

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 1995

Wednesday, October 19, 1994, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

Members Present

Ballard
Doherty
Gray
Midget, Mayor's
Designee
Neely, 1st Vice
Chairman
Pace
Parmele
Chairman

Members Absent

Carnes
Harris
Horner
Wilson

Staff Present

Gardner
Hester
Jones
Matthews
Stump

Others Present

Linker, Legal
Counsel

The notice and agenda of said meeting were posted in the Office of the City Clerk on Monday, October 17, 1994 at 10:03 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Parmele called the meeting to order at 1:40 p.m.

Minutes:

Approval of the minutes of October 5, 1994, Meeting No. 1993:

On **MOTION** of **NEELY**, the TMAPC voted (Ballard, Doherty, Gray, Midget, Neely, Pace, Parmele "aye"; no "nays"; "abstaining"; Carnes, Harris, Horner, Wilson "absent") to **APPROVE** the minutes of the meeting of October 5, 1994 Meeting No. 1993.

REPORTS:

Chairman's Report:

Chairman Parmele assigned the Rules and Regulations Committee the task of preparing job descriptions for the TMAPC officers.

Committee Reports:

Comprehensive Plan Committee

Mr. Neely announced that the Comprehensive Plan Committee will meet in work session at the conclusion of the TMAPC meeting.

Rules and Regulations Committee

Mr. Doherty announced that the Rules and Regulations Committee met at 11:30 a.m. to determine the definition of cul-de-sac. He chose to defer comments to the public hearing item.

Regarding District Planning Team Chair elections, Mr. Doherty informed that if fewer than five individuals attend, the Planning Commission should be notified so they can decide if further work is needed in that Planning District. It was the consensus of the Planning Commission that if there are a limited number of individuals in a tie vote that the election be referred to the Planning Commission for resolution or further action.

PUBLIC HEARING:

Proposed amendment of the District 26 Plan text to reflect timing of development with relation to infrastructure improvements.

The proposed change involves item 2.1.8, which currently is as follows.

- 2.1.8 Ensure the optimum development sequencing in the District through a coordinated program of all public/private improvements; i.e., elimination of zoning prior to public improvements where granting the requested zoning will, because of lack of facilities clearly result in detriment to the health, safety, moral or general welfare of the community.

Alternatives that have been discussed by the Comprehensive Plan Committee of the TMAPC include deleting this item, as it conflicts with policies set forth in the Metropolitan Development Guidelines, modifying it by deleting the portion that follows the semi-colon, and modifying it to read either of two other ways as indicated below.

ALTERNATIVE 1

- 2.1.8 Ensure the optimum development sequencing in the District through a coordinated program of all public and private improvements; i.e., platting and development of property should not occur until infrastructure is in place to accommodate it.

or

ALTERNATIVE 2

- 2.1.8 Ensure the optimum development sequencing in the District through a coordinated program of all public and private improvements; i.e., in review of zoning requests, the TMAPC should consider the adequacy of existing and planned infrastructure to accommodate the development.

Ms. Matthews presented the proposed amendments and informed that the consensus of the Comprehensive Plan Committee was to support the second alternative as does the Metropolitan Board of Realtors.

Mr. Parmele explained that the language in the District 26 Comprehensive Plan, 2.1.8, came to light during Staff review of an application at 121st and Yale. According to interpretation of the language, no zoning could occur prior to the installation of public and private improvements and the lack of adequate street improvements would not allow zoning to occur. Mr. Parmele recalled that in writing the original plan for District 26 there was considerable discussion over the lack of looped water service to the area, severe lack of water pressure and lack of sanitary sewer connections. This clause was written to address availability of water and sewer improvements prior to single-family development. He reported that as the district has developed over the years these issues have been resolved. Chairman Parmele declared that it was not meant to apply to other elements of infrastructure; i.e., streets, traffic signals, etc. He pointed out that this is the only district plan in which this language occurs.

Interested Parties

Don Blaser

4610 East 118th Street 74137

Mr. Blaser disagreed with the perception that the infrastructure is in place. He supports a strong statement ensuring that the infrastructure is in place before development. Mr. Blaser expressed support of the first alternative. He explained that he supports this alternative because it will better address the pollution problems by alleviating traffic congestion, with an adequate street system in place. Mr. Blaser declared that development without proper stormwater management will result in flooding, human suffering, adversely effect traffic, etc. which is another reason for infrastructure to be in place before development.

Doug Vincent

3015 East Skelly Drive

District 26 Chair

Mr. Vincent commented on the time and money spent on changing the District 26 Comprehensive Plan. He was opposed to changing the Comprehensive Plan anytime a particular developer requests. Mr. Vincent expressed support of the District 26 Comprehensive Plan remaining as it is.

Mr. Vincent answered questions from the Planning Commission regarding the practicality of approving infrastructure in advance of development.

Ms. Pace expressed support of Staff recommendation to modify the language in 2.1.8 since similar language does not appear in any other District Plan.

Mr. Gardner explained that 2.1.8 was subject to interpretation and it needs to be clarified. He declared the need for a uniform policy throughout the City, and noted that if the Planning Commission affirms this statement, it will be different from other language in any of the

other Comprehensive Plans. Mr. Gardner informed that the *Development Guidelines*, which are applicable to all districts, state that these decisions will be based on planned facilities.

Mr. Vincent suggested the possibility of including this language in other District Plans.

David Tracy
Co-Chair District 26

1701 South Boston

Mr. Tracy expressed concern that a particular zoning request triggered discussion over this language. He discussed the reason this language was made a part of the District 26 Comprehensive Plan and the purpose it served at the time it was put into the plan. Mr. Tracy declared that if the language is revised as proposed under Alternative 2 it neuters the provision because zoning can still be approved based on the maximum planned development for a particular location. Mr. Tracy informed that area residents would like to see something that will accommodate the needs of the District to avoid future problems. He suggested that perhaps similar language should be placed in the other District Plans rather than removed from the District 26 Plan. Mr. Tracy suggested working on the language in an effort to benefit those who live outside District 26, rather than punish those for trying to promote orderly development in their neighborhood.

Chairman Parmele read a letter from the Greater Tulsa Association of Realtors supporting approval of Alternative 2.

TMAPC Review

Mr. Neely informed that when the Comprehensive Plan Committee first considered this item, it was first brought to their attention because of one particular zoning issue; however, the primary concern of the Comprehensive Plan Committee was that this is a community-wide issue and did not belong in a District Plan. He declared that it is an issue which deserves debate, but it deserves debate at the community level. Mr. Neely informed that Alternative 2 was the compromise language reached. Mr. Neely disclosed that he and others advocated that this language be struck from the Plan.

Ms. Pace deems this to be a citywide issue and would like to see other Districts be able to adopt this language. She suggested continuing this item for further study metropolitan-wide.

There was discussion over this not being a land use issue, but rather a land development issue which can be addressed at the platting or subdivision stage.

Mr. Doherty declared that this issue is not peculiar to District 26. He suggested striking the language and considering its uniform application across the city in a statement of intent to be inserted in the *Development Guidelines* or where appropriate.

Mr. Neely made a motion to strike 2.1.8 from the District 26 Comprehensive Plan and instruct the Comprehensive Plan Committee to consider this as policy at a community-wide level. The motion was seconded by Ms. Ballard.

There was discussion over the possibility of amending the *Development Guidelines* to expand on this language and to specify what is meant by *planned facilities*.

TMAPC Action; 7 members present:

On **MOTION** of **NEELY**, the TMAPC voted **7-0-0** (Ballard, Doherty, Gray, Midget, Neely, Pace, Parmele "aye"; no "nays"; "abstaining" Carnes, Harris, Horner, Wilson "absent") to **STRIKE** 2.1.8 from the District 26 Comprehensive Plan and instruct the Comprehensive Plan Committee to consider this as policy at a community-wide level.

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PUBLIC HEARING ON AMENDMENTS TO SUBDIVISION REGULATIONS:

To amend Subsections 1.10 Modifications, 4.5 Lots, and Section 6 Lot-split Procedures of Standards of the Tulsa Metropolitan Area Subdivision Regulations by providing that all residential lots shall contain no more than three side lot lines require a waiver of the Subdivision Regulations adding a definition for cul-de-sac streets and other related matters.

The proposed additions are shown in bold and deletions are lined through in the following sections

4.5 LOTS.

1. *Configuration.* The size, shape, and orientation of the lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. Each residential lot shall be designed with a front lot line, a rear lot line and not more than three (3) side lot lines. (Front lot line, rear lot line and side lot line are defined in the Tulsa Zoning Code.) The Planning Commission may modify this requirement when the purpose of these Regulations may be served to the same extent by an alternative proposal as provided in Section 1.10 Modifications.

6.3 PROCEDURE.

- 5.(e) The Planning Commission shall hold a hearing on the lot-split. Notice of such hearing shall be given to the abutting property owners (including lot owners separated only by a residential street) by the mailing of a written notice ten (10) days prior to the hearing before the Planning Commission of the application for lot-split approval. The Planning Commission shall review the requested lot-split and either approve or disapprove the requested waiver. If approved, the lot-split approval may also be subject to the approval of the Zoning Board of Adjustment if a ~~waiver~~-variance of a zoning requirement is involved. If the application is disapproved, the applicant may appeal the decision of the Planning Commission to the District Court. Reasonable conditions may be imposed by the Planning Commission in the granting of a modification (waiver) as set forth in Section 110.2

6.5 APPROVAL GUIDELINES. Approval or disapproval of lot-splits shall be based upon the following guidelines:

1. *Lots.*

- (a) Lot dimensions shall conform to existing zoning regulations. **Configuration of lots shall meet the requirements set forth in Section 4.5.1 of the Subdivision Regulations.** ~~In the event that the tract to be split does not lie within the force and effect of an existing zoning ordinance, it is deemed desirable that single family residential lot be a minimum of 60 feet in width and 6,900 square feet in area.~~
- (b) In the case of lots not served by public sanitary sewers and/or public water, such lots shall ~~exceed the requirements set forth in paragraph 1 (a) above with~~ be of sufficient additional area to properly accommodate a suitable private sewage disposal device. Appropriate tests shall be made accordingly, with adequate determination to be made by the City-County Health Department and reported by it to the Planning Commission Staff. (See paragraph 4 (b) below.)
- (c) Corner lots should have such extra width and area beyond the minimum requirements for other lots as may be necessary to permit appropriate setbacks on both streets while insuring that adequate buildable space remains.

DEFINITION OF A CUL-DE-SAC OPTIONS

A. From various model regulations:

“Cul-De-Sac. A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.”

B. From a local city’s subdivision regulations:

“Cul-De-Sac. A local street having one end open to vehicular traffic and being terminated at the other end by a vehicular turnaround.”

C. Staff recommended definition:

“Cul-De-Sac. A local street having one end open to vehicular traffic and being terminated at the other end by an appropriate turnaround for the safe and convenient reversal of traffic movement.”

Interested Parties

Roy Johnsen

201 West 5th Street, Suite 440 74103

Mr. Johnsen inquired as to the date these amendments would be effective. Mr. Johnsen was interested in a reasonable period of transition to permit implementation of the effect on lot-splits in process.

Mr. Doherty informed that the amendments become effective immediately after the vote if so prescribed.

The Planning Commissioners answered specific questions asked by Mr. Johnsen regarding the effect on subdivisions and PUDs and the implementation these amendments would have on pending applications. It was determined that if there is preliminary plat approval prior to the effective date of implementation the applicant would have the right to file a final plat based on the preliminary plat.

Mr. Johnsen was concerned that when a PUD has gone through the process of a public hearing before the Planning Commission and approval by the City Council, then when a subdivision plat is presented implementing that PUD, a waiver must be sought because of lots having more than three sides.

Mr. Linker informed that an exception could be made for modification by removing the excess vote for waiver regarding PUDs.

There was lengthy discussion over the need to seek a waiver when working with PUDs.

Mr. Johnsen expressed disagreement with the process because of PUDs that involve single-family lots. He noted that the plat is intended to be the detail site plan for residentially-zoned PUDs. He questioned why a waiver should be sought. He noted that this would not be a hardship waiver but provide an alternative.

Mr. Doherty informed that the Rules and Regulations Committee recommended adoption of the proposed amendments to the Subdivision Regulations and specified Option A from model regulations for the definition of cul-de-sac.

TMAPC Action; 7 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-0** (Ballard, Doherty, Gray, Midget, Neely, Pace, Parmele "aye"; no "nays"; "abstaining" Carnes, Harris, Horner, Wilson "absent") to **ADOPT** the proposed amendment to the Subdivision Regulations and the definition of cul-de-sac as follows:

Cul-De-Sac. A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

SUBDIVISIONS:

PRELIMINARY PLAT:

Delta Place (784)

(PD-5)(CD-5)

South of the southwest corner of East 16th Street South and South 101st East Avenue

Jones presented the plat with no representative in attendance at the TAC meeting.

Miller recommended a 17.5' easement along the south and east property lines. He also requested the book and page be shown for an existing ONG easement along the east side.

Herbert stated that a PFPI would be required to connect to the storm sewer.

French stated that condition 12 dealing with limits of no access can be deleted.

Horn stated that a "T" connection would be required to provide water service from the 24" water line on South 101st East Avenue.

Cotner reminded all of the new policy dealing with floodplain determinations.

Delta Place is a one-lot subdivision which contains a total of 3.25 acres. Although no site plan has been submitted, the proposed use is a Masonic Lodge.

Staff would offer the following comments and/or recommendations:

1. Waiver of the Subdivision Regulations to permit the plat to be drawn at a 1"=40' scale.
2. 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 shall be tied to or related to property line and/or lot lines.
3. Water and sanitary sewer plans shall be approved by the Department of Public Works (Water & Sewer) prior to release of final plat. (Include language for W/S facilities in covenants.)
4. 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).
5. A request for creation of a Sewer Improvement District shall be submitted to the Department of Public Works (Water & Sewer) prior to release of final plat.
6. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater and/or Engineering) including storm drainage, detention design, and Watershed Development Permit application subject to criteria approved by the City of Tulsa.

7. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).
8. Street names shall be approved by the Department of Public Works and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S etc., shall be shown on perimeter of land being platted or other bearings as directed by the Department of Public Works.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the Developer coordinate with the Department of Public Works (Traffic) during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. 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.
14. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
15. The key or location map shall be complete.
16. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided 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. If plugged, provide plugging records.)
17. The restrictive covenants and/or deed of dedication shall be submitted for review with the preliminary plat. (Include subsurface provisions, dedications for storm water facilities, and PUD information as applicable.)
18. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
19. All other Subdivision Regulations shall be met prior to release of final plat.

On the **MOTION** of **MILLER**, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the **PRELIMINARY PLAT** of **DELTA PLACE**, subject to all conditions listed above.

The applicant, Jerry Ledford, Jr., was present at the TMAPC meeting and expressed agreement with Staff recommendation.

TMAPC Action; 7 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-0** (Ballard, Doherty, Gray, Midget, Neely, Pace, Parmele "aye"; no "nays"; "abstaining" Carnes, Harris, Horner, Wilson "absent") to **APPROVE** the **PRELIMINARY PLAT** of Delta Place subject to conditions recommended by Staff. and **WAIVE** the Subdivision Regulations to permit a 1" = 40' scale.

* * * * *

Blockbuster Center (PUD-378)(2683)

(PD-26)(CD-8)

Southwest corner of East 101st Street South and South Memorial Drive

Jones presented the plat with Ted Sack in attendance at the TAC meeting.

Somdecerrf requested that the Book and Page be shown for the existing right-of-way for East 101st Street South. French stated that access to South Memorial Drive would be right-turn only.

Sack stated that a mutual access easement would be shown from the Memorial access to the south.

Blockbuster Center is a one-lot commercial subdivision that is part of PUD-378. This property was reviewed and given Preliminary Plat approval in April 1989 (KAYO III subdivision plat) but approval expired in 1991.

Staff would offer the following comments or conditions:

1. Waiver of the Subdivision Regulations to permit the scale of the plat to be 1"=40'.
2. All conditions of PUD-378 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 Section 1100-1107 of the Zoning Code in the covenants.
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 shall be tied to or related to property line and/or lot lines.
4. Water and sanitary sewer plans shall be approved by the Department of Public Works (Water & Sewer) prior to release of final plat. (Include language for W/S facilities in covenants.)
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 Department of Public Works (Water & Sewer) prior to release of final plat.

7. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater and/or Engineering) including storm drainage, detention design, and Watershed Development Permit application subject to criteria approved by the City of Tulsa.
8. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).
9. Street names shall be approved by the Department of Public Works and shown on plat.
10. All curve data, including corner radii, shall be shown on final plat as applicable.
11. Bearings, or true N/S etc., shall be shown on perimeter of land being platted or other bearings as directed by the Department of Public Works.
12. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
13. Limits of Access or LNA as applicable shall be shown on plat as approved by the Department of Public Works (Traffic). Include applicable language in covenants.
14. It is recommended that the Developer coordinate with the Department of Public Works (Traffic) during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
15. 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.
16. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
17. The key or location map shall be complete.
18. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided 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. If plugged, provide plugging records.)
19. The restrictive covenants and/or deed of dedication shall be submitted for review with the preliminary plat. (Include subsurface provisions, dedications for storm water facilities, and PUD information as applicable.)
20. This plat has been referred to Bixby and Broken Arrow 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 apply.

21. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
22. All other Subdivision Regulations shall be met prior to release of final plat.

On the **MOTION** of **COTNER**, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the **PRELIMINARY PLAT** of **BLOCKBUSTER CENTER**, subject to all conditions listed above.

Ted Sac was present representing the preliminary plat.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **7-0-0** (Ballard, Doherty, Gray, Midget, Neely, Pace, Parmele "aye"; no "nays"; "abstaining" Carnes, Harris, Horner, Wilson "absent") to **APPROVE** the **PRELIMINARY PLAT** of Blockbuster Center subject to conditions recommended by Staff and **WAIVE** the Subdivision Regulations to permit a 1" = 40' scale.

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LOT-SPLIT FOR WAIVER:

L-17952 (3024)

(PD-14)(County)

Northeast corner of East 136th Street North and North 109th East Avenue

Jones presented the request with no representative in attendance at the TAC meeting.

It is proposed to split a 300' x 201.7' tract into two equal tracts -- each 150' x 201.7'. The proposed lots meet current zoning standards. There is a trailer house on the western tract and a house on the eastern tract. Both dwellings are situated approximately 100' north of the center line of 136th Street North. Twenty feet of right-of-way currently exist on 136th Street North. The Major Street Plan indicates that an additional 30' of right-of-way is required on East 136th Street North. Also, 20' of right-of-way currently exist on 4th Street (109th East Avenue) which runs along the western side of the property and on 3rd Street (110th East Avenue) which runs along the eastern side of the property. According to the Major Street Plan, an additional 5' is required on both 4th and 3rd Streets. The applicant is requesting waiver of the entire 30' of right-of-way on 136th Street North and waiver of the entire 5' on both 4th and 3rd Streets. However, Staff finds no condition of the property which would preclude the dedication of right-of-way.

Therefore, Staff recommends **DENIAL** of the waiver.

On the **MOTION** of **RAINS**, the Technical Advisory Committee voted unanimously to **DENY** the waiver of the subdivision regulations for **L-17952**.

Applicant's Comments

Mr. Hutchinson questioned why 30' of right-of-way is required when no other lot owners have been required to give up right-of-way.

Mr. Jones explained that no additional dedication has been required on 136th Street North because no other property owners have requested lot-splits on their property. If they should make such a request, the same requirement will be placed on them. He noted that if this application is approved, it will set a precedent and if denied it could prohibit the County from obtaining additional right-of-way.

Mr. Doherty declared that dedication should be required on the secondary arterial; however, he questioned whether additional dedication was needed on 109th and 110th Streets.

Mr. Doherty deemed 40' from to be adequate for the development, which is low-density and expects it to remain low-density, since it is essentially rural; however, 136th Street is a secondary arterial and should be brought up to standard. He does not foresee that the side streets will ever carry enough traffic to need the extra 10' of right-of-way.

Mr. Doherty moved approval of the lot-split and waiver of Subdivision Regulations for the dedication on 109th and 110th Streets, but not on 136th Street North. Mr. Midget seconded the motion.

Mr. Parmele deems this to be an extraction of land without due process under the lot-split process and without the owner's consent. Therefore, he opposes the motion requiring additional right-of-way.

TMAPC Action; 7 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-0** (Ballard, Doherty, Gray, Midget, Neely, Pace, Parmele "aye"; no "nays"; "abstaining" Carnes, Harris, Horner, Wilson "absent") to **WAIVE** the Subdivision Regulations for dedication of right-of-way on 109th and 110th Streets only.

TMAPC Action; 7 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **4-3-0** (Doherty, Midget, Neely, Pace, "aye"; Ballard, Gray, Parmele no "nays"; no "abstentions"; Carnes, Harris, Horner, Wilson "absent") to **APPROVE** LOT-SPLIT 17952 requiring right-of-way dedication on 136th Street.

LOT-SPLIT FOR DISCUSSION:

17974 Colefax Development Company (1583) (PD-18)(CD-8)
North and west of the NW/c of East 91st Street South & South Sheridan Road.

It is proposed to split an 8.36 acre tract into two tracts, the northern tract (Tract A) to be 5.65 acres and the southern tract (Tract B) to be 2.71 acres. the entire tract is zoned RS-3 except for a 30' wide strip of Tract B which extends 200' southward to East 91st Street. This strip is zoned OL. This strip was created as a result of Lot-split (case number 17839). A variance was granted by the Board of Adjustment (case number 16589) to allow 30' of frontage in an OL District and a mutual access agreement exists on that strip to allow access to the properties on each side of the strip (both properties are zoned OL).

The proposed northern tract (Tract A) abuts South Sheridan on the east and has approximately 170' of frontage.

Both of the proposed tracts meet the RS-3 standards for lot area.

This lot-split is being put forth for discussion due to the fact that each lot will have more than three side lot lines.

TMAPC Comments

Mr. Neely asked why the applicant is requesting waiver of notice.

Mr. Doherty explained that no one immediately adjacent is affected and informed that the applicant owns property to the west and east.

TMAPC Action; 7 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **6-1-0** (Ballard, Doherty, Gray, Midget, Pace, Parmele "aye"; Neely "nay"; none "abstaining" Carnes, Harris, Horner, Wilson "absent") to **APPROVE WAIVER NOTICE** of TMAPC policy.

TMAPC Action; 7 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-0** (Ballard, Doherty, Gray, Midget, Neely, Pace, Parmele "aye"; no "nays"; no "abstentions" Carnes, Harris, Horner, Wilson "absent") to **APPROVE LOT-SPLIT 17974** and **WAIVE** Subdivision Regulations for the lots having more than three side lot lines.

LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

<u>L-17839 Liberty Bank & Trust (Bryan McCracken)(1583)</u> West of the northwest corner of E. 91st St. S. & S. Sheridan Rd.	(PD-18)(CD-8) OL
<u>L-17968 Thomas R. Kelly (1083)</u> 5545, 5549, & 5553 E. 77th St. S.	(PD-18)(CD-8) RS-3
<u>L-17969 J. Patrick Nelson (Curtis Smith)(793)</u> 2018 E. 14th Pl. S.	(PD-6)(CD-4) RS-3
<u>L-17970 Joyce Lynch Scott (City of Tulsa)(2703)</u> E. Dawson Rd., east of S. Yale Ave.	(PD-16)(CD-3) RS-2

Staff Comments

Mr. Jones informed that L-17941 should be stricken due to the property experiencing difficulty in meeting Tulsa City-County Health Department requirements. Mr. Jones announced that Staff has found the above-listed lot-splits to be in conformance with the lot-split requirements.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **7-0-0** (Ballard, Doherty, Gray, Midget, Neely, Pace, Parmele "aye"; no "nays"; no "abstentions" Carnes, Harris, Horner, Wilson "absent") to **RATIFY** the above-listed lot-splits having received prior approval and finding them to be in accordance with subdivision regulations.

CONTINUED ZONING PUBLIC HEARING:

Application No.: **PUD-179-O-4**
Applicant: John Moody
Location: 9006 East 71st Street South.
Date of Hearing: October 19, 1994

Chairman Parmele announced that the applicant has requested continuance to November 2, 1994.

TMAPC Action; 7 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-0** (Ballard, Doherty, Gray, Midget, Neely, Pace, Parmele "aye"; no "nays"; "abstaining" Carnes, Harris, Horner, Wilson "absent") to **CONTINUE** PUD 179-O-4 **MINOR AMENDMENT** to November 2, 1994.

ZONING PUBLIC HEARING:

Application No.: **PUD-431-A-1**

Applicant: Richard H. Craig/Acura Neon, Inc.

Location: Lot 1, Block 1, Orchid Addition - southwest corner of East 101st Street South and South Sheridan Road

Date of Hearing: October 19, 1994

Minor Amendment

The applicant is requesting approval of an amendment for May's Drug Store to increase the maximum height of a ground sign from 16' to 25'.

Staff has reviewed the request and finds that ground signs in the immediate area (other corners of 101st & Sheridan) are allowed a maximum of 25' or 26' in height.

Based on existing signage and similar standards in the immediate area, Staff recommends **APPROVAL** of PUD-431-A-1 as requested.

TMAPC Action; 7 members present:

On **MOTION** of **NEELY**, the TMAPC voted **7-0-0** (Ballard, Doherty, Gray, Midget, Neely, Pace, Parmele "aye"; no "nays"; no "abstentions" Carnes, Harris, Horner, Wilson "absent") to **APPROVE** PUD 431-A-1 **MINOR AMENDMENT** as recommended by Staff.

* * * * *

Application No.: **PUD-483-1**

Applicant: Jack C. Cox

Location: Portion of Lot 11, Lots 12 and 13, Campbell Hills Addition - southwest corner of West 57th Street South and South 33rd West Avenue.

Date of Hearing: October 19, 1994

Minor Amendment

The applicant requests approval of amendments to the screening and landscape requirements of the PUD.

Screening:

The applicant requests that the 40' open space setback along the south boundary of Area C and the 30' setback along the west boundary of Area C be reduced to 0'. The applicant also requests that chain link fence and privet hedge be allowed as suitable screening material along the west boundary of Area C.

Staff has reviewed the request and finds that the parcel to the west of Area C drops off steeply and has been used as a dump site. The parcel to the south of Area C has been purchased by the City as a location for a pump station and no longer contains a residence.

The applicant has erected a 7' tilt-up concrete wall along the south boundary. Based on surrounding uses and conditions, Staff recommends **APPROVAL**.

The applicant requests that the portion of Area B south of the proposed mini-storage facility be screened with a solid 6' fence and comply with the other provisions of Sections 212A and B, except where the existing house and garage are located.

Staff recommends **APPROVAL** subject to the following:

1. The entire easterly boundary and the exposed southern boundary (from the southeast corner of B to the existing metal building which is located on Lot C) shall be screened prior to construction of the proposed storage facility.
2. Outdoor storage of motor vehicles or recreational vehicles will not be permitted in Area B until a Detail Site Plan (Revised) which includes sight line information has been submitted, reviewed, and approved. Increased wall height (to 8') may be required for the purpose of screening parked vehicles prior to the approval of the Revised Site Plan.

Open Space:

The applicant is requesting reallocation of required open space in Areas B and C. The current required open space is 36,500 SF. The applicant requests 26,500 SF in Area B and 10,000 SF in Area C.

Staff recommends **APPROVAL**.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **7-0-0** (Ballard, Doherty, Gray, Midget, Neely, Pace, Parmele "aye"; no "nays"; no "abstentions" Carnes, Harris, Horner, Wilson "absent") to **APPROVE** PUD-483 MINOR AMENDMENT as recommended by Staff.

* * * * *

OTHER BUSINESS:

PUD-431-A: Detail Sign Plan - May's Drug Store - southwest corner of East 101st Street South and South Sheridan Road

The applicant requests approval for 2 directional signs, 1 ground sign, and 2 wall signs (1 each on the north and east facades).

The directional signs do not exceed 3 square feet each.

The wall signs do not exceed 1 square foot for each linear foot of wall.

The ground sign does not exceed 16' in height nor 180 square feet in area.

All signs fit within PUD standards; therefore, Staff recommends **APPROVAL**.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **7-0-0** (Ballard, Doherty, Gray, Midget, Neely, Pace, Parmele "aye"; no "nays"; no "abstentions" Carnes, Harris, Horner, Wilson "absent") to **APPROVE** PUD 431-A DETAIL SIGN PLAN as recommended by Staff.

* * * * *

PUD-483: Detail Site Plan Review - portion of Lot 11, Lots 12 and 13, Campbell Hills Addition - southwest corner of West 57th Street South and South 33rd West Avenue

The applicant requests approval of the site plan for the proposed 33rd Street Mini-Storage Facility.

Staff has reviewed the proposed plan and finds that it complies with the landscaped area, floor area, setback, and access requirements as set forth in the PUD and subsequent plat review.

Staff notes that the PUD standards require exterior earth tone building walls of tilt-up concrete. These are to be combined with screening walls to form a continuous visual barrier, screening outdoor storage, garage doors, and parking/loading areas from the public view.

Staff recommends **APPROVAL** subject to the following:

1. The area marked "Future Hard Surface Parking Area" is approved per this plan as an existing landscaped area. Development of the indicated area as outdoor storage for boats, motor vehicles and recreational vehicles will be subject to revised site plan review and the screening provisions of the PUD.

and

PUD-483: Detail Landscape Plan Review - portion of Lot 11, Lots 12 and 13, Campbell Hills Addition - southwest corner of West 57th Street South and South 33rd West Avenue

The applicant, 33rd Street Storage, requests approval of a landscape plan for the site. Staff review indicates that the plan as proposed substantially conforms to PUD standards and the Landscape Chapter of the Zoning Code.

Therefore, Staff recommends **APPROVAL** subject to the following:

1. Approval of the proposed Minor Amendment, PUD-483-1, which modifies the landscaping and screening requirements of the PUD.
2. Conformance with the existing PUD requirements, particularly those regarding replacement of plant materials as needed. Existing trees along the north and east boundaries of the site shall be replaced should they become diseased or need to be removed to accommodate power lines in the north. Replacement trees shall exhibit growth characteristics appropriate to their location near overhead transmission lines.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **7-0-0** (Ballard, Doherty, Gray, Midget, Neely, Pace, Parmele "aye"; no "nays"; no "abstentions" Carnes, Harris, Horner, Wilson "absent") to **APPROVE** PUD 483 DETAIL SITE PLAN and DETAIL LANDSCAPE PLAN as recommended by Staff.

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PUD-495-A: Detail Sign Plan - Lot 1, Block 1, Square Eighty-One - northwest corner of E. 81st Street South and South Lewis Avenue

The applicant requests approval for four (4) "directional" signs for Sonic Drive-In Restaurant. The signs as proposed comply with maximum area standards for directional signs per the Zoning Code, but in Staff's opinion do not qualify as directional signs under the Zoning Code definition which is as follows:

"Signs, not exceeding 3 SF of display surface area, of a warning, directive, or instructional nature, including entrance, exit, and restroom signs."

Because the Zoning Code does not regulate the number of directional signs nor their height, Staff has taken a conservative approach in the past and not allowed directional signs which advertise a business. The signs proposed clearly advertise the Sonic Drive-In restaurant and the only thing of a directional nature is the arrow which is often part of many business signs as well. Therefore, Staff recommends **DENIAL** of the 4 signs.

Interested Parties

Richard Craig, Representative, Sonic Drive-In

Mr. Craig requested a one-week continuance to allow Sonic's employees to attend. He noted that a wall sign was overlooked which is a marquee placed on the rear of the building advertising specials. Mr. Craig informed that the signs in question are not custom built; they are constructed by a national sign company and installed in every Sonic site nationwide. He advised that two of the signs in question would serve as entrance and exit signs and two would be directing traffic flow on the lot.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **7-0-0** (Ballard, Doherty, Gray, Midget, Neely, Pace, Parmele "aye"; no "nays"; no "abstentions" Carnes, Harris, Horner, Wilson "absent") to **CONTINUE** PUD 495-A DETAIL SIGN PLAN to October 26, 1994.

PUD-507: Detail Sign Plans - Lot 2, Block 1, Woodland Hills Plaza - 8722 East 71st Street South

The applicant requests approval of three (3) wall signs; two (2) signs for Barnes & Noble Bookstore, and one (1) sign for Supr Software.

Staff has reviewed the request and finds that the signs as proposed conform to the standards of the PUD. Therefore, Staff recommends **APPROVAL**.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **7-0-0** (Ballard, Doherty, Gray, Midget, Neely, Pace, Parmele "aye"; no "nays"; no "abstentions" Carnes, Harris, Horner, Wilson "absent") to **APPROVE** PUD 507 DETAIL SIGN PLANS as recommended by Staff.

Recommendation on street closings proposed by the City of Tulsa Public Works Department (streets between Memorial Drive, Highway 244 and Tulsa International Airport).

Staff Comments

On October 6, 1994 the Tulsa City Council requested that TMAPC review certain street closings north of the Tulsa International Airport and south of the Port Road. The report is due October 20, 1994 at their regular 6:00 p.m. public meeting.

The City of Tulsa Public Works Department is proposing to close portions of the public ways lying in Woodland Park Addition, Woodland Park Second Subdivision and adjacent unplatted property west of Woodland Park Addition. The Tulsa Airport Authority owns all of the surrounding property except for property owned by Mr. Clyde Box. The Tulsa Airport Authority intends to build industrial roads to serve airport-related industry in the area.

Mr. Clyde Box, who lives at 6560 East 25th Street, Tulsa, Oklahoma and appeared before the Tulsa City Council, owns seven (7) lots near 40th Street North and Memorial Drive. Mr. Box owns Lot 2, Block 18 of Woodland Park Addition which contains a metal industrial building. The remaining six lots owned by Mr. Box are vacant. All seven (7) lots were originally zoned RS-3 single-family residential and were part of the golf course of an old private country club (name unknown). The Port Road displaced the old clubhouse,

swimming pool, horse tracks and riding stables. The City Commission approved IL zoning on the seven (7) lots (now owned by Mr. Box) located south of the Port Road, March 23, 1976.

Industrial properties are not required to be removed from the Tulsa International Airport clear zone. Therefore, the Airport Authority has decided not to purchase the seven properties owned by Mr. Box. These properties are adjacent to and visible from Highway 266 (Port Road) with access from Memorial Drive. Portions of 78th Place and 78th East Avenue are adjacent to and serve some of Mr. Box's property.

Recommendation

Internal streets which abut properties owned by the Tulsa Airport Authority should be closed as requested. Those portions of 78th Place and 78th East Avenue which are adjacent to Mr. Box's property should remain open to the public to serve the seven (7) lots. The Airport Authority could erect barriers to prohibit access to the airport complex at the ends of these two streets. Staff's recommendation is graphically depicted on the attached map. The map does not reflect all of the streets to be closed, since the Tulsa Airport Authority owns all of the properties abutting those streets.

TMAPC Comments

Mr. Doherty informed that the Rules and Regulations Committee reviewed Staff recommendation and were in agreement.

TMAPC Action; 7 members present:

On **MOTION** of **PACE**, the TMAPC voted **7-0-0** (Ballard, Doherty, Gray, Midget, Neely, Pace, Parmele "aye"; no "nays"; no "abstentions" Carnes, Harris, Horner, Wilson "absent") to **RECOMMEND** to City Council the Staff recommendation regarding these street closings.

* * * * *

Request by Roy Johnsen for TMAPC to initiate abandonment procedures for PUD-491.

Applicant's Comments

Mr. Johnsen informed that that his client has entered into a contract to purchase all of the property in PUD 491 except Lots 7 and 8, the southernmost lots. He informed that a new PUD 520 has been filed on the subject property excluding Lots 7 and 8. Mr. Johnsen informed that the previous PUD 491 for all purposes has been abandoned. He informed that at least one of the property owners has no objection to abandoning PUD 491. Mr. Johnsen requested that the Planning Commission initiate the necessary notices to consider abandonment of PUD 491 so his client may go forward with the new PUD 520.

Mr. Doherty moved that TMAPC initiate procedures to abandon PUD 491. Mr. Midget seconded the motion.

In response to a question from Ms. Pace, Mr. Gardner informed that the residences to the north of Lots 7 and 8 have all been razed; however, two houses still remain on Lots 7 and 8.

Ms. Pace asked what the zoning would return to should approval for abandonment be approved.

Mr. Johnsen informed that the front portion of the tract is zoned CH, the rear is residential and that the previously-approved PUD allowed mini-storage.

Mr. Johnsen deemed it to be fair for the applicant to pay the out-of-pocket expense, advertising cost, sign, legal publication, etc.; however, he declared that a full fee is not warranted in this case.

There was discussion over the method of advertising and it was determined that publishing one notice and one map would be sufficient. It was the consensus of the Planning Commission to hear both of these PUDs at the same hearing and for Staff to proceed with initiation, ignoring regular cutoffs.

TMAPC Action; 6 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **6-0-0** (Ballard, Doherty, Gray, Midget, Neely, Pace, "aye"; no "nays"; no "abstentions" Carnes, Harris, Horner, Parmele, Wilson "absent") to **INITIATE ABANDONMENT** of PUD 491.

There being no further business, the Chairman declared the meeting adjourned at 3:15 p.m.

Date Approved: Nov 2, 1994

[Signature]
Chairman

ATTEST:

[Signature]
Secretary