APPROVE** the **Waiver Request for CZ-183 (Unplatted)**, subject to the conditions as recommended by the TAC and Staff.

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BOA 15461 (Unplatted)(392)

NW/c of Charles Page Blvd. & South Union Ave (RS3)

This is a request to waive plat on a portion of the City-County Newblock Park properties, as shown on the provided plot plan of the area. A number of the buildings and facilities already exist and this application is for the expansion of the Fire Academy/Equipment Management Division of the City of Tulsa. Since this is only a portion of the property owned by the City, and all the necessary controls and conditions have been set forth in the Board of Adjustment approval, the filing of a subdivision plat is not needed. It is recommended that the request be **APPROVED** as having met the intent and condition of Section 213 of the Zoning Code.

TMAPC ACTION: 7 members present

On **MOTION** of **WOODARD**, the TMAPC voted **7-0-0** (Carnes, Coutant, Doherty, Horner, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Paddock, Randle, Rice, "absent") to **APPROVE** the **Waiver Request for BOA 15461 (Unplatted)**, as recommended by Staff.

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BOA 15452 (Unplatted)(3603)

1010 North Mingo Road

(CH)

This is a request to waive plat on a small 2.1 acre tract that contains an existing warehouse. A heliport is to be constructed in front which requires Board of Adjustment approval, and thus creates the platting requirement. Lot split approval was granted by the City Planning Commission on 7/8/50, (no number) Receipt #13668. Since this application is only for the heliport and the lot configuration was approved, Staff has no objection to the request, noting that Section 260 of the Code has been met by the previous split. (Right-of-way on Mingo far exceeds the minimum of 100' with 100' on the west side of the centerline and 80' on the east totaling 180' being dedicated in about 1944.)

The applicant was not represented.

The TAC voted unanimously to recommend **approval** of the **WAIVER OF PLAT** on **BOA-15452**, subject to the following conditions:

1. Grading and drainage plan approval subject to approval of Department of Stormwater Management in the permit process. (Any outside fill must be compensated by equal amount removed. Fee-in-lieu-of detention for any net increase in imperviousness.)
2. Access agreement documentation required for existing driveway.
3. Approval of Water and Sewer Department for sanitary sewer service.

Staff Comment:

Mr. Wilmoth advised that, when this application was first submitted, it was unknown whether it was connected to a sanitary sewer or not. It appeared that the heliport had been constructed over a septic system lateral field. The applicant subsequently provided the BOA with proof of the sewer connection and the BOA application was approved on 6/21/90. Therefore, conditions #3 no longer applies. Staff recommends **APPROVAL** subject to conditions #1 and #2.

TMAPC ACTION: 7 members present

On **MOTION** of **WOODARD**, the TMAPC voted **7-0-0** (Carnes, Coutant, Doherty, Horner, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Paddock, Randle, Rice, "absent") to **APPROVE** the **Waiver Request for BOA 15452 (Unplatted)**, subject to conditions #1 and #2 as recommended by Staff.

LOT SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-17323 (1583) Perkins	L-17330 (393) Hayman
L-17326 (493) Gabriele	L-17333 (3403) Shirley
L-17327 (583) Dunn	L-17334 (1392) Fox
L-17328 (1392) Weiss	L-17331 (594) Daylight Prop.

TMAPC ACTION: 7 members present

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-0** (Carnes, Coutant, Doherty, Horner, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Paddock, Randle, Rice, "absent") to **RATIFY** the Above Listed Lot Splits which have received Prior Approval, as recommended by Staff.

OTHER BUSINESS:

PUD 202-B: Detail Sign Plan Review

NW/c of East 63rd Place South & South 76th East Avenue,
being Lot 1, Block 3, Shadow Mountain II

Staff Recommendation:

The subject tract contains a multi-story office building with one existing ground monument sign 4' x 14' in size. The applicant is requesting Detail Sign Plan approval to permit a similar monument sign 500' north on South 76th East Avenue. According to the original PUD standards, the applicant is permitted the same signage as permitted in the PUD Chapter of the Zoning Code (one sign per each street frontage, not to exceed 150 square feet of display surface area per sign).

After field investigation and review of the applicant's submitted plans, Staff finds the proposal to be consistent with the PUD standards and existing signage. Therefore, Staff recommends **APPROVAL** of the Detail Sign Plan as submitted.

TMAPC ACTION: 7 members present

On **MOTION** of **WOODARD**, the TMAPC voted **7-0-0** (Carnes, Coutant, Doherty, Horner, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Paddock, Randle, Rice, "absent") to **APPROVE** the **Detail Sign Plan** for **PUD 202-B**, as recommended by Staff.

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PUD 128-3 Minor Amendment to:

- Approve existing dwelling unit allocation,
- Delete boulevard wall requirement
- Reduce the setback for clubhouse
- Reduce the off-street parking requirements
- Change permitted use on Block 11

South of the SW/c of East 73rd Street South & South Lewis Avenue

Staff Recommendation:

Blocks 10, 11 and 12 of PUD 128 are fully developed with multifamily, open space and related accessory uses. This application is to clear a potential cloud on a title insurance transaction by reallocating dwelling units, deleting boulevard wall requirements, reducing setback requirements for the clubhouse, reducing off-street parking requirements and changing the permitted use on Block 11. Below is a table with both the approved and constructed allocation of dwelling units for Blocks 10 and 12:

	<u>Block 10</u>		<u>Block 12</u>	
	<u>Approved</u>	<u>Constructed</u>	<u>Approved</u>	<u>Constructed</u>
One bedroom DU's	32	32	132	116
Two bedroom DU's	48	48	8	24
	<hr/>	<hr/>	<hr/>	<hr/>
Total	80	80	140	140
Off-street parking	216	144	283	222

Staff is supportive of the existing dwelling unit allocation since it does not exceed the total number approved and the existing parking meets present Code requirements.

The original PUD had provision for a boulevard wall for east 73rd Street South which was never constructed. This requirement was probably intended to provide additional separation and buffering between the multifamily area and the commercial/office area to the north. Staff is supportive of the removal of this requirement since multifamily use is not typically buffered from higher intensity uses by anything more than a screening fence. In this instance, Staff finds the existing orientation of buildings and East 73rd Street South to be an adequate buffer. Staff is also supportive of the requested 20 foot setback from East 73rd Street South to permit an existing 2 foot encroachment and permit the addition of a porch to the existing structure. Finally, Staff recommends **APPROVAL** of a modification of the permitted uses for Block 11 to allow an existing power plant that serves the multifamily and commercial area. This approval should be conditioned upon the existing facilities not being expanded and subject to the maintenance of a screening fence.

Comments & Discussion:

Mr. Roy Johnsen, representing the owner of the Kensington Apartment project, explained the request for the various minor amendments to the PUD was prompted by a need to clear title for a pending sale. Mr. Johnsen commented that, according to the microfilm in the Staff Subdivision file, there appeared to be a copy of a previously approved Detail Site Plan. This plan indicated parking which substantially exceeded the Code requirements, and which, in fact, exceeded what was approved. He stated this excess of parking was an item that triggered the necessity for TMAPC review, in order to "get a good Site Plan which reflected the realities of the situation approved." Mr. Johnsen commented that one of the actions being requested at this time was a confirmation or approval of a minor amendment for an "as built" survey of the project.

Mr. Johnsen reviewed the dwelling unit mix (one/two bedrooms) as to that approved versus that actually constructed. He explained a part of the minor amendment request involved approval for a change in the bedroom mix. Additionally, in regard to parking, the TMAPC was also being asked to approve a reduction in parking to meet the Code requirement for the one/two bedroom mix.

Mr. Johnsen advised that, during surveying of the project, it has been found that the surveyor made a 20' mistake, which resulted in the clubhouse having a slight encroachment (3' or 4'). Therefore, a part of the amendment request involves a modification of setback, only in regard to the clubhouse, to permit this existing encroachment. He noted that all of the other buildings in the complex exceed the setback requirement.

In reply to Mr. Carnes, Mr. Johnsen verified there were approximately 30 parking spaces to be constructed. He further clarified that the request involved an "as built base" with a proposed parking overlay.

Ms. Wilson asked Mr. Johnsen if he was in agreement with Staff's recommendation, including the condition that the existing facility not be expanded and subject to the maintenance of a screening fence. Mr. Johnsen stated that he has discussed this with Staff (and photos indicate) that the complex was essentially screened and was not exposed. Therefore, he thought Staff was to delete this from their requirements. Mr. Stump confirmed the screening requirement was to be deleted. However, as far as the mentioned expansion, this related to building expansion, not parking.

In regard to the "as built" survey, Mr. Coutant confirmed the Commission was being asked to approve this as the Detail Site Plan for the PUD. Therefore, he mentioned that Detail Site Plan approval was not listed on the agenda in regard to the PUD. Mr. Linker advised the TMAPC "can only do what's on the agenda." Ms. Wilson pointed out that Detail Site Plan review was generally done prior to construction, and since was being done after construction, she felt this might "shed a different light" on the matter. Mr. Parmele suggested that perhaps this could just be "for inclusion in the file" as an "as built" survey; i.e. receipt and filing,

not approval. Mr. Gardner commented that he felt a Site Plan was more for the benefit of the file than anything else. Further, if the minor amendments were approved as requested, then the applicant's plot plan met those conditions (as a Detail Site Plan). Discussion followed on alternatives available to assist the applicant and meet the TMAPC's needs, considering the unique aspects of this case.

Mr. Bob Kannady (12105 South Elwood, Jenks) stated his only concern was where the power plant laps over onto Lot 11, which was owned by the Kensington Owners Association, and not by the applicant. Therefore, he felt approval from the Kensington Owners Association was needed.

After discussion, Mr. Johnsen commented that Lot 11 was intended to be conveyed to the Association, however, it was his understanding that this was never done and was still, in fact, owned by the original developers. He added that the Association did not maintain Lot 11 as Kensington Apartments maintained this at their own expense. Mr. Johnsen added a Quit Claim had been received from the original owner who claimed no interest. Further, in a few short months, they would have an "easement by prescription", if they do not already have this, since this was built in 1975. He pointed out that, regardless, if the Association wanted to pursue a legal right as to relocation, that would be independent of this PUD request.

Mr. Johnsen requested that, as a compromise action to facilitate the closing on this case, the Commission issue a determination that the two "as built" surveys submitted for Blocks 10 and 12 were "in conformity with the approved PUD development standards as they have been amended today." He then stated that he would like the item to be continued so that the agenda could be expanded to say "confirmation of Site Plan", since this was the way the application was filed. He just did not catch that the agenda had not listed this as a part of the application request. Mr. Doherty confirmed that Mr. Johnsen intended the "as built" surveys submitted to be exhibits to the file. In response to Mr. Linker, Mr. Gardner reiterated that Staff only needed some form of documentation in the file showing what had been approved. Therefore, the TMAPC could approve "what has been advertised (minor amendments) per the plot plan submitted". Mr. Johnsen stated that he would still like to come back in a week to get a formal confirmation since transactions such as this were closely scrutinized. He agreed with Staff's feeling that the applicant was in compliance. In reply to Mr. Linker, Staff confirmed the applicant's text, which included the Site Plan, was sent with the notification to surrounding property owners; it was just omitted from the printing of the agenda.

TMAPC ACTION: 7 members present

On **MOTION** of **CARNES**, the TMAPC voted **7-0-0** (Carnes, Coutant, Doherty, Horner, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Paddock, Randle, Rice, "absent") to **APPROVE** the **Minor Amendment to PUD 128-3 Johnsen**, as amended and as depicted by the "as built" survey, and exhibited to the PUD file.

TMAPC ACTION: 7 members present

On MOTION of DOHERTY, the TMAPC voted 7-0-0 (Carnes, Coutant, Doherty, Horner, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Paddock, Randle, Rice, "absent") to CONTINUE the balance of PUD 128-3 (Confirmation of the Detail Site Plan) until Wednesday, July 18, 1990 at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

NEW BUSINESS:

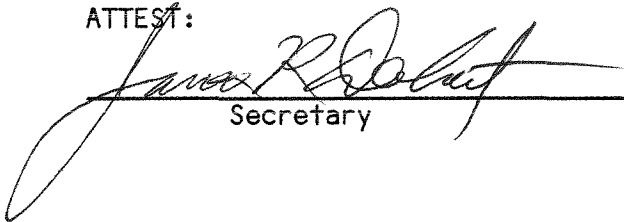
Mr. Gardner mentioned a need for clarification of Section 1402.F (Nonconforming Use of Buildings or Buildings and Land in Combination) of the Zoning Code as there appeared to be a possible loophole. Legal Counsel was asked to review this with Staff.

There being no further business, the Chairman declared the meeting adjourned at 2:23 p.m.

Date Approved 7-25-90


Chairman

ATTEST:


Secretary