

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2152

Wednesday, March 25, 1998, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Boyle	Carnes	Beach	Linker, Legal
Doherty	Selph	Huntsinger	Counsel
Gray		Matthews	Myers, Legal
Horner		Stump	Counsel
Jackson			
Ledford			
Midget			
Pace			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Friday, March 20, 1998 at 3:14 p.m., posted in the Office of the City Clerk at 3:11 p.m., as well as in the office of the County Clerk at 3:07 p.m.

After declaring a quorum present, 2nd Vice Chairman Doherty called the meeting to order at 1:30 p.m.

Reports:

Chairman's Report:

Mr. Doherty announced that today is his last meeting and Wesley Harmon will be replacing him.

Mr. Boyle stated on behalf of the Planning Commission and the City of Tulsa he would like to thank Mr. Doherty for over 12 years of public service. He commented that Mr. Doherty is a model for the kind of citizen public service that the City of Tulsa needs to grow, prosper and to be a place that is good for everyone to live.

Mr. Boyle informed the Planning Commission that Mr. Doherty attended 522 Tulsa Metropolitan Area Planning Commission meetings. He announced that the Planning Commission will be having an appropriate event to commemorate Mr. Doherty's public service, to be announced at a later date.

Mr. Boyle stated he will be making a variety of appointments to Committee positions on the Planning Commission on April 15, 1998. He announced that he will appoint Mr. Carnes as 2nd Vice Chair and Mr. Westervelt as 1st Vice Chair. He explained he will not be in town next week and felt it was appropriate to appoint the 2nd Vice Chair at this time. He stated Mr. Carnes has agreed to serve the position.

Mr. Boyle announced that there are two meetings scheduled for April 15 and 22, 1998 at 11:30 a.m. The meetings are joint meetings involving the Planning Commission, City Board of Adjustment and the Tulsa Preservation Commission. He indicated this will be a working and learning session and encouraged the Planning Commission to attend.

Mr. Boyle stated the Planning Commission received a letter from Mr. Stephen K. Warren regarding a lot-split in Forest Boulevard and requested the letter to be distributed to the Planning Commission in the next agenda packets.

Committee

Budget and Work Program Committee

Mr. Horner asked staff if they have received any notice regarding the Mayor's acceptance of the proposed budget. In response, Mr. Stump stated he has not heard anything from the Mayor's Office at this time. He requested Mr. Horner to accompany staff to a meeting with the City Council on the FY 99 Budget when the date is set.

Mr. Midget announced that Mayor Savage was very pleased with the presentation of the budget by the staff.

Community Participation Committee

Ms. Gray stated there will be a meeting in Room 1101 directly after the TMAPC meeting to finalize the plans for the workshop scheduled for March 31, 1998.

Special Residential Facilities Task Force

Mr. Westervelt reminded the Planning Commission that there will be a meeting on March 26th at 3:30 p.m., Room 1101 and encouraged the Commissioners to attend the meeting.

CONTINUED ZONING PUBLIC HEARING

Z-6602- Merl Whitebook

439 South Sheridan

CS to IL

(PD-5) (CD-4)

TMAPC Comments:

Mr. Doherty stated that at the applicant's request this item has been stricken from the agenda.

Zoning Public Hearing

PUD-586/Z-5888-SP-2 – Roy Johnsen

CO to CO/PUD

Northeast corner Mingo Valley Expressway & East 91st Street South

(PD-18) (CD-8)

(Corridor Site Plan for proposed Medical Complex and Retail/Shopping Development)

TMAPC Comments:

Mr. Doherty stated Mr. Johnsen has made a timely request for a continuance to April 29, 1998.

TMAPC Action; 9 members present:

On **MOTION** of **BOYLE** the TMAPC voted **9-0-0** (Boyle, Doherty, Gray, Horner, Jackson, Ledford, Midget, Pace, Westervelt “aye”; no “nays”; none “abstaining”; Carnes, Selph, “absent”) to **CONTINUE** PUD-586/Z-5888-SP-2 to April 29, 1998 at 1:30 p.m.

DIRECTOR’S REPORT

Mr. Stump stated there is one item on the City Council Agenda. In response to Mr. Stump, Mr. Doherty stated he would attend the City Council meeting.

Subdivisions:

PLAT WAIVER, SECTION 213:

Z-6435 – Hayes (1893)

1392 East 27th Street

(PD-6) (CD-9)

Staff Comments:

This single-family residential property was made subject to plat by a rezoning from RS-1 to RS-2 March 17, 1994. The applicant was advised of this requirement pursuant to a recent building permit for an addition to an existing house.

Staff administratively waived formal TAC review and recommends approval of the plat waiver.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **BOYLE** the TMAPC voted **9-0-0** (Boyle, Doherty, Gray, Horner, Jackson, Ledford, Midget, Pace, Westervelt “aye”; no “nays”; none “abstaining”; Carnes, Selph “absent”) to **APPROVE** the plat waiver for Z-6435, as recommended by staff.

Partial Vacation of Plat:

Lot 3, Block 1, Birmingham Circle (2093)

40th Street South, east of South Birmingham Place

(PD-6) (CD-9)

Staff Comments:

Mr. Beach stated this is a partial vacation of a plat involving a portion of the easement along the north and east sides of Lot 3, Block 1, Birmingham Circle.

Staff recommends approval.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **BOYLE** the TMAPC voted **9-0-0** (Boyle, Doherty, Gray, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Selph "absent") to **APPROVE** partial vacation of plat for Lot 3, Block 1, Birmingham Circle, as recommended by staff.

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CLARIFICATION OF FINAL PLAT:

Block 26, Gilcrease Hills Village II (2702)

South side of West Queen Street, east of North Union Avenue

(PD-2) (CD-1)

Staff Comments:

The applicant is asking the Planning Commission to permit the release of this subdivision plat without additional assurance of the safety of a producing oil well located within the boundaries of the plat.

This plat received final plat approval from the Planning Commission February 25, 1998 subject to final legal review. After this review, the applicant was advised of two requirements:

1. 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.) *(This is a standard condition for all plats. The Subdivision Regulations require a 200-foot setback from oil wells)*
2. A letter from an engineer stating that residential development is consistent with the location of the active oil well on Lot 13 and such development is safe.

The following was provided in response to these requirements:

- A letter from the Oklahoma Corporation Commission stating they do not have jurisdiction in Osage County.

- Plugging and drilling information from the Bureau of Indian Affairs, Osage Agency, Pawhuska, Oklahoma.
- A letter from the Engineer stating that the Planning Commission reviewed and approved the 50-foot setback from this well on 8/21/91 as shown on this plat. He further stated that a letter from Handy Waychoff and Associates, Inc. which discussed the safety of the oil well, supported the Planning Commission's action.

Neither staff nor the legal department have sufficient knowledge of oil wells to determine from the documents provided if this well is safe. However, staff has concerns regarding other potential dangers besides blowouts that could exist. Staff is also concerned with a reduction of the required setback by 75% because of the potential danger to residential properties nearby.

Without written assurance by a knowledgeable expert as to the safety of this well and the development surrounding it, we recommend that the plat not be permitted to be filed of record.

TMAPC Comments:

Mr. Boyle asked staff if the plat meets the subdivision regulations. In response, Mr. Linker explained that it does not meet the regulations on the 200' setback and it has not gone to the Board of Adjustment. There is nothing shown on the face of the plat as to access for servicing of the oil well.

Mr. Doherty asked staff if the letter from Handy Waychoff and Associates, dated May 8, 1991, confirmed some data that would tend to indicate that the well is not a danger. In response, Mr. Beach stated that the letter indicated that based on measurements on surrounding wells, it could be anticipated that the subject well does not present a danger of blowout. He commented with his limited knowledge of oil wells, he could still imagine that there might be other potential safety hazards associated with an oil well, such as leaching into the surrounding soil, build-up of gases in the area, etc. He concluded that he does not feel comfortable accepting the letter as a statement that the subject oil well is safe and protects the potential buyers of those properties.

Mr. Doherty asked staff if they realistically expect to receive a letter stating the oil well is safe. In response, Mr. Beach stated he does not know if such a letter could be produced, but that the City needs something from a qualified expert addressing safety since there are no experts on staff.

Mr. Boyle stated that if the subdivision regulations require that the applicant needs the Board of Adjustment approval to be closer to than 200' to the oil well, this discussion should be taking place at the Board of Adjustment.

Alan Ringle, representing Beisch & Associates, Inc., 16 South Main, Sand Springs, OK 74063, stated the builders purchased the subject property on the condition that it had already been through a preliminary platting phase, already had most conditions made and in 1991, the Planning Commission formally reviewed the setback requirements. He explained that his understanding from the minutes of the meeting is that the Planning Commission approved the waiver of 200' to 50' setback. He commented that this is an identical plat to the original plat, which was reviewed and approved by the Planning Commission.

Mr. Ringle stated he did not know that the oil well was going to be a problem with this project until two or three weeks ago. He explained that his client is willing to withhold any development or sale of the lots within 250' of the oil well, if he can proceed with the release of the plat.

Mr. Boyle asked staff if the Planning Commission waived subdivision regulations at the previous meetings. In response, Mr. Doherty stated the Planning Commission voted to approve the plat as presented. He commented that he recalled the discussion of the 50' setback line and the minutes indicate the discussion.

In response to Mr. Doherty, Mr. Linker stated nothing in the minutes indicates that the Planning Commission was advised of the 200' setback at the previous hearing when they made the 50' provision.

Mr. Ringle stated the minutes reflect that the oil well issue was specifically addressed and approved with an 8-0-0 vote to waive the setback line to 50'. In response, Mr. Linker stated the Planning Commission did raise the question of the State Law, but they did not question the subdivision regulations and it is not mentioned in the minutes. He concluded that the Legal Department will not sign off on this plat unless there is sufficient evidence in the record that this is a safe situation. He advised the Planning Commission to require the same kind of evidence in the record for their determination.

In response to Mr. Boyle, Mr. Stump stated the Planning Commission is being asked to direct that the final plat be allowed to be released and recorded over the objections of the Legal Department and staff.

Ms. Pace asked the staff if their concerns would be satisfied if the applicant went before the Board of Adjustment. In response, Mr. Stump stated that the major intent of subdivision regulations is to make sure that when large tracts are divided into small lots, the new small lots are serviceable, buildable, safe lots. He explained that staff does not feel comfortable, unless some assurance can be given that this type of oil well, with a house 50' away, is not a potential safety hazard. Maybe the intent has not been met with regard to the requirements of the subdivision regulations.

Mr. Ringle stated his client has been in the platting process for over five months. He explained that there was a specific question in the minutes requesting the modification of a setback from an oil well. He explained that his client has gone through several thousands of dollars of work based on a plat that was reviewed and approved in 1990. The Planning Commission action was on a specific well that has nothing to do with the plat, in 1991 after the preliminary plat was approved. He stated based on the 1991 approval of that modification of the subdivision regulations, everything has moved forward and no questions have been asked. He explained that the issue regarding the oil well did not come up until two weeks ago, when Legal requested a letter stating that this is a safe structure.

Mr. Doherty stated he had a problem with requesting a letter that states the oil well is safe. He commented that he doubts if anyone would write such a letter.

Mr. Linker stated that obviously if this is an oil well, it will be fenced, and if it is fenced it will consume required yard space that will not be available for the lots. The Board of Adjustment will look into the required yard space issue.

In response to Mr. Jackson, Mr. Ringle stated the oil well impacts two lots. He indicated the lots are approximately 70' x 120' each.

Mr. Doherty stated the Planning Commission approved a preliminary plat, after considerable discussion obviously intending to waive the subdivision regulations, or the Planning Commission would not have approved the plat. He commented that he is concerned that in 1991 the plat was approved without the applicant being told that he needed to go before the Board of Adjustment.

In response to Mr. Doherty, Mr. Linker stated that there may be property that should not be developed residential.

TMAPC Action; 9 members present:

On **MOTION** of **BOYLE** TMAPC voted **9-0-0** (Boyle, Doherty, Gray, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Selph "absent") to **APPROVE** final plat for Block 26, Gilcrease Hills Village II; subject to Board of Adjustment approval for setbacks less than 200'; subject to showing on the face of the plat an access to the unplugged well.

Further TMAPC Discussion:

In response to Ms. Pace, Mr. Linker stated the Planning Commission cannot regulate the oil wells because the Osage Tribe has the rights to the wells. He commented the Planning Commission could limit the development that goes in around the oil wells, but not regulate the oil wells themselves.

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CONTINUED ZONING PUBLIC HEARING:

Z-6628 – Stephen P. Wallace

North of Northwest corner East 71st Street and South Garnett

RM-1 to CO
(PD-18) (CD-8)

Staff Recommendation:

Relationship to the Comprehensive Plan:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Corridor, Low Intensity – No Specific Land Use.

According to the Zoning Matrix the requested CO zoning is in accordance with the Plan Map.

Staff Comments:

Site Analysis: The subject property is approximately 5.9 acres in size and is located north of the northwest corner of East 71st Street South and South Garnett Road. The property is gently sloping, partially wooded, vacant, and zoned RM-1.

Surrounding Area Analysis: The subject tract is abutted on the north by vacant property, zoned RS-4; to the west by vacant land, zoned CO; to the south by vacant land, zoned CS and to the east, across S. Garnett Road by vacant land in the city limits of Broken Arrow.

Zoning and BOA Historical Summary: Recent actions in the area, by TMAPC and City Commission, approved RS-4 zoning on the nine-acre tract abutting the subject tract on the north. Other zoning action in this area has established CO zoning to the west which is in accordance with the Comprehensive Plan.

Conclusion: Based on the Comprehensive Plan and the existing zoning and uses in this area, staff recommends **APPROVAL** of CO zoning for Z-6628.

TMAPC Action; 9 members present:

On **MOTION** of **WESTERVELT** the TMAPC voted **9-0-0** (Boyle, Doherty, Gray, Horner, Jackson, Ledford, Midget, Pace, Westervelt “aye”; no “nays”; none “abstaining”; Carnes, Selph, “absent”) to recommend **APPROVAL** of CO zoning for Z-6628, as recommended by staff.

Legal Description for Z-6628:

The South 310’ of the North 610’ of the Southeast Quarter of the Southeast Quarter of Section 6, T-18-N, R-14-E of the IBM, Tulsa County, State of Oklahoma, less and except the West 610’ thereof, and located north of the northwest corner of East 71st Street South and South Garnett Road, Tulsa, Oklahoma

ZONING PUBLIC HEARING:

Z-6629 – Cornelius Young
2120 North Cincinnati

RS-3 TO CS
(PD-2) (CD-1)

Staff Recommendation:

Relationship to the Comprehensive Plan:

The District 2 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Low Intensity – Residential.

According to the Zoning Matrix the requested CS zoning **is not** in accordance with the Plan Map.

Staff Comments:

Site Analysis: The subject property is approximately 55' x 130' in size and is located on the southwest corner of East Woodrow Place North and North Cincinnati Avenue. The property is flat, non-wooded, contains one single-family home, and is zoned RS-3.

Surrounding Area Analysis: The subject tract is abutted on the north, south and west by single-family dwellings and across N. Cincinnati Avenue to the east by single-family dwellings all zoned RS-3.

Zoning and BOA Historical Summary: The most recent rezoning in this area rezoned 97 acres which are bounded by N. Cincinnati Ave. on the west, N. Ute Place on the north, Pine Street on the south and the Missouri-Pacific railroad on the east from RM-1 zoning to RS-4. This action was taken in order to maintain and preserve the single-family character of the neighborhood.

Conclusion: The Comprehensive Plan does not support commercial encroachment in this residential area and the zoning of this property would be considered spot zoning. Staff cannot support commercial zoning the subject tract and recommends **DENIAL** of CS zoning for Z-6629.

Applicant's Presentation:

Allene Young, no address given, stated she owns a beauty salon and would like to utilize the subject property for a beauty salon. She explained that the neighborhood is not against this proposal.

Ms. Young indicated that she has received a building permit to remodel for business and was not told that she could not have a commercial business in the subject property. She stated that no one will live in the salon.

TMAPC Comments:

Ms. Gray asked the applicant if the building permit was issued for a business remodeling. In response, Ms. Young answered affirmatively.

In response to Mr. Horner, Ms. Young indicated that her days and hours of operation are Tuesday through Saturday, 9:30 a.m. to 6:30 p.m.

Mr. Doherty asked staff if a beauty salon in an OL district is a use by exception. Mr. Stump answered affirmatively.

Mr. Midget demonstrated, on the case map, the character of the surrounding properties.

Ms. Pace recognized Ms. Young.

Ms. Young stated that the subject property is not surrounded by anyone.

Mr. Jackson stated that Cincinnati is one of the main thoroughfares to North Tulsa. He explained that Urban Renewal removed homes to the east in the early 70's.

Mr. Doherty stated that the Comprehensive Plan does not reflect the reality of the surrounding area and perhaps it is something that needs to be reviewed in the next year. The proposal is spot zoning and in the classic planning sense it is not wise to break the line by putting non-residential on the west side. He commented that given the transition of the subject area, OL might be appropriate in this particular instance.

Ms. Matthews stated that the neighborhood to the west of the subject property is one of the most stable neighborhoods in the area and it could be impacted by this proposal.

Ms. Gray informed the applicant that she cannot use the property behind the subject property for a parking lot. In response, Ms. Young indicated that she would not need the property behind the subject property for parking.

Mr. Midget informed the applicant that she will have to go to the Board of Adjustment in order to have a beauty salon in an OL district. He stated she will need to file an application for a special exception.

Mr. Ledford reminded the Planning Commission that the applicant will need a plat waiver after she goes to the Board of Adjustment.

TMAPC Action; 9 members present:

On **MOTION** of **BOYLE** the TMAPC voted **9-0-0** (Boyle, Doherty, Gray, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Selph, "absent") to recommend **DENIAL** of CS zoning and **APPROVAL** for OL zoning for Z-6629 and credit fee difference between CS and OL application to be paid toward the Board of Adjustment application.

Legal Description:

Lot 1, Block 13, Oak Cliff Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof, and located on the southwest corner of East Woodrow Place and North Cincinnati Avenue, Tulsa, Oklahoma.

CZ-241 – Perry Cleveland

East side U.S. 169 ¼ mile East of 129th East Avenue South of 100th North

RE to CG

(PD-15) (CD-6)

Staff Recommendation:

Relationship to the Comprehensive Plan:

The Owasso Comprehensive Plan designates the subject tract as Special District 6 – Medium Intensity.

Any zoning classification **may be found** in accordance with the special district designations, provided the uses permitted by the zoning classification are consistent with the land use and other existing physical facts in the area, and supported by the policies of the District Comprehensive Plan.

Staff Comments:

Site Analysis: The subject property is approximately 3.92 acres in size and is located on the east side of U. S. Highway 169 North, .25 miles east of 129th East Avenue and south of East 100th Street North, Owasso, Oklahoma. It is flat, non-wooded, vacant, and is zoned RE in the County.

Surrounding Area Analysis: The subject tract is abutted on the north and northwest by the Mingo Valley Expressway (U. S. Highway 169) right-of-way, and zoned RE; to the south and east is vacant land, zoned AG.

Zoning and BOA Historical Summary: The most recent zoning action in this area approved CS zoning on a 5.5 acre tract located on the southeast corner of E. 103rd Street North and N. 135th East Avenue and north of the subject tract for retail sales of agriculture products.

Conclusion: Based on the Comprehensive Plan Map the requested CG zoning **may be found** in accordance with the Plan; however, it is staff’s opinion that the requested CG zoning is not compatible with the existing uses and development in this area and staff recommends **DENIAL** of CG zoning for CZ-241.

Staff Comments:

Mr. Stump explained that the subject property is in Special District 6 and unfortunately the special districts have not been defined. He indicated the special districts need further planning and study, but it has not been done at this time. He commented that the underlying land use for the subject area will be industrial. At this point the special district could be developed large-lot residential like RE across the expressway from the subject property.

Mr. Stump stated it is premature for this area to establish commercial zoning without any long-range plan for the area, and therefore staff is recommending denial of this application.

TMAPC Comments:

Ms. Pace asked staff what would be the least intensive zoning category that the applicant could have on the subject property. In response, Mr. Stump stated it is zoned agriculturally, which allows a wholesale nursery but not a retail nursery. He explained that the applicant would need CS zoning to allow a retail nursery.

In response to Mr. Jackson, Mr. Stump stated staff could not support CS zoning because the land is too isolated from any other commercial areas. The subject property could be appropriately developed for residential or perhaps industrial, but it has not been established at this time due to the study not being completed.

Mr. Doherty stated the subject property is in the county and a principal use variance is possible. A principal use variance would not break the zoning line and this is not on an arterial, so it is like spot zoning if it is rezoned. In response, Mr. Stump stated he is against principal use variances. Mr. Stump stated that if all that is developed is a nursery or greenhouse situation, that has moderate amounts of retail sales and not a huge investment in buildings, then he could see where ultimately it might revert to residential-type use.

Applicant's Presentation:

Perry Cleveland, 8349 North 119th East Avenue, Owasso, Oklahoma, stated the nearest residential use is located near 96th Street (approximately 660'). He informed the Planning Commission that near 106th Street has been an approval for a Purina Feed Store operation. The subject property is on the same frontage road as the Purina Feed Store and Walmart is considering to build at 106th or 116th, depending on where the new U.S. 75 goes through. He commented that the subject property and the surrounding area is commercial property and the City of Owasso has no problem with this application. He indicated that the City of Owasso expects this application to be approved.

TMAPC Comments:

In response to Mr. Doherty, Mr. Cleveland stated the feed store will be within 800' of the subject property.

Mr. Jackson stated that he would not develop a residential subdivision along Highway 169 because most people do not like to live along busy thoroughfares. There is a great deal of land going easterly from the subject property that will have better opportunities for prime real estate investments. He commented that the feed store was approved approximately three months ago and this is the second application for the subject area.

Mr. Stump stated the subject property is at approximately 100th Street at the northern extremity and the feed store is at 106th Street, which is over ½ mile away and is more than 800' away. He commented that in the past people have built homes right up to the expressway.

Mr. Doherty stated the difference with the subject property is that it is more suburban and rural, whereas the other properties were more urban.

Ms. Pace stated that the applicant will need a special exception from the Board of Adjustment with a CS zoning, and for that reason, the Planning Commission should deny the application and recommend the applicant go to the Board of Adjustment for a principal use.

TMAPC Action; 9 members present:

On **MOTION** of **PACE** the TMAPC voted **9-0-0** (Boyle, Doherty, Gray, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Selph, "absent") to recommend **DENIAL** of the CG zoning for CZ-241 and recommend application to the County Board of Adjustment for a principal use variance, and credit fees already paid toward the cost of the Board of Adjustment application.

Legal Description for CZ-241:

a parcel of land lying in Lots 1, 7, and 8, Block 2, Glenn-Mur Acres subdivision as platted in the NW/4, SW/4, Section 16, T-21-N, R-14-E, Tulsa County, State of Oklahoma being described as follows: Beginning at the Southwest corner of said Lot 7, thence East along the South line of said Lot 7 a distance of 112.79' to a point of beginning, thence N 39°56'50" E a distance of 814.22' to a point on the North line of said Lot 1, thence East a distance of 12.17' to the Northeast corner of said Lot 1, thence South a distance of 610.98' to the Southeast corner of said Lot 8, thence West along the South lines of said Lots 8 and 7 a distance of 549.29' to the point of beginning, and located on the East side of U. S. Highway 169 North, one quarter mile East of North 129th East Avenue and South of East 100th Street North, Owasso, Oklahoma

Further TMAPC Comments:

Mr. Linker informed Mr. Cleveland that he has the right to appeal the TMAPC recommendation to the County Commission. He stated the applicant may want to file an appeal before going to the Board of Adjustment.

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PUD-584/CZ-238 – Jim Coleman

South 262nd West Avenue and West U.S. Highway 51
(Proposed Commercial/Office and Mini-Storage Development)

AG TO CS/PUD
(PD-23) (CD-0)

Staff Recommendation for PUD-584:

The PUD proposes a commercial, office and mini-storage development on a 5.49-acre tract located east of the northeast corner of West Highway 51 and South 263rd West Avenue. Area A, which is the west 2.01 acres, proposes Use Unit 17 uses and those uses permitted in the CS District, less and except Use Units 19a and 21. Area B, which is the east 3.48 acres, proposes mini-storage and office uses.

The subject tract is abutted on the north by the Burlington Northern Railroad and then single-family dwellings on large lots; to the south, across U.S. Highway 51, by U.S. Corps of Engineers land associated with Lake Keystone; and to the east and west by Corps of Engineers land. On the north side of US Highway 51, there is one privately-owned tract of land between proposed Area A and Coyote Trail (South 263rd West Avenue) intersection.

The boundary between Area A and Area B is the centerline of a 30-foot road easement. This easement is the only access to four existing dwellings located to the north across the railroad.

Staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds PUD-584 to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends APPROVAL of PUD-584 subject to the following conditions:

1. The applicant's Outline Development Plan and Text be made a condition of approval, unless modified herein.
2. **Development Standards:**

DEVELOPMENT AREA A

Net Land Area	2.01 acres
Permitted Use:	Use Unit 17 & permitted uses In CS District, Less and Except Use Units 19a & 21.
Maximum Building Height	Single story, not to exceed 25'
Maximum Building Floor Area	15,000 SF

Minimum Building Setbacks	From HWY 51 ROW 35' From north & east boundaries 10' From west boundary 50'
Minimum off-street parking	as required for the applicable use.
Ground Signs	One monument sign not to exceed 10' in height or 150 SF in area.
Wall Signs	Wall signs are permitted on the south building walls not to exceed two SF of display surface area per lineal foot of building, and on the east and west building walls not to exceed two SF of display area per lineal foot of building.
Screening	Not required, but native landscape will be preserved to soften impact of development.
Access	As approved by ODOT. Mutual access provided for Tracts A & B.

DEVELOPMENT AREA B

Net Land Area	3.48 acres
Permitted Uses:	Mini-storage and Office
Maximum Building Height	Single story, not to exceed 25'
Maximum Building Floor Area	38,000 SF
Minimum Building Setbacks	From Hwy 51 ROW 35' From north & east boundaries 10' From west boundary 10'
Minimum off-street parking	As required for the applicable use.
Ground Signs	One monument sign not to exceed 10' in height or 150 SF in area.

Wall Signs	Wall signs are permitted on the south building walls not to exceed two SF of display surface area per lineal foot of building, and on the east and west building walls not to exceed two SF of display area per lineal foot of building.
Screening	None is required, but native landscape to be preserved to soften impact of development
Access	As approved by ODOT. Mutual access to Tracts A & B.

3. Landscaping: Preserve natural treed greenbelt as depicted on concept plan.
4. No Zoning Clearance Permit shall be issued for a development area within the PUD until a Detail Site Plan for the development area, which includes all buildings and requiring parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
5. No sign permits shall be issued for erection of a sign within a development area of the PUD until a Detail Site Plan for that development area has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
6. All trash, mechanical and equipment areas shall be screened from public view by persons standing at ground level.
7. All parking lot lighting shall be hooded and directed downward and away from adjacent residential areas.
8. No Building Permit shall be issued until the requirements of Section 1170F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the County beneficiary to said covenants.
9. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.

Staff Recommendation For CZ-238:

Relationship to the Comprehensive Plan:

The subject property is not within any adopted district plans. The Development Guidelines, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, provide for evaluation of the existing conditions, land uses, existing zoning and site characteristics for the goals and objectives of areas that have not been specifically defined for redevelopment. The existing conditions surrounding the subject tract are a railroad right-of-way on the north, the state highway right-of-way on the south and Corps of Engineers land on the east and west. These conditions make the property an isolated parcel inappropriate for residential use. Based on these circumstances it seems appropriate for the property to be zoned commercial.

Staff Comments:

Site Analysis: The subject property is approximately 5.38 acres in size and is located east of the northeast corner of West Highway 51 and South 263rd West Avenue. It is steeply sloped, wooded, vacant, and is zoned AG in the County.

Surrounding Area Analysis: The subject tract is abutted on the north by the Burlington/Northern Railroad and beyond the railroad are four single-family dwellings, zoned AG; to the south, east and west is vacant property, zoned AG.

Zoning and BOA Historical Summary: The most recent zoning action was in 1991 that rezoned a 12-acre tract west of the subject tract on the north side of the railroad and on the west side of S. 265th West Avenue from AG to IL for a boat and RV storage facility. In 1990 the County Commission approved CS zoning on the southwest corner of U. S. Highway 51 and S. 265th West Avenue.

Conclusion: Based on the Comprehensive Plan and considering the existing land uses and existing zoning, Staff recommends **APPROVAL** of CS zoning for CZ-238.

Interested Parties:

Jim Coleman, 401 East Broadway, Sand Springs, stated he agrees with the staff recommendations.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET** the TMAPC voted **9-0-0** (Boyle, Doherty, Gray, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Selph, "absent") to recommend **APPROVAL** of CS zoning for CZ-238 and **APPROVAL** of PUD-584 per staff recommendations.

Legal Description for PUD-584/CZ-238:

A tract of land in a part of the NE/4, NE/4, Section 18, T-19-N, R-10-E, Tulsa County, Oklahoma; more particularly described as follows, to-wit: commencing at the Northeast corner of the NE/4 of Section 18, T-19-N, R-10-E, thence N 89°51'07" W along the North line of said NE/4 a distance of 329.66'; thence along the following Corps of Engineers' boundary line as follows, to-wit: S 45°06'41" W a distance of 465.88'; thence S 00°17'16" W a distance of 393.31' to a point on the South right-of-way line of the Burlington-Northern railroad the Point of Beginning; thence continuing S 00°17'16" W a distance of 371.37' to a point on the North right-of-way line of Oklahoma State Highway 51; thence S 86°36'46" W along said North right-of-way line a distance of 446.92' to an existing gravel road; thence N 19°29'56" E along the gravel road a distance of 54.26'; thence N 20°08'28" E a distance of 53.57'; thence N 11°03'37" E a distance of 53.10'; thence N 03°58'26" E a distance of 53.92'; thence N 02°52'56" E a distance of 53.40'; thence N 05°26'07" E a distance of 55.50'; thence N 13°59'56" E a distance of 43.81' to a point intersecting the South right-of-way line of the Burlington-Northern railroad; thence N 84°04'30" E along said right-of-way line a distance of 381.02' to the Point of Beginning, the West 15' of the above described property is reserved for the road right-of-way; and a strip of land in a part of the NE/4, NE/4, Section 18, T-19-N, R-10-E, Tulsa County, Oklahoma; for the purpose of a 30' road easement, 15' on each side of the following described centerline; said centerline is more particularly described as follows, to-wit: commencing at the Northeast corner of the NE/4, Section 18, T-19-N, R-10-E; thence N 89°51'07" W along the North line of said NE/4 a distance of 329.66'; thence along the following Corps of Engineers' boundary line as follows, to-wit: S 45°06'41" W a distance of 465.88'; thence S 00°17'16" W a distance of 764.68' to a point of the North right-of-way line of Oklahoma State Highway 51; thence S 86°36'46" W along said North right-of-way line a distance of 446.92' to the centerline of an existing gravel road and the point of beginning; thence N 19°29'56" E a distance of 54.26'; thence N 20°08'28" E a distance of 53.57'; thence N 11°03'37" E a distance of 53.10'; thence N 03°58'26" E a distance of 53.92'; thence N 02°52'56" E a distance of 53.40'; thence N 05°26'07" E a distance of 55.50'; thence N 13°59'56" E a distance of 43.81' to a point on the South right-of-way line of the Burlington-Northern railroad and the end of road easement; and a tract of land in a part of the NE/4, NE/4, Section 18, T-19-N, R-10-E, Tulsa County, Oklahoma; more particularly described as follows, to-wit: commencing at the Northeast corner of the NE/4 Section 18, T-19-N, R-10-E, thence N 89°51'07" W along the North line of said NE/4 a distance of 329.66'; thence along the following Corp of Engineers' boundary line as follows, to-wit: S 45°06'41" W a distance of 465.88'; thence S 00°17'16" W a distance of 764.68' to a point on the North right-of-way line of Oklahoma State Highway 51; thence S 86°36'46" W along said North right-of-way line a distance of 446.92' to an existing gravel road and the point of beginning; thence N 19°29'56" E along the gravel road a distance of 54.26'; thence N 20°08'28" E a distance of 53.57'; thence N 11°03'37" E a distance of 53.10'; thence N 03°58'26" E a distance of 53.92'; thence N 02°52'56" E a distance of 53.40'; thence N 05°26'07" E a distance of 55.50'; thence N 13°59'56" E a distance of 43.81' to a point intersecting the South right-of-way line of the Burlington Northern railroad; thence S 84°04'30" W along said right-of-way line a distance of 288.00' to a Corps of Engineers' monument; thence S 00°17'04" E along Course #6 a distance of 311.44' to a point on the North right-of-way line of Oklahoma State Highway 51;

thence N 86°36'46" E along North right-of-way line a distance of 79.00'; thence S 03°22'48" E a distance of 30'; thence N 86°36'46" E a distance of 135.50' to the Point of Beginning, and the East 15' of the above described property is reserved for road right-of-way, said property subject to any easements and/or right-of-ways that may be of records; and a strip of land in a part of the NE/4, NE/4, Section 18, T-19-N, R-10-E, Tulsa County, Oklahoma; for the purpose of a 30' road easement 15' on each side of the following described centerline; said centerline is more particularly described as follows, to-wit: commencing at the Northeast corner of the NE/4 Section 18, T-19-N, R-10-E; thence N 89°51'07" W along the North line of said NE/4 a distance of 329.66'; thence along the following Corps of Engineers' boundary line as follows, to-wit: S 45°06'41" W a distance of 465.88'; thence S 00°17'16" W a distance of 764.68' to a point of the North right-of-way line of Oklahoma State Highway 51; thence S 86°36'46" W along said North right-of-way line a distance of 446.92' to the centerline of an existing gravel road and the Point of Beginning; thence N 19°29'56" E a distance of 54.26'; thence N 20°08'28" E a distance of 53.57'; thence N 11°03'37" E a distance of 53.10'; thence N 03°58'26" E a distance of 53.92'; thence N 02°52'56" a distance of 53.40'; thence N 05°26'07" E a distance of 55.50'; thence N 13°59'56" E a distance of 43.81' to a point on the South right-of-way line of the Burlington-Northern railroad and the end of road easement; and located east of the northeast corner of West High 51 and South 263rd West Avenue, Sand Springs, Oklahoma.

PUD-413-B-3 – Dick Zoutendyk

Northeast corner Gilcrease Museum Road and Keystone Expressway (PD-10) (CD-4)
(Minor Amendment for Signage)

Staff Recommendation:

The applicant is requesting Minor Amendment approval to allow a 96-square foot increase in signage on a previously approved 180-square foot ground sign. The proposed sign will be 50 feet in height and contain 180 SF of display surface area at the top of the sign and a 96-square foot changeable backlighted message board incorporated into the structure of monument sign.

The proposed ground (monument) sign, location, allowed square footage and height was approved by Minor Amendment in February, 1997. The approved signage was required to be at least 160 feet from both the east and west property lines of Lot 4, be set back 20 feet from the right-of-way of the Keystone Expressway and be no greater than 50 feet in height with a maximum of 180 SF of display surface area. The approved location would place the sign approximately 250 feet east of the existing 50-foot-high QuikTrip/Braums (Development Areas 1 and 2) sign which is 20 feet from the right-of-way and contains 350 SF of display surface area.

The applicant contends that Minor Amendment PUD-413-B-2, which allowed the 50-foot-tall sign with 180 SF of display area for Development Area 4, should have included the 96 SF changeable message board as is customary with standard Holiday Inn Express ground signs. The oversight by the developer in requesting specific details is unfortunate.

Staff, however, can support the current and specific request for an additional 96 SF of signage in the configuration illustrated by the diagram submitted as part of the application. The increased display area is below the maximum display area allowed for the QuikTrip/Braums sign and will not alter the conditions of the prior approval nor detract from the overall character of the PUD.

Staff, therefore, recommends **APPROVAL** of the Minor Amendment to allow a maximum of 276 SF of display surface area for the ground sign subject to the following conditions.

1. All conditions of approval of PUD-413-B-2 apply, except total allowed display surface area.
2. The 96 SF of display surface area will be used expressly for a message board to be incorporated into the ground sign as illustrated with this application.

NOTE: *A Detail Sign Plan must be submitted and approved by TMAPC showing the exact locations, bulk and area dimensions of all proposed signage for Lot 4 before an occupancy permit will be issued by Customer Services.*

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HORNER** the TMAPC voted **8-1-0** (Boyle, Doherty, Gray, Horner, Jackson, Ledford, Midget, Pace, "aye"; Westervelt "nay"; none "abstaining"; Carnes, Selph, "absent") to recommend **APPROVAL** of the Minor Amendment to allow a maximum of 276 SF of display surface area for the ground sign for PUD-413-B-3 subject to the conditions as recommended by staff.

Legal Description of PUD-413-B-3:

A Resub of Lot 1, and a portion of Lots 3 and 4, Block 3, New Irving Place, and a Resub of Lots 1 thru 8, and a portion of Lot 14, and Lots 15 thru 24, Block 1, and Lots 1 thru 11, and Lot 22 thru 32, Block 2, and Lots 1 thru 5, and a portion of Lots 6 thru 11, Block 3, New Irving Place II, and including the vacated portion of North 23rd West Avenue and North 24th West Avenue, and located south and east of the southeast corner of West Easton Street and Gilcrease Museum Road, Tulsa, Oklahoma.

Mr. Horner out at 2:40 p.m.

OTHER BUSINESS

Adoption of policy regarding criteria for evaluation of plat waiver requests

Staff Recommendation:

Plat Waiver Policy

The basic starting premise should be: *all property should be platted.*

Platting promotes:

- Orderly, planned development consistent with City and County land use regulations
- Consistent and accurate method of describing property
- Efficient system of documentation and record keeping of easements and related land instruments

Under this premise, **plat waivers should be granted *only when the above purposes will not be served.*** Two such reasons would be:

- The property is already platted and therefore, adequately described and with a proper consolidation of records.
- New construction on a site will not generate additional need for right-of-way or utilities or other infrastructure.

If a plat waiver is granted on unplatted properties, an ALTA/ACSM/NSPS Land Title Survey (and as subsequently revised) shall be required. Said survey shall be prepared in a recordable format and filed at the County Clerk's office.

A final version of the following attached list will be used by Staff to make a recommendation to the Planning Commission on each plat waiver application. The recommendation will come from INCOG Staff with input from the Technical Advisory Committee.

Refer to the attached list for discussion:

It shall be the policy of the Tulsa Metropolitan Area Planning Commission that all requests for plat waivers shall be evaluated by the staff and by the Technical Advisory Committee based on the following list. After such evaluation, TMAPC staff shall make a recommendation to the TMAPC as to the merits of the plat waiver request accompanied by the answers to these questions:

A YES answer to the following 3 questions would generally be FAVORABLE to a plat waiver:

- | | YES | NO |
|--|--------------------------|--------------------------|
| 1) Has property previously been platted? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2) Are there restrictive covenants contained in a previously filed plat? | <input type="checkbox"/> | <input type="checkbox"/> |

3) Is property adequately described by surrounding platted properties or street R/W?

A YES answer to the remaining questions would generally NOT be favorable to a plat waiver:

4) Is right-of-way dedication required to comply with major street and highway plan?

5) Will restrictive covenants be filed by separate instrument?

6) Infrastructure requirements

a) Water

i) Is a main line water extension required?

ii) Is an internal system or fire line required?

iii) Are additional easements required?

b) Sanitary Sewer

i) Is a main line extension required?

ii) Is an internal system required?

iii) Are additional easements required?

c) Storm Sewer

i) Is a P.F.P.I. required?

ii) Is an Overland Drainage Easement required?

iii) Is on-site detention required?

iv) Are additional easements required?

7) Floodplain

a) Does the property contain a City of Tulsa (Regulatory) Floodplain?

b) Does the property contain a F.E.M.A. (Federal) Floodplain?

8) Change of Access

a) Are revisions to existing access locations necessary?

9) Is the property in a P.U.D.?

a) If yes, was plat recorded for the original P.U.D.?

10) Is this a Major Amendment to a P.U.D.?

a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.?

If, after consideration of the above criteria, a plat waiver is granted on unplatted properties, a current ALTA/ACSM/NSPS Land Title Survey (and as subsequently revised) shall be required. Said survey shall be prepared in a recordable format and filed at the County Clerk's office.

Approved by: _____
Chairman Tulsa Metropolitan Area Planning Commission

Date _____

TMAPC Comments:

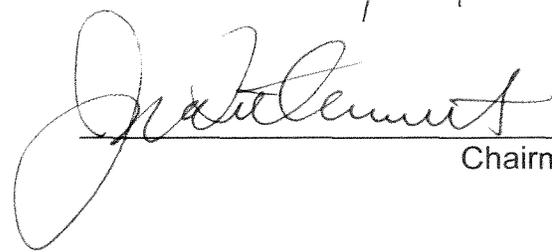
In response to Mr. Boyle, Mr. Beach stated that the plat waiver requests will be accompanied with the evaluation form.

TMAPC Action; 9 members present:

On **MOTION** of **BOYLE** the TMAPC voted **8-0-0** (Boyle, Doherty, Gray, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Horner, Selph, "absent") to **ADOPT** the policy regarding criteria for evaluation of plat waiver requests as recommended by staff.

There being no further business, the Chairman declared the meeting adjourned at 2:30 p.m.

Date approved: 4/22/SD



Chairman

ATTEST: 

Secretary