

**TULSA METROPOLITAN AREA PLANNING COMMISSION**

Minutes of Meeting No. 2003

Wednesday, December 21, 1994, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

**Members Present**

Ballard  
Carnes, 2nd Vice  
Chairman  
Doherty  
Harris  
Horner  
Midget, Mayor's  
Designee  
Neely, 1st Vice  
Chairman  
Pace  
Parmele  
Chairman  
Wilson

**Members Absent**

Gray

**Staff Present**

Gardner  
Hester  
Jones  
Stump

**Others Present**

Linker, Legal  
Counsel

The notice and agenda of said meeting were posted in the Office of the City Clerk on Tuesday, December 20, 1994 at 12:57 p.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 1:32 p.m.

**Minutes:**

Approval of the minutes of December 7, 1994, Meeting No. 2001:

On **MOTION** of, **DOHERTY** the TMAPC voted **7-0-0** (Carnes Doherty, Harris, Horner, Midget, Parmele, Wilson "aye"; no "nays"; "abstaining"; Ballard, Gray, Neely, Pace "absent") to **APPROVE** the minutes of the meeting of December 7, 1994 Meeting No. 2001.

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## **REPORTS:**

### **Committee Reports:**

#### **Budget and Work Program Committee**

Ms. Wilson announced that the Budget and Work Program Committee met December 20 and previewed the American Planning Association (APA) video of the mock Planning Commission hearing. The Committee decided to have two items on the January 10th workshop agenda. One item will cover the zoning process from pre-application through the public hearing at City Council and County Commission. The second item will be the APA video presentation. Ms. Wilson asked that all the Planning Commission members make plans to attend.

#### **Rules and Regulations Committee**

Mr. Doherty announced that the TMAPC elections are set for the second Wednesday in January. He acknowledged receipt of a letter from Hettie Green regarding the increased cost of publication fees for rezoning and ordinances. Mr. Doherty suggested that Staff research costs to ensure that the lowest cost for publication is being utilized before considering increasing these fees.

Chairman Parmele announced that the Comprehensive Plan Committee and Rules and Regulations Committee meetings scheduled at the conclusion of today's TMAPC are canceled.

## **SUBDIVISIONS:**

### **PRELIMINARY PLAT:**

#### **Braden Park (2283)**

(PD-18)(CD-8)

East of the southeast corner of East 91st Street South and South Yale Avenue

Jones presented the plat with Bill Lewis in attendance at the TAC meeting.

Pierce requested additional 5' and 5' utility easements for Lot 4, Block 4 and Lot 13, Block 4.

Considerable discussion was made regarding overhead electric poles along the north, south, and west property lines.

It was determined that the applicant would work with PSO and City Legal Department to obtain correct language.

French requested the dimension for dedication on South Darlington be checked for accuracy.

Braden Park is a 17.77-acre single-family subdivision that contains 68 lots. The sketch plat was reviewed by the TAC on May 5, 1994 with several recommendations made that still need to be shown on the preliminary plat.

Staff would offer the following comments and/or recommendations:

1. Show South Canton Avenue on the north side of East 91st Street South to assure proper alignment.
2. Show Limits of No Access along the west side of South Braden Avenue to prohibit access.
3. Show East 93rd Street on the face of the plat.
4. Correct description under title.
5. 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.
6. Water and sanitary sewer plans shall be approved by the Department of Public Works (Water and Sewer) prior to release of final plat. Include language for Water and Sewer facilities in covenants.
7. 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 owners(s) of the lot(s).
8. A request for creation of a Sewer Improvement District shall be submitted to the Department of Public Works (Water and Sewer) prior to release of final plat.
9. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater Management and/or Engineering), including storm drainage, detention design and Watershed Development Permit application subject to criteria approved by the City of Tulsa.
10. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering Division).
11. Street names shall be approved by the Department of Public Works and shown on plat.
12. All curve data, including corner radii, shall be shown on final plat as applicable.
13. Bearings, or true north-south, etc., shall be shown on perimeter of land being platted or other bearings as directed by Department of Public Works (Engineering).
14. All adjacent streets, intersections, and/or widths thereof shall be shown on plat.
15. Limits of Access or (LNA) as applicable shall be shown on the plat as approved by the Department of Public Works (Traffic). Include applicable language in covenants.

16. 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 release of plat.)
17. 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.
18. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
19. The key or location map shall be complete.
20. 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.
21. The restrictive covenants and deed of dedication shall be submitted for review with preliminary plat. Include subsurface provisions, dedications for storm water facilities and PUD information, as applicable.
22. The Zoning Application Z-6441 shall be approved and the ordinance or resolution therefore published before final plat is released. Plat shall conform to the applicable zoning approved.
23. This plat has been referred to Bixby and Jenks 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.
24. 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.
25. All (other) Subdivision Regulations shall be met prior to release of final plat.

On the **MOTION** of **FRENCH**, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the Preliminary Plat for Braden Park, subject to all conditions listed above.

Chairman Parmele asked if there was past discussion over access in which Councilor Cleveland was involved at the rezoning hearing.

Mr. Jones did not recall that Councilor Cleveland was involved with this plat and proceeded to point out the points of access.

Mr. Gardner informed that an individual who lived north of this project on the west side of South Darlington Avenue was concerned with the lot sizes. He informed that there were several meetings and that Councilor Cleveland did meet with the individual.

There were no interested parties in attendance.

**TMAPC Action; 10 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **10-0-0** (Ballard, Carnes, Doherty, Harris, Horner, Midget, Neely, Pace, Parmele, Wilson "aye"; no "nays"; none "abstaining"; Gray "absent") to **APPROVE** the PRELIMINARY PLAT of Braden Park as recommended by Staff.

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**101 Yale Village (PUD-516)(2783)**

**(PD-26)(CD-8)**

Southeast corner of East 101st Street South and South Yale Avenue

Jones presented the plat with Jerry Emanuel and Roy Johnsen in attendance at the TAC meeting.

Nelson requested additional back-to-back easements between the residential and commercial/office portions of the plat.

French requested the drive to the school to the west be located so the access to this tract is approved.

Due to shallow sewer lines, Matthews recommended "finished floor elevations" be shown for Lots 18 and 19.

8 stated that a restricted water line easement may be required.

101 Yale Village is an 8.5-acre subdivision which proposes commercial, office, and single-family residential uses. The property is presently zoned *CS, RS-4* and *PUD-516*.

Staff would offer the following comments and/or recommendations:

1. Show 20' front building line in residential portion.
2. All conditions of PUD-516 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. City of Tulsa Floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.
12. 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.
13. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
14. 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.
15. 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.)
16. 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.
17. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
18. The key or location map shall be complete.
19. 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.)

20. 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.)
21. This plat has been referred to Bixby and Jenks 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.
22. 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.)
23. All other Subdivision Regulations shall be met prior to release of final plat.

On the **MOTION** of **FRENCH**, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the Preliminary Plat of 101 Yale Village, subject to all conditions listed above.

There were no interested parties in attendance.

**TMAPC Action; 10 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **10-0-0** (Ballard, Carnes, Doherty, Harris, Horner, Midget, Neely, Pace, Parmele, Wilson "aye"; no "nays"; none "abstaining"; Gray "absent") to **APPROVE** the PRELIMINARY PLAT of 101 Yale Village as recommended by Staff.

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**PLAT WAIVER, SECTION 213:**

BOA-16876 (Grace Fellowship Church and School)(1984)  
9610 South Garnett Road

**(PD-18)(CD-8)**

Jones presented the request with Alex Biggins in attendance at the TAC meeting.

Board of Adjustment case 16876 is a special exception to permit a Cellular One telephone tower on the subject tract. The location is part of the Grace Fellowship Church property which was platted in a Lot one, Block one configuration in 1981.

Since the subject tract is platted and less than 2.5 acres in size, Staff would recommend **APPROVAL** of the plat waiver for BOA-16876.

On the **MOTION** of **McGILL**, the Technical Advisory Committee voted unanimously to **APPROVE** the Plat Waiver request for BOA-16876.

**TMAPC Action; 10 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **10-0-0** (Ballard, Carnes, Doherty, Harris, Horner, Midget, Neely, Pace, Parmele, Wilson "aye"; no "nays"; none "abstaining"; Gray "absent") to **APPROVE PLAT WAIVER** for BOA-16876 as recommended by Staff.

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**FINAL APPROVAL AND RELEASE:**

QuikTrip #78R (1583)

**(PD-18)(CD-8)**

Northeast corner of East 91st Street South & South Yale Avenue.

Staff Comments

Mr. Jones announced that all release letters have been received and Staff recommends approval.

**TMAPC Action; 10 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **10-0-0** (Ballard, Carnes, Doherty, Harris, Horner, Midget, Neely, Pace, Parmele, Wilson "aye"; no "nays"; none "abstaining"; Gray "absent") to recommend **APPROVAL** of the **FINAL PLAT** of QuikTrip#78R and **RELEASE** same as having met all conditions of approval as recommended by Staff.

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Oakview Terrace (PUD-517)(2093)

**(PD-6)(CD-9)**

Northeast corner of East 38th Street South & South Atlanta Place.

Staff Comments

Mr. Jones announced that the engineer, developer and his attorney and representatives from the Department of Public Works are present should the Planning Commission have need to ask them any questions. Mr. Jones presented a history of the plat. He informed that TAC has reviewed this plat, all release letters have been received, Public Works Department is satisfied and Staff recommends **APPROVAL** of the final release of Oakview Terrace subject to final review of the Deed of Dedication and Restrictive Covenants language by the Legal Department.

In response to Chairman Parmele, Mr. Jones informed that the 11' strip of land is not included in this plat. He informed that as of last week, there has been discussion again that the developer may be able to obtain the 11' strip. Mr. Jones pointed out that the 11' strip is not part of this plat since it was not approved at the preliminary plat; however, there is a mechanism to attach it rather easily.

### Interested Parties

#### **Harrison Townes**

2685 East 38th Street 74105

Mr. Townes, President of the Greater Oakview Estates Homeowners Association, informed that residents were led to believe that the stormwater problem which they have been extremely concerned about would be addressed. He informed that the City has accepted the developer's engineering report and will not address the stormwater issue. He asked who will be responsible for damages when or if a stormwater problem occurs. Mr. Townes informed of reviewing the covenants, and advised that since they are still in the process of being created, his HOA cannot grant approval. Mr. Townes stated for the record that the HOA is opposed to approval of this plat and would like to see a 30-day continuance until the covenants are complete and can be reviewed.

Chairman Parmele advised that approval of the covenants subject to review by the Legal Department has no bearing on the layout and platting of the property.

#### **Jack Page, Public Works**

Mr. Page presented an overview of Public Works Departments' involvement and review of the project. He informed that they are aware that this area has inadequate drainage associated with it. Mr. Page informed that the basin is fully urbanized and that this proposed development will have a minimal impact on the entire watershed. He acknowledged that it would increase the discharge by approximately by 3 CFS (cubic feet per second); however, the initial Hydrologic Report did not specifically answer the question if this would cause residences in the area to flood. He informed that Mr. Stone, who resides at the bottom of this watershed, expressed specific concerns that his house would flood as an impact of this project. It was determined that this was a prudent concern, so Public Works instructed the developer to have the engineer perform a reanalysis of sufficient detail and specifically with regards to Mr. Stone's property to determine if his home or other residences in the area will flood as a result of the proposed development. Mr. Page informed that a detailed analysis was returned where cross-sections were taken of Mr. Stone's property and it was determined that his property would not flood nor is he currently flooding.

He pointed out that there are many areas, particularly in the older parts of town around this location, which have inadequate drainage. He advised that at this location, there will continue to be water going overland because of an inadequate drainage system. Mr. Page informed that the City Ordinance does not require the developer to go downstream and improve the drainage system of inadequate drainage systems; however, they are responsible for improving the drainage systems associated with their project and must ensure that they do not cause flooding of other structures. Mr. Page informed that in this case, the developer has complied with that requirement.

Improving drainage is part of the Capital Improvement Program, with priority projects being those areas where currently structures are being flooded because of inadequate drainage systems. He informed that this subdivision can apply to the Department of Public Works to be included on the improvement list.

Mr. Midget asked if Mr. Page was comfortable with the engineer's report that Mr. Stone's property will not flood.

Mr. Page responded that he is comfortable with the report, and specifically the point that this development will not cause a structure to flood. He acknowledged that presently the area, by

some definitions, is flooding; there is water going over the top of the roads. There are inadequate pipe systems in place to convey the water through, causing it to go overland to the Perryman Ditch Basin. Responding to inquiry from Mr. Midget, Mr. Page informed that the development will increase the runoff rate by approximately 2%, a very minimal increase, which will not cause any structures to flood. He agreed with Chairman Parmele's comment that the proposed development will not solve existing problems, but also will not materially contribute to area homes being flooded.

Ms. Wilson asked if Mr. Page has been contacted about this neighborhood being placed on the Capital Improvements list he referred to.

Mr. Page replied that his contacts have been concerning an individual house or houses, and they were not directed to approach the City to specifically address an inadequate drainage system.

Ms. Pace asked if this neighborhood has storm sewers.

Mr. Page informed that it is partly storm-sewered and partly open drainage. He acknowledged that the water is fast-moving and in the analysis, the hydrologist went so far as to mathematically say that there was no pipe there at all; that it was completely blocked, because it is possible for a board to block a pipe. This would cause all the water to go overland and still not flood any structure.

#### Interested Parties

##### **Barry VonHartzsch**

**2537 East 38th Street 74105**

Dr. VonHartzsch advised that his residence is across the street from the proposed development. Dr. VonHartzsch declared that at previous Planning Commission meetings, as well as at City Council meetings, he complained of flooding on his property and asserted that Stormwater Management Department should have reviewed and inspected his property for damage. He informed of residing at this property for 17 years and even during the floods of 1984, and previous years there was no water in his house or garage. Dr. VonHartzsch disclosed that this year, since redoing the contours across the street, he has had water in his garage twice. He recounted that whenever it rains there is water flowing straight across the street from the lowest portion of the subject property onto his property, across his tennis court and outside the Perryman culvert. This flooding pushed over the 2½' stone walls constructed to keep the water within that culvert. Dr. VonHartzsch informed that the area is experiencing increased runoff just because of redoing the contours and taking out the drive. He asserted that when five homes are constructed on the subject property that even more water will flow onto his property. Dr. VonHartzsch does not feel that he should have to put up with water running across a large portion of his backyard every time there is a downpour. He declared that the City has not done the appropriate work and suggested that this be continued for 30 days and have the City Engineering Department provide an appropriate provision. Dr. VonHartzsch divulged that there is no stormwater management in this area and there are no stormwater drains.

### Applicant's Comments

**Jeff Levinson**

**35 East 18th Street**

Mr. Levinson, attorney for the developer, deemed that Staff has carefully scrutinized this application and voiced objection to the suggested continuance. He disagrees with the assessment that Stormwater Management does not do their job and deems that an increase of 1/100 of a foot of water is not going to create any serious problems.

### TMAPC Comments

Chairman Parmele reiterated that all release letters have been received and the applicant has met all the conditions of the preliminary plat.

Mr. Carnes asked Mr. Page about the contour changes.

Mr. Page informed that the developer does have an earth change permit, and whenever there is a changing of contours the water is not being diverted from one basin to another. He restated that this in a drainage basin that has inadequate drainage systems in place. He informed that when development occurs in older areas such as this, they frequently find that future development that is required to comply with present standards is draining into areas that have no adequate drainage systems. Mr. Page advised that he has never heard reports of water being in the garage as reported by an interested party. He asked for photographs of water in the structure and would address that separately if they were provided.

Ms. Pace asked if it were possible that the increase of water experienced by the interested party could have been aggravated by the earth moving and be somewhat addressed when sod is replaced.

Mr. Page responded that there will be overriding factors when vegetation is removed. He could not say that these homeowners are not going to see more water; the report indicates that they will see more water than what was previously experienced. Mr. Page explained that the question is not if they will see more water, but if that additional water is going to cause flooding inside the structures. He informed that a report has been written and reviewed that indicates that no one will flood from this; however, there will be water in the streets and yards, as is presently being experienced. Mr. Page advised that this is a City concern to be addressed as part of a city-wide capital-type project.

Mr. Carnes stated with no City Ordinances in effect to address the drainage concerns addressed by interested parties, he sees nothing which can be obtained by another delay or another meeting. He made a motion for approval of the plat subject to approval by the Legal Department. Ms. Wilson seconded the motion.

Mr. Midget advised that he would have to rely on the City Engineers and technicians regarding flooding. He stated that a delay may be useful if area residents felt it would be helpful to review the report to determine if it is adequate. Mr. Midget expressed concern about flooding, but felt that 30 days would be too long a delay.

Ms. Pace noted that since the dirt has been moved and caused increased flooding, so that it is getting into the resident's garage, then that is a serious problem. She pointed out the Planning Commission is responsible for cutting down the density of this development, but stated that she would like to see photographs of the flooding before it is determined that there is a problem of the nature that would delay the project. Ms. Pace was concerned that the

development may be directing five houses' worth of water toward one location, and if that is the case, then perhaps the developer can alleviate the problem.

Chairman Parmele reminded the Planning Commissioners that this is the final approval and release of the plat submitted and approved by the Planning Commission and subject to a number of conditions. He asked Mr. Linker to clarify that all conditions have been met, all City agencies have signed off on it as to the correct and proper engineering, and it is before the Planning Commission for final approval with all conditions met.

Mr. Linker agreed short of his final examination of the covenants.

Mr. Midget asked for reassurances for the residents that this project will not cause their homes to flood.

Chairman Parmele stated that this is getting back to the original argument on zoning where the issue of flooding was heard, as it should be. He acknowledged that flooding is an issue, but conditions were placed on the preliminary plat that the developer addressed with Stormwater Management, and all those concerns have been addressed to the City's satisfaction.

Ms. Pace noted that the study addresses what the proposed development will do to the basin and not the area immediately adjacent to the development.

Mr. Page noted that the Master Drainage Plan generally deals with basin-type issues and may have an inventory of individual structures affected by floodplains within that study. However, the Master Drainage Plans are not in such detail that they would address such small drainage areas as 2½ acre-type developments. He advised that the initial report on this area was more of a general basin-type report based upon the amount of increased perviousness and its effect on the basin. He stated that Stormwater Management then requested that the engineer look at detailed structures to obtain a detail so they determine whether this development would cause a specific structure to flood. He informed that this can be done during the implementation of the project; grading can be done to help keep water away from structures and divert stormwater through the area. These are part of the construction practices, which are only now being implemented in this phase. He explained the process they went through was to determine whether the developer could pay fees-in-lieu-of detention or be required to have onsite detention. Mr. Page was of the opinion that onsite detention would not benefit this neighborhood. He added that what is of benefit is that as development occurs, to direct the water in such a way that it keeps it away from existing homes.

Ms. Pace asked if Public Works would be monitoring this project through completion.

Mr. Page informed that they would. He pointed out that in regard to the tennis courts mentioned, that they are in an area that has had water before and will continue to have water. This is a problem that was there when the tennis courts were placed there, and will not be solved by this development. Regarding water in the garage, Mr. Page wants to become involved in that issue and see what can be done to help keep that problem from worsening.

**TMAPC Action; 10 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Ballard, Carnes, Horner, Midget, Neely, Pace, Parmele, Wilson "aye"; no "nays"; none "abstaining"; Doherty, Gray, Harris "absent") to **APPROVE** the FINAL PLAT of Oakview Terrace and **RELEASE** same as having met all conditions of approval as recommended by Staff and subject to approval by the Legal Department.

Dr. VonHartzsch asked that the Planning Commission not be misled by the fact that curbside will handle the problem. There are no curbs, and structurally, unless they make significant changes in the contour of the road, they cannot create curbs.

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**CHANGE OF ACCESS ON RECORDED PLAT:**

Bradford Addition (1994)

**(PD-17)(CD-5)**

Southwest corner of East 31st Street South & Highway 169.

**Staff Comments**

Mr. Jones informed that this is an existing subdivision plat on the south side of 31st Street in an 838' strip of property where currently exists two access points, one on the east and one of west end. This proposal is to place one new access point 40' wide approximately in the middle between two lots that will provide access to both lots to the east and west. Mr. Jones informed that Traffic Engineering has reviewed this and recommended approval; therefore, Staff recommends approval of the change of access subject to the plot plan presented.

**TMAPC Action; 9 members present:**

On **MOTION** of **NEELY**, the TMAPC voted **9-0-0** (Ballard, Carnes, Harris, Horner, Midget, Neely, Pace, Parmele, Wilson "aye"; no "nays"; none "abstaining"; Doherty, Gray "absent") to **APPROVE** the CHANGE OF ACCESS ON RECORDED PLAT as recommended by Staff.

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**LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:**

L-18002 Michael & Sherri Tauber (O. Hopper)(983)  
4308 E. 72nd Pl.

(PD-18)(CD-8)  
RS-3

L-18004 William Goswick (G. Brown)(574)  
12717 S. 124th E. Ave.

(PD-19)(County)  
RS

**Staff Comments**

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

**TMAPC Action; 9 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **9-0-0** (Ballard, Carnes, Harris, Horner, Midget, Neely, Pace, Parmele, Wilson "aye"; no "nays"; none "abstaining"; Doherty, Gray "absent") to **RATIFY** the above-listed lot-splits having received prior approval and finding them to be in accordance with subdivision regulations.

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**CONTINUED ZONING TEXT AMENDMENT PUBLIC HEARING:**

Consider proposed amendments to the City of Tulsa and Tulsa County Zoning Codes relating to where and under what conditions Bed and Breakfast establishments might be allowed.

**SECTION 1202. USE UNIT 2. AREA-WIDE SPECIAL EXCEPTION USES**

**A. Description**

Uses which in some instances may be suitable for location in any district, but because of their potential adverse influence on adjacent properties require site review and are therefore permitted in all districts, as a special exception requiring Board of Adjustment approval.

**B. Included Uses:**

- Adult Detention Center
- Airport, Heliport
- Aquarium
- Art Gallery, not operated for profit
- Bed & Breakfast Inn**
- Bus Station
- Cemetery
- Children's Home
- Church
- College
- Community Center
- Construction facilities (off site)

Convict Pre-release Center  
 Correctional Community Treatment Center  
 Crematory  
 Cultural Facility, NEC  
 Day Camp  
 Emergency and Protective Shelter  
 Golf Course  
 Governmental Services, NEC  
 Homeless Center  
 Hospital  
 Hydro-electric Generation Plant  
 Jail  
 Juvenile Delinquency Center  
 Library  
 Marina  
 Mausoleum  
 Museum  
 Nursing Home  
 Planetarium  
 Post Office  
 Prison  
 Private Club or Lodge\*  
 Public Park  
 Public Tennis Court  
 Residential Treatment Center  
 Rifle and Skeet Range, Gun Club  
 Sanitary Land Fill  
 Schools\*\*  
 Sewage Disposal Facility  
 Transitional Living Center  
 University  
 Uses which utilize tents, canopies or open air activities\*\*\* such as:  
     Carnival  
     Christmas tree sales  
     Circus  
     Fruit and vegetable sales  
     Other sale of merchandise  
     Plant sales  
     Tent Revival  
 Water Treatment Plant

\* Chief activity is a service not carried on as a business.

\*\* Schools which offer a compulsory education curriculum.

\*\*\* Open air activities shall include sales from trucks, trailers, pickups and other vehicles.

**C. Use Conditions**

1. Uses which utilize tents, canopies or open air activities may be approved for a maximum of 150 days per calendar year. The Board of Adjustment may permit alternative off-street parking materials.

2. Required parking spaces shall not be used for the tent, canopy or open air activity.
3. Tents, canopies, and open air activities shall meet the building setback requirements set forth in the applicable zoning districts.
4. **Construction Facilities:**
  - a. The use may continue for a period not to exceed two years in the same location.
  - b. Ingress and egress must be from arterial or collector streets, provided that the Board of Adjustment may approve a location with access to a minor street upon finding that such location would result in less traffic on streets in residential areas.
  - c. The use shall not be located nearer than 100 feet to any lot containing an occupied dwelling, without the consent of the owner thereof.
5. **Churches when located within an AG or R District:**
  - a. Minimum lot area of 1-acre and minimum lot width of 100 feet.
  - b. No parking shall be permitted within a required front yard.
6. **Schools:**
  - a. High Schools shall have their principal vehicular entrance and exit on an arterial street. **A minimum lot area of one acre shall apply.**
  - b. Buildings and grounds which have been approved by the Board of Adjustment for Use Unit 5 2 school use may also be used for a children's nursery, preschool, community center or day camp.
7. **College, university, hospital:** A minimum site area of one acre shall apply.
8. **Nursing Home:** The nursing home shall meet applicable licensing requirements of the State of Oklahoma. The maximum floor area ratio is .5.
9. **Aquarium, day camp, museum, planetarium and private club or lodge** when located within an AG, RE or RS District shall have a minimum lot area of one acre.
10. **Spacing Requirement:** To avoid clustering, detention/correctional, emergency and protective shelter, homeless center, residential treatment center and transitional living center shall not be located on a lot within 1/4 mile (1,320 feet) from any other lot containing such facilities. The Board of Adjustment, however, may as a special exception, permit the clustering of such uses if determined that the location of such uses will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
11. **Bed & Breakfast Inn:**
  - a. **The owner/operator shall maintain a register of bed and breakfast guests and special events for each calendar year and shall make such register available to City Code Enforcement upon request.**

- b. The Board of Adjustment shall establish the number of guest room permitted (per lot of record); provided, however, the Board shall not approve more than twelve (12) guest rooms.**
- c. Cooking facilities shall not be permitted in any of the guest rooms.**
- d. A public restaurant is not permitted. Meals may only be served to overnight guests and for special events as permitted by the Board of Adjustment.**
- e. The Board of Adjustment shall approve the size, type and location of the sign; provided, however, in no instance shall the sign exceed 32 SF in display surface area or 20 feet in height and illumination, if any, shall be by constant light.**
- f. The Board of Adjustment may permit said structure(s) to be rented for special events, such as weddings, receptions, anniversaries, private dinner parties, business seminars, etc. The Board shall establish the maximum number of special events per year and shall establish the maximum number of guests per any single event based on the availability of off-street parking and the compatibility with the surrounding land use.**

**D. Off-Street Parking and Loading Requirements.**

<u>Uses</u>	<u>Parking Spaces</u>	<u>Loading Berths</u>
Airport	1 per each 500 SF of enclosed passenger terminal area	1 per 2,000 to 40,000 SF of floor area plus 1 per 40,000 to 100,000 SF, plus 1 per each add'l 100,000 SF
Aquarium, art gallery, museum, planetarium, cultural facility NEC	1 per 800 SF of floor area	1 per 10,000 to 200,000 SF plus 1 per each add'l 200,000 SF of floor area
<b>Bed &amp; Breakfast Inn</b>	<b>2 plus 1 per guest room plus 1 for every 40 SF of reception area for special events</b>	<b>1 per 10,000 to 100,000 SF plus 1 per each add'l 100,000 SF of floor area</b>
Children's Nursery	1 per 500 SF of floor area	NA
Church	1 per 35 SF of chapel or sanctuary floor area or 1 per 3 seats (20" of pew equals one seat) whichever is greater	1 per 10,000 to 200,000 SF plus 1 per each add'l 200,000 SF of floor area
College, University	1 per 600 SF of classroom floor area plus 1 per 4 dormitory beds, plus 1 per 4 stadium seats	1 per 10,000 to 200,000 SF plus 1 per each add'l 200,000 SF of floor area
Community Center	1 per 500 SF of floor area	1 per 10,000 to 100,000 SF plus 1 per each add'l 100,000 SF of floor area
Emergency and Protective Shelter	1 per 1,000 SF of floor area	1 per 10,000 to 100,000 SF plus 1 per each add'l 100,000 SF of floor area
Golf Course	5 per green plus 1 per 400 SF of club house floor area	1 per 10,000 to 100,000 SF plus 1 per each add'l 100,000 SF of floor area
Hospital	1 per bed	1 per 10,000 to 100,000 SF plus 1 per each add'l 100,000 SF of floor area
Juvenile Delinquency Center	1 per 1,000 SF of floor area	1 per 10,000 to 100,000 SF plus 1 per each add'l 100,000 SF of floor area



## DEFINITIONS

### SECTION 1800. DEFINITIONS

**Abutting:** In the context of a screening or enclosure requirement, abutting shall mean contiguous or separated therefrom only by a nonarterial street, alley or railroad right-of-way. In other instances, abutting shall mean contiguous.

**Accessory Use Bar:** A commercial establishment open to the public which sells and serves intoxicating or non-intoxicating beverages (as defined herein) for consumption on the premises, but which is incidental and subordinate to a principal use restaurant, hotel or motel, and bars which are accessory to not for profit, bona fide lodges, posts, clubs, fraternal, benevolent or charitable organizations which are included in Use Unit 5.

**Accessory Use or Structure:** A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

**All-Weather Material:** A hard surface, dust-free material capable, during ordinary use, of withstanding without substantial deterioration, normal weather conditions. Gravel, rock, or screenings alone, without use of a petroleum or cement binder, does not meet the definition of an all-weather, dust-free material.

**Anchoring Systems:** A combination of ties, anchoring equipment and/or anchoring devices that are designed to resist overturning, uplift and lateral movement of the manufactured home from wind and water forces.

**Animation:** The presentation of pictorials and graphics on signs displayed in a progression of frames which give the illusion of motion, including but not limited to the illusion of moving objects, moving patterns or bands of light, or expanding or contracting shapes.

**Anticipated Development:** Full potential urbanization of the contributing watershed, considering the Comprehensive Plan and the reasonable assumption that in considering the effects of a proposed development in a floodplain area that there will be an equal degree of encroachment extending for a significant reach on both sides of the stream or water course.

**Arterial:** A street designated on the Major Street and Highway Plan as a primary arterial or secondary arterial.

**Average Ground Elevation:** The mid point between the highest and lowest ground elevations at the building wall.

**Bar/Tavern:** A commercial establishment open to the general public which sells and serves intoxicating beverages (as defined herein) for consumption on the premises.

**Bed & Breakfast Inn:** A residential structure that provides twelve or fewer guest rooms and meals for overnight guests who pay a fee for such services. Said structure may also be rented for special events, such as weddings, receptions, anniversaries, private dinner parties, business seminars, etc., as may be approved by the Board of Adjustment.

TMAPC Comments

Chairman Parmele announced that the purpose of this meeting is to review the final proposed changes to the Zoning Code as it relates to Bed & Breakfast.

The interested parties present indicated agreement when the Chairman asked if they were comfortable with the proposed changes.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Ballard, Carnes, Harris, Horner, Midget, Neely, Pace, Parmele, Wilson "aye"; no "nays"; none "abstaining"; Doherty, Gray "absent") to recommend **APPROVAL** of the proposed amendment to the City of Tulsa and Tulsa County Zoning Codes relating to Bed and Breakfast establishments.

\* \* \* \* \*

ZONING PUBLIC HEARING:

Application No.: **PUD-199-7**  
Applicant: John Washburn  
Location: 2903 S. 124th East Avenue  
Date of Hearing: December 21, 1994

Minor Amendment

The applicant is approval of a minor amendment to allow screen printing as a home occupation, a use that has occurred at this location for the past 10 years.

The applicant has represented to Staff that no on-site sales or pick-up of finished product occurs. There are no vehicles dedicated specifically to this use.

Staff has reviewed the request and finds that the applicant prints on T-shirts and occasionally jackets and caps.

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

1. Compliance with Section 404.B of the Zoning Code.
2. On-site sales or pick-up of finished products is prohibited.

The applicant indicated agreement with conditions.

There were no interested parties in attendance.

**TMAPC Action; 8 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted **8-0-0** (Ballard, Carnes, Horner, Midget, Neely, Pace, Parmele, Wilson "aye"; no "nays"; none "abstaining"; Doherty, Gray, Harris "absent") to **APPROVE** PUD 199-7 Minor Amendment as recommended by Staff.

\*\*\*\*\*

Application No.: **PUD-360-A-1 Minor Amendment**

Applicant: Pamela S. Gotcher

Location: East 91st Street South & South Memorial Drive.

Date of Hearing: December 21, 1994

Presentation to TMAPC:

Chairman Parmele announced receipt of a continuance to January 11, 1995. There were no interested parties in attendance.

**TMAPC Action; 8 members present:**

On **MOTION** of **NEELY**, the TMAPC voted **8-0-0** (Ballard, Carnes, Horner, Midget, Neely, Pace, Parmele, Wilson "aye"; no "nays"; none "abstaining" Doherty, Gray, Harris "absent") to **CONTINUE** PUD 360-A-1 to January 11, 1995.

\*\*\*\*\*

**OTHER BUSINESS:**

**Recommendation on closing parts of Elgin Avenue and King Street in Sunset Hill Addition**

**Staff Comments**

Mr. Stump advised that Tulsa Development Authority (TDA) has acquired all of the abutting properties and are experiencing problems with individuals using it as a dumping ground. He informed that there is enough of Elgin to remain open to access the only development on Elgin which will use the road. Mr. Stump explained that this area will be redeveloped; Staff sees no need to keep it open and recommends approval of the closing.

**TMAPC Action; 8 members present:**

On **MOTION** of **NEELY**, the TMAPC voted **8-0-0** (Ballard, Carnes, Horner, Midget, Neely, Pace, Parmele, Wilson "aye"; no "nays"; none "abstaining"; Doherty, Gray, Harris "absent") to recommend **APPROVAL** of the closing of Elgin Avenue and King Street in Sunset Hill Addition to the City Council.

\*\*\*\*\*

PUD-351-A (4433 S. Harvard Ave.) - Request by Zoning Officer and owners of the tract for clarification of PUD conditions and how compliance with PUD conditions will be determined

Staff Comments

Mr. Stump informed of meeting with the architect for the owners of the tract and with the owners and advised that they met with surrounding property owners. He advised that the issue the Zoning Officer has is, since there is a unique condition regarding satisfying the residents as to screening and drainage, how she should determine that is accomplished.

Ms. Hubbard expressed concern over conditions placed on some applications that are unreasonable for her to carry out. She stated that she does not have the power to act as liaison between residents and the applicant to ensure Planning Commission wishes are being met. She asked for help from the Planning Commission on how to ensure that all conditions of the PUD are met before issuing an occupancy permit when conditions are vague. Ms. Hubbard informed that she has nothing to do with Stormwater Management and drainage problems. She informed that the building permit was issued and part of the permit process is for Stormwater Management Department to review the plans.

Mr. Stump informed that the architect advised that all impervious surfaces drain to the Harvard right-of-way.

Interested Parties

**Roger Robbins**

**3311 East 45th Street 74135**

Mr. Robbins informed that progress has been made toward resolution of the problem this construction has imposed on the adjoining properties. He informed of meeting with construction parties where they discussed concerns over what has transpired over the last several months, as well as current concerns. Mr. Robbins advised that they did not arrive at any final resolution of the problem. However, the owners of the property are to document their proposal for a solution and submit this proposal to the homeowners. He advised that their solution may or may not be acceptable to the residents. Mr. Robbins expressed disappointment in the enforcement and oversight of public officials in regard to this construction, especially with Stormwater Management. He concluded with thanking the Planning Commission for their efforts toward helping solve this problem.

Mr. Robbins answered questions from the Planning Commission, noting that of particular concern is a 24"-to-30" wide downspout on the southwest corner of the structure.

Ms. Hubbard informed that it seems unrealistic to expect her to withhold an occupancy permit for something of a Stormwater Management nature, when there is an expert Staff to deal with that issue.

Chairman Parmele asked if the Planning Commission can request that Ms. Hubbard not issue an occupancy permit until Stormwater Management has reviewed the progress and ensure that it is in compliance with the plat.

Mr. Linker advised that a procedure must be in place and there is none.

Ms. Wilson asked if screening and buffering would be an issue.

Ms. Hubbard deemed that screening is less of an issue than the stormwater problem, and informed that she could withhold the zoning clearance portion of the occupancy permit until the Planning Commission has reviewed the fence plan.

Mr. Robbins informed that residents have reviewed a proposal for a basket-weave fence and so long as it is attractive, this is not a major concern for the residents. He advised that their concern is to ensure that it is high enough, keeping in mind that the elevation of the subject property has been raised 5'. Mr. Robbins stated that residents want to see the owners' intentions in writing before residents stipulate agreement.

Chairman Parmele instructed that the applicant be informed that the Planning Commission wants to review the agreement with the neighbors as it pertains to fencing and that the occupancy permit be denied until that is accomplished. He requested that Stormwater Department make an onsite inspection to determine that it was constructed in accordance with the previously-approved plans.

Mr. Robbins informed that discussion with the applicant ended with the applicant agreeing to prepare a description of their plans and consider posting a bond for compliance with those conditions. He informed that drainage is a major issue.

Mr. Stump informed that the applicant has applied for a minor amendment to allow occupancy prior to installation of landscaping, scheduled for January 4, 1995.

**Carole Engman**

**3305 East 45th Street 74135**

Ms. Engman, trustee for the property directly south of the subject property, expressed concern over drainage. She also informed that during construction her property has been trespassed on and heavy equipment has been run across her property. Ms. Engman expressed concern over the use of a sump pump on the property and what appears to be a French drain, which is causing problems on her property.

Chairman Parmele directed Staff to notify the applicant that on January 4, 1995, the Planning Commission would like to review the agreement worked out with the neighbors on the fence issue. He requested that the Department of Stormwater Management report to the Planning Commission at that meeting that the development is in compliance with the stormwater plans. He also instructed that they check the French drain to determine if it is in compliance. Chairman Parmele asked Ms. Hubbard to also attend that meeting.

**Ed Monet**

**3323 East 45th Street**

Mr. Monet was concerned over changes to the plans the Planning Commission approved for this site, specifically the removal of a large portion of parking lot that was to take care of the east-side drainage. He informed that the original plans showed specific plans for the roof drains which have been changed. Mr. Monet advised that he has communicated to the Building Inspections Department his concerns over the south elevation, where there is earth work supporting a 4' stemwall. The original drawing showed it to be no more than 2', but it has been completely removed leaving the top of the footings exposed.

Chairman Parmele advised that during the final inspection, the City ensures compliance for the Certificate of Occupancy, and if it is not in compliance, the certificate will not be issued.

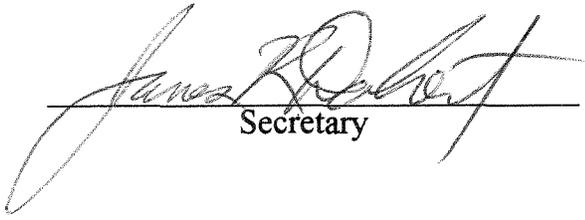
\* \* \* \* \*

Ms. Wilson announced her intention to resign from the Planning Commission effective January 18, 1995. She informed that she has been a Planning Commission member for 10½ years and has enjoyed her years of service. Ms. Wilson wished the Planning Commissioners well in their future endeavors.

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

Date Approved: 1/4/95  
  
\_\_\_\_\_  
Chairman

ATTEST:

  
\_\_\_\_\_  
Secretary

