

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2159

Wednesday, May 20, 1998, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, May 18, 1998 at 9:52 a.m., posted in the Office of the City Clerk at 9:43 a.m., as well as in the office of the County Clerk at 9:40 a.m.

After declaring a quorum present, Chairman Boyle called the meeting to order at 1:30 p.m.

Minutes:

Approval of the minutes of May 6, 1998, Meeting No. 2157:

On **MOTION** of **HORNER** the TMAPC voted **9-0-0** (Boyle, Carnes, Gray, Harmon, Horner, Ledford, Pace, Selph, Westervelt "aye"; no "nays"; Boyle "abstaining"; Jackson, Midget "absent") to **APPROVE** the minutes of the meeting of May 6, 1998 Meeting No. 2157.

Reports:

Chairman's Report:

Mr. Boyle stated he would like staff at their next convenience to schedule a Comprehensive Plan Committee meeting to review the 1997 Tulsa Historic Preservation Resource Document for eventual presentation before the full Planning Commission. He requested the staff to request a redline document to indicate the changes from the prior version from the TPC. He commented he realizes this may take some time to produce so to schedule for a Comprehensive Plan Committee meeting at an appropriate time.

Committee Reports:

Comprehensive Plan Committee:

Mr. Ledford reported there will be a committee meeting immediately following the TMAPC meeting.

Rules and Regulations Committee:

Mr. Westervelt reported there will be a committee meeting immediately following the TMAPC meeting.

Special Residential Facilities Task Force:

Mr. Westervelt reported there will be a meeting Thursday, May 21, 1998 at 3:30 p.m. He stated the Task Force has received a list of the problems as all of the participants view them. He commented that Ms. Dane Matthews from INCOG has done a superb job of pulling all of the data together and sorting it into solutions and problems. He encouraged the Planning Commissioners and interested parties to attend the scheduled meetings.

Director's Report:

Mr. Stump stated staff will not be attending the City Council meeting because there are no first-reading zoning or subdivision cases on the agenda.

Subdivisions:

Mr. Stump informed the Planning Commission that there are a number of items to be continued.

QuikTrip #90 Commercial Center (693)

(PD-4) (CD-4)

Northwest corner East 11th Street and South Utica Avenue
(Staff recommends continuance to June 10, 1998 to allow time for approval of PUD).

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HORNER** the TMAPC voted **8-0-1** (Boyle, Carnes, Gray, Harmon, Horner, Ledford, Pace, Selph "aye"; no "nays"; Westervelt "abstaining"; Jackson, Midget "absent") to **CONTINUE** Quik Trip #90 Commercial Center to June 10, 1998 at 1:30 p.m.

Essex (PUD 589) (993)

(PD-6) (CD-9)

North of East 41st Street at South Xanthus Avenue
(Staff recommends a continuance to June 17, 1998 to allow time for approval of PUD).

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HORNER** the TMAPC voted **9-0-0** (Boyle, Carnes, Gray, Harmon, Horner, Ledford, Pace, Selph, Westervelt "aye"; no "nays"; none "abstaining"; Jackson, Midget "absent") to **CONTINUE** Essex to June 17, 1998 at 1:30 p.m.

101 Yale Village Office Park (PUD 516) (2783)

(PD-26) (CD-8)

Southeast of East 101st Street and South Yale Avenue
(Staff recommends continuance to June 3, 1998 in order to hear PUD Minor Amendment).

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **WESTERVELT** the TMAPC voted **9-0-0** (Boyle, Carnes, Gray, Harmon, Horner, Ledford, Pace, Selph, Westervelt "aye"; no "nays"; none "abstaining"; Jackson, Midget "absent") to **CONTINUE** 101 Yale Village Office Park to June 3, 1998 at 1:30 p.m.

Maple Ridge Village (PUD 590) (2783)

(PD-26) (CD-8)

East of South Yale Avenue at East 104th Place
(Staff recommends continuance to June 17, 1998 to allow time for approval of PUD).

Interested Parties:

Mr. Burk, 320 South Boston, Tulsa, Oklahoma, stated he has no problem with the requested continuance.

TMAPC Action; 9 members present:

On **MOTION** of **WESTERVELT** the TMAPC voted **9-0-0** (Boyle, Carnes, Gray, Harmon, Horner, Ledford, Pace, Selph, Westervelt "aye"; no "nays"; none "abstaining"; Jackson, Midget "absent") to **CONTINUE** Maple Ridge Village to June 17, 1998 at 1:30 p.m.

LOT-SPLITS FOR WAIVER OF SUBDIVISION REGULATIONS:

L-18642 Louis Desilvio (424)

(PD-14) (County)

17707 North 129th East Avenue
(Staff requests a continuance to June 17, 1998)

Staff Recommendation:

Mr. Stump informed the Planning Commission that this case needs County Board of Adjustment approval and the applicant failed to attend the Board of Adjustment meeting. He explained that the Board continued this case to June 16, 1998.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **WESTERVELT** the TMAPC voted **9-0-0** (Boyle, Carnes, Gray, Harmon, Horner, Ledford, Pace, Selph, Westervelt "aye"; no "nays"; none "abstaining"; Jackson, Midget "absent") to **CONTINUE** L-18642 Louis Desilvio to June 17, 1998 at 1:30 p.m.

L-18625 Ward Smith (3091)

(PD-23) (County)

16909 Coyote Trail

Staff Recommendation:

This is a request to split the attached property into two tracts. Because of the configuration of the lots, Tract 2 will have more than three side lot lines and the applicant is requesting a waiver of this requirement. Tract 1 will have an average lot width of 185', with 200' being required in the AG district; also the tract will have one-plus acres with two acres required. An application for these variances has been filed and is scheduled for the May 19, 1998, County Board of Adjustment meeting.

Approval of the waiver request is necessary before this lot-split can be approved. This lot-split would not have an adverse affect on the surrounding properties.

Staff Comments:

Mr. Stump informed the Planning Commission that this lot-split was granted a variance on lot area and width from the County Board of Adjustment on May 19, 1998. He indicated that staff has no problem with this request.

Interested Parties:

The applicant, Ward Smith, was present and agreed with staff's recommendation.

TMAPC Action; 9 members present:

On **MOTION** of **HARMON** the TMAPC voted **9-0-0** (Boyle, Carnes, Gray, Harmon, Horner, Ledford, Pace, Selph, Westervelt "aye"; no "nays"; none "abstaining"; Jackson, Midget "absent") to **APPROVE** the Waiver of Subdivision Regulations to allow more than three side lots lines on a residential lot for L-18625 as recommended by staff.

L-18627 Carl Sutton (983)
7349 Sleepy Hollow Drive

(PD-18) (CD-8)

Staff Recommendation:

This is a request to split the attached property into three tracts. The proposed Tract C is at a higher elevation than Tracts A and B, and there is an existing creek along the rear yard line of Tract C. The applicant is requesting to split the back portion of his lot along the existing creek to permanently attach Tracts A and B to Lots 5 and 6 respectively. Tract A and B are at the same elevation as Lots 5 and 6.

Because of the configuration of the lots, all three tracts will have more than three side lot lines and the applicant is requesting a waiver of this requirement. The Technical Advisory Committee reviewed this application on May 7, 1998 and recommended approval.

Approval of the waiver request is necessary before this lot-split can be approved. This lot-split would not have an adverse affect on the surrounding properties.

TMAPC Action; 9 members present:

On **MOTION** of **WESTERVELT** the TMAPC voted **9-0-0** (Boyle, Carnes, Gray, Harmon, Horner, Ledford, Pace, Selph, Westervelt "aye"; no "nays"; none "abstaining"; Jackson, Midget "absent") to **APPROVE** Lot-Split for Waiver of Subdivision Regulations to allow more than three side lots lines on a residential lot for L-18627 as recommended by staff; subject to there being a tie agreement permanently attaching Tracts A and B to the adjacent tracts to the northeast.

L-18629 Frank Patton (1993)
1332 East 35th Street

(PD-6) (CD-9)

Staff Comments:

Mr. Stump indicated L-18629 will need to be continued. He explained that the applicant did not request all of the relief needed from the Board of Adjustment and therefore the case will need to be re-advertised. He suggested the Planning Commission strike L-18629 from the agenda.

Mr. Midget in at 1:40 p.m.

L-18651 George Michno (3591)
10318 West 51st Street South

(PD-23) (County)

Staff Recommendation:

This is a request to split the attached property into three tracts. Because of the configuration of the lots, Tracts B and C will have more than three sides lot lines and the applicant is requesting a waiver of this requirement. The County Board of Adjustment approved a variance of the average lot width requirements in an AG district subject to a detailed site plan being provided.

Approval of the waiver request is necessary before this lot-split can be approved. This lot-split would not have an adverse affect on the surrounding properties.

TMAPC Action; 10 members present:

On **MOTION of HORNER** the TMAPC voted **10-0-0** (Boyle, Carnes, Gray, Harmon, Horner, Ledford, Midget, Pace, Selph, Westervelt "aye"; no "nays"; none "abstaining"; Jackson "absent") to **APPROVE** the Lot-splits for Waiver of Subdivision Regulations to allow more than three side lot lines on a residential lot for L-18651 as recommended by staff.

L- 18657 Ricky Jones (18657)
South and West of the Southwest Corner of
East 73rd Street and South Lewis Avenue

(PD-18) (CD-2)

Staff Recommendation:

This is a request to split Tract 2 and permanently attach it to Tract 1 and Tract A. The applicant will purchase Tracts 3 and 4 as funds become available. Because of the configuration, the remaining proposed Tracts 3 and 4 will have more than three side lot lines and the applicant is requesting a waiver of this requirement.

Approval of the waiver request is necessary before this lot-split can be approved. This lot-split would not have an adverse affect on the surrounding properties.

TMAPC Action; 10 members present:

On **MOTION** of **WESTERVELT** the TMAPC voted **10-0-0** (Boyle, Carnes, Gray, Harmon, Horner, Ledford, Midget, Pace, Selph, Westervelt "aye"; no "nays"; none "abstaining"; Jackson "absent") to **APPROVE** the Lot-splits for Waiver of Subdivision Regulations to allow more than 3 side lot lines on a residential lot for L-18657 subject to tie agreement between Tracts A, 2 and 1 as recommended by staff.

LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-18631 Ameritas Life Insurance (2793) (PD-18) (CD-7)
6120 East 41st Street

L-18634 Robert David (2283) (PD-18) (CD-8)
9505 South Canton

L-18647 Jack Stacy (3492) (PD-8) (CD-2)
5913 South 32nd West Avenue

L-18654 Warren Inman (3103) (PD-2) (CD-1)
1024 North Wheeling

L-18658 Walter Bowling (3472) (PD-21) (County)
17121 South 25th West Avenue

Staff Recommendation:

Mr. Stump stated staff finds all these to be in order and recommends approval.

TMAPC Action; 10 members present:

On **MOTION** of **WESTERVELT** the TMAPC voted **10-0-0** (Boyle, Carnes, Gray, Harmon, Horner, Ledford, Midget, Pace Selph, Westervelt "aye"; no "nays"; none "abstaining"; Jackson "absent") to **RATIFY** these lot-splits given Prior Approval, finding them in accordance with Subdivision Regulations

RE-RELEASE OF FINAL PLAT:

The Remington at Memorial (1283)

(PD-18) (CD-8)

Northeast of East 81st Street and South Memorial Drive

Staff Recommendation:

This plat received final plat approval from the Planning Commission April 22, 1998. The applicant has since deleted two lots from the plat and is resubmitting it for another final approval.

All utilities and Public Works have reviewed the changes and consent to its release.

The revised plat in effect creates the two lots fronting Memorial Drive, which has been removed from the plat, but does not state the special PUD conditions for these two lots. These special conditions include a requirement for a mutual access between the apartment entrance road and the south boundary of Development Area C, provided it is reciprocated. By removing these lots from the plat, staff believes the intent of the PUD Chapter to place potential purchases on notice that the land they are buying has special PUD conditions is not being met. Therefore, staff recommends **DENIAL** of the revised plat.

Staff Comments:

Mr. Stump stated that staff recommends denial to the revised plat because; in effect, by platting everything around the two tracts, it is creating the two tracts. He explained staff's concern that the two tracts could be sold separately and the potential buyer would not know the special conditions of the PUD because it is not part of the subdivision plat. Therefore, one of the requirements of the PUD is not accomplished, which is that a potential purchaser be put on notice by having the restrictions of the PUD in the plat.

Mr. Stump stated that the applicant will basically be creating the two lots, even if they are excluded from the plat, because he has defined every boundary of the lot. Staff recommends that the two lots remain in the plat as originally proposed. He explained that if the owner of the subject property does not agree with the PUD conditions, then it should not have gone through as a PUD.

TMAPC Comments:

Mr. Westervelt informed the Planning Commission that he will abstain from this case because he has had a relationship with two of the existing owners to the south, which may be affected by this case.

In response to Mr. Horner, Mr. Stump explained that the two lots were platted and now the applicant would like to exclude the two lots from the plat.

Mr. Boyle stated the PUD conditions cannot be removed from the two lots. He explained that the applicant is wanting to undo the plat.

Mr. Stump explained that before a lot can be sold, the property has to be platted and the special conditions are in the subdivision plat so that any purchaser would know that there are special PUD conditions on the subject property. By defining the two lot, but not including them into the plat and not including the special conditions that apply to the two lots, the PUD purposes are being defeated.

Applicant's Presentation:

Mr. Ted Sack, Sack and Associates, stated he is representing the owner of Lot 1, Block 1. He explained that the original owner retained the unplatted tracts and he is out-of-state and difficult to deal with. He stated that the original owner had contractual obligations to plat the two remaining parcels. He explained that the original owner has now refused to sign the plat because he did not like the verbiage. He stated it is the standard verbiage that is required and the owner requested that it be changed, which would be an impossibility. He indicated the owner requested the property be platted without his tracts.

Mr. Sack reminded the Planning Commission that the two tracts were at one time separate development areas and are still a part of the PUD. He explained that the two tracts will be subject to plat before any building permit can be issued. He stated that in creating the mutual access easement to the unplatted parcels the two parcels were described and their descriptions falls within the deed of dedication. During the abstracting of the unplatted parcels, the actual restrictions of the subdivision plat will be picked up and will have the extra notice of the PUD conditions.

Further TMAPC Comments:

Mr. Boyle asked Mr. Sack if he suggesting that because the two tracts share a part of the legal description it would give potential buyers notice of the PUD. In response, Mr. Sack stated he believed that the PUD requirements would be picked up because the legal descriptions of each of the parcels falls within the deed of dedication of the portion that is being platted.

Mr. Ledford stated that he understands that the legal description for the two subject tracts has been defined in the restrictive covenants for the mutual access benefits.

Mr. Boyle asked if the easement is part of the plat. In response, Mr. Sack stated the easement is part of the plat. He explained that the mutual access easement is for the benefit for his parcel as well as the two unplatted parcels. The legal description of each of the unplatted parcels are contained within the deed of dedication.

Mr. Boyle asked if the easement section is part of the non-platted properties. In response, Mr. Sack stated the two unplatted properties are not included in the easement section.

Mr. Stump stated that there is a second mutual access that is required by the Planning Commission that would be coming from the existing mutual access down to the southern property line. He explained that the second mutual access is not addressed at

this time. If someone purchases the subject lot that owner will have to provide a mutual access. He expressed concerns that the new owner will not know of the requirement for the second mutual access at the time of purchase and will only discover the requirement during site plan review.

Mr. Ledford stated that when a buyer purchases either subject tract, obviously the first thing a purchaser would do is research the underlying zoning and the zoning map will show the PUD. He commented that a zoning attorney looking at the title would want to know what the restrictions of the PUD are. He stated he understands the difficulty Mr. Sack is having with the owner who is unwilling to sign the plat because of the verbiage. The lots will still have to be platted before developing and when the buyer purchases the subject property, part of his background investigation on the property will be zoning and the zoning map will show the PUD.

Mr. Carnes asked Mr. Romig to comment on the discussion regarding this case. Mr. Romig stated that when a buyer purchases the northern lot he is not sure that during a title search the PUD restrictions would be indicated.

Mr. Sack stated he did take the case back to TAC and did receive new letters of release.

Mr. Carnes asked Mr. Sack if there is anything he could do to eliminate the concerns of staff and Legal. Mr. Ledford responded that Mr. Sack could put verbiage on the plat that states the unplatted portion is subject to PUD-547 and file it.

Mr. Romig asked Mr. Ledford why an attorney would look the plat up if the subject tracts are not platted. Mr. Romig stated that if the subject tracts are not excluded from the PUD, then the restriction will be picked up during a title search.

TMAPC Action; 10 members present:

On **MOTION** of **HORNER** the TMAPC voted **9-0-1** (Boyle, Carnes, Gray, Harmon, Horner, Ledford, Midget, Pace, Selph "aye"; no "nays"; Westervelt "abstaining"; Jackson "absent") to **APPROVE** the Re-Release of Final Plat for the revised version of The Remington at Memorial; subject to indicating the two unplatted parcels as being subject to the PUD-547 restrictions.

FINAL PLAT:

The Crescent (1483)
Southeast corner E. 81st St. and S. Memorial Dr.

(PD-18c) (CD-8)

Staff Recommendation:

Mr. Stump stated staff has received necessary approvals, but do not have the Legal Department's endorsement of the language. Therefore, staff recommends approval subject to Legal's approval of language.

TMAPC Action; 10 members present:

On **MOTION** of **HORNER** the TMAPC voted **10-0-0** (Boyle, Carnes, Gray, Harmon, Horner, Ledford, Midget, Pace, Selph, Westervelt "aye"; no "nays"; none "abstaining"; Jackson "absent") to **APPROVE** of the Final Plat for the Crescent subject to final review of language by City Legal Department as recommended by staff.

9100 Yale (1583)

(PD-18b) (CD-8)

Northeast of E. 91st St. and S. Yale Ave.

Staff Recommendation:

Mr. Stump stated staff has received necessary approvals and recommends approval subject to Legal's approval of language.

TMAPC Action; 10 members present:

On **MOTION** of **WESTERVELT** the TMAPC voted **10-0-0** (Boyle, Carnes, Gray, Harmon, Horner, Ledford, Midget, Pace, Selph, Westervelt "aye"; no "nays"; none "abstaining"; Jackson "absent") to **APPROVE** of the Final Plat for 9100 Yale subject to final review of language by City Legal Department as recommended by staff.

Darlington West (2283)

(PD-18b) (CD-8)

West of E. 92nd St. and S. Darlington Ave.

Staff Recommendation:

Mr. Stump stated staff has received necessary approvals and recommends approval subject to Legal's approval of language.

TMAPC Action; 10 members present:

On **MOTION** of **WESTERVELT** the TMAPC voted **10-0-0** (Boyle, Carnes, Gray, Harmon, Horner, Ledford, Midget, Pace, Selph, Westervelt "aye"; no "nays"; none "abstaining"; Jackson "absent") to **APPROVE** of the Final Plat for Darlington West subject to final review of language by City Legal Department as recommended by staff.

PRELIMINARY PLAT:

Hillcrest Medical Center (793)

(PD-4) (CD-4)

Southwest corner East 11th Street and South Utica Avenue

Staff Recommendation:

This is a one-lot, one-block subdivision on 10.67 acres. It will be redeveloped with hospital and accessory uses. The underlying utility easements are extensive and all will be vacated and new ones established.

The Technical Advisory Committee had the following comments:

1. Eshelman, Traffic, asked about dedication of additional right-of-way at the southeast corner, southwest corner and along 11th Street.
2. Wilkerson, Applicant, stated that right-of-way will be dedicated along 11th St. and the southwest corner and a small radius or angle might be provided at the southeast corner. He will look at this and discuss with Eshelman.
3. Eshelman, Traffic, stated that access limits need to be shown along 11th Street and along Utica Avenue.
4. Lee, Water, stated that a domestic water line will be needed at the south of the property.
5. Miller, ONG, forwarded written comments and stated that perimeter easements will be needed.
6. Wilkerson, Applicant, stated he will talk to Miller and discuss specifics of the perimeter easements.
7. Lee, Water, moved approval of the preliminary plat.

Staff recommends approval of the Preliminary Plat subject to the following:

1. Waiver of the Subdivision Regulations to permit the plat to be drawn at a scale of 1"=40'.
2. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
3. Water and sanitary sewer plans shall be approved by the Department of Public Works (Water & Sewer) prior to release of final plat. (Include language for W/S facilities in covenants.)
4. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owner(s) of the lot(s).
5. A request for creation of a Sewer Improvement District shall be submitted to the Department of Public Works (Water & Sewer) prior to release of final plat.

6. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater and/or Engineering) including storm drainage, detention design, and Watershed Development Permit application subject to criteria approved by the City of Tulsa.
7. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).
8. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
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. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. (Percolation tests required prior to preliminary approval of plat.)
18. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)

19. The method of water supply and plans therefor shall be approved by the City/County Health Department.
20. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
21. The key or location map shall be complete.
22. 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.)
23. The restrictive covenants and/or deed of dedication shall be submitted for review with the preliminary plat. (Include subsurface provisions and dedications for stormwater facilities.)
24. 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.)
25. All other Subdivision Regulations shall be met prior to release of final plat.

There were no interested parties wishing to speak.

Applicant was present and agrees with staff.

TMAPC Action: 10 members present:

On **MOTION** of **MIDGET** the TMAPC voted **10-0-0** (Boyle, Carnes, Gray, Harmon, Horner, Ledford, Midget, Pace, Selph, Westervelt "aye"; no "nays"; none "abstaining"; Jackson "absent") to **APPROVE** the Preliminary Plat for Hillcrest Medical Center subject to conditions as recommended by staff.

Stonehaven at Riverside (PUD 306-F) (2083) (PD-18b) (CD-2)
 Northeast corner South Delaware Avenue and Creek Turnpike

Staff Recommendation:

This is a one-lot, one-block subdivision of 18.391 acres. In 1983 the property was approved as part of PUD 306 for multifamily development. The PUD was amended in 1996 to permit a professional and amateur ice sports facility and included an area for office development. The project was later abandoned and this amendment returns it to multifamily use. It will consist of approximately 352 apartment units.

The Technical Advisory Committee has the following comments:

1. Limits of access need to be shown along the Creek Turnpike.
2. Sack, Applicant, stated he is working with the Turnpike Authority to allow access for emergency vehicles on the Creek Turnpike access road.
3. Eshelman, Traffic, asked if there will be two access points on Delaware.
4. Sack, Applicant, stated the northernmost access point is for emergency vehicles only if he cannot get access on the Creek Turnpike.
5. Eshelman, Traffic, would like to see Riverside Parkway and Delaware Ave. both shown on the plat and does not want any of the apartments' addresses on Delaware.
6. Beach, TMAPC staff, asked if the 11' perimeter easement would be sufficient.
7. No one had concerns except Shelton, Wastewater, wants an additional 7.5' easement to the 15' sewer easement shown along the west end.
8. McCormick, Stormwater, sent written comments stating that there is regulatory floodplain along the north side of the property and the area will need to be in a dedicated reserve and/or compensatory storage will need to be addressed.
9. Pierce, PSO, moved to approve the preliminary plat.

Staff recommends approval of the Preliminary Plat subject to the following:

1. A waiver of the Subdivision Regulations to allow the plat to be drawn at a scale of 1" = 80'.
2. All conditions of PUD-306-F 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. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
10. Street names shall be approved by the Department of Public Works and shown on plat.
11. All curve data, including corner radii, shall be shown on final plat as applicable.
12. City of Tulsa Floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.
13. 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.
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 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 plat release.)
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. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. (Percolation tests required prior to preliminary approval of plat.)
19. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
20. The method of water supply and plans therefor shall be approved by the City/County Health Department.
21. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
22. The key or location map shall be complete.

- 23. 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.)
- 24. The restrictive covenants and/or deed of dedication shall be submitted for review with the preliminary plat. (Include subsurface provisions, dedications for stormwater facilities, and PUD information as applicable.)
- 25. 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.)
- 26. All other Subdivision Regulations shall be met prior to release of final plat.

There were no interested parties wishing to speak.

Applicant was present and agrees with staff.

TMAPC Action; 10 members present:

On **MOTION** of **HORNER** the TMAPC voted **10-0-0** (Boyle, Carnes, Gray, Harmon, Horner, Ledford, Midget, Pace, Selph, Westervelt "aye"; no "nays"; none "abstaining"; Jackson "absent") to **APPROVE** the Preliminary Plat for Stonehaven at Riverside subject to conditions as recommended by staff.

* * * * *

Fitzgerald Funeral Home (2183)

(PD-18b) (CD-8)

East of South Harvard Avenue, South of East 91st Street

Staff Recommendation:

This subdivision contains one lot in one block on 2.783 acres. It will be developed as a funeral home within an existing cemetery.

The Technical Advisory Committee has the following comments:

- 1. Miller, ONG, wants a 17.5' utility easement along 91st St.
- 2. Somdecerrf, Transportation, wants limits of access shown along 91st St.
- 3. Lee, Water, stated a fire hydrant might be needed on the north side of 91st St.

Staff recommends approval of the Preliminary Plat subject to the following:

- 1. A waiver of the Subdivision Regulations to allow the plat to be drawn at a scale of 1" = 30'

2. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
3. Water and sanitary sewer plans shall be approved by the Department of Public Works (Water & Sewer) prior to release of final plat. (Include language for W/S facilities in covenants.)
4. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owner(s) of the lot(s).
5. A request for creation of a Sewer Improvement District shall be submitted to the Department of Public Works (Water & Sewer) prior to release of final plat.
6. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater and/or Engineering) including storm drainage, detention design, and Watershed Development Permit application subject to criteria approved by the City of Tulsa.
7. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).
8. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
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. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. (Percolation tests required prior to preliminary approval of plat.)
18. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
19. The method of water supply and plans therefor shall be approved by the City/County Health Department.
20. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
21. The key or location map shall be complete.
22. 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.)
23. The restrictive covenants and/or deed of dedication shall be submitted for review with the preliminary plat. (Include subsurface provisions, dedications for stormwater facilities, and PUD information as applicable.)
24. 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.)
25. All other Subdivision Regulations shall be met prior to release of final plat.

There were no interested parties wishing to speak.

Applicant was present and agrees with staff.

TMAPC Action; 10 members present:

On **MOTION** of **MIDGET** the TMAPC voted **10-0-0** (Boyle, Carnes, Gray, Harmon, Horner, Ledford, Midget, Pace, Selph, Westervelt "aye"; no "nays"; none "abstaining"; Jackson "absent") to **APPROVE** the Preliminary Plat for Fitzgerald Funeral Home subject to conditions as recommended by staff.

PLAT WAIVER:

BOA 16096 (1694)

(PD-17) (CD-6)

13140 East 21st Street South

Staff Recommendation:

This property was approved by the Board of Adjustment for church use in 1992. This approval triggered the platting requirement.

In addition to the checklist below, the Technical Advisory Committee has the following comments:

1. Somdecerff, Transportation, stated that 10 feet of additional right-of-way is needed along 21st St.
2. Eshelman, Traffic, stated that 133rd E. Ave. should be vacated and a mutual access easement established in its place.
3. Lee, Water, wants a waterline easement along 21st St. if additional right-of-way is not dedicated.
4. Pierce, PSO, wants a 10-foot easement along 21st St. if additional right-of-way is not dedicated.
5. Eshelman, Traffic, wants a left-turn lane for east-bound traffic constructed on 21st St. under a PFPI or "no left turn" signs

TMAPC CHECKLIST FOR PLAT WAIVERS

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? | South 1/2 | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | North 1/2 |
| 2) Are there restrictive covenants contained in a previously filed plat? | South 1/2 | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | North 1/2 |
| 3) Is property adequately described by surrounding platted properties or street R/W? | | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |

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? | | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| 5) Will restrictive covenants be filed by separate instrument? | | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| 6) Infrastructure requirements | | | | |
| a) Water | | | | |
| i) Is a main line water extension required? | | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| ii) Is an internal system or fire line required? | | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |

- | | | | |
|------|--|--------------------------|--------------------------|
| iii) | Are additional easements required?
see # 3 above under TAC comments | <input type="checkbox"/> | ✓ |
| iv) | b) Sanitary Sewer | | |
| | i) Is a main line extension required? | <input type="checkbox"/> | <input type="checkbox"/> |
| | ii) Is an internal system required? | <input type="checkbox"/> | <input type="checkbox"/> |
| | iii) Are additional easements required? | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | Unknown |
| | c) Storm Sewer | | |
| | i) Is a P.F.P.I. required? | <input type="checkbox"/> | ✓ |
| | ii) Is an Overland Drainage Easement required? | <input type="checkbox"/> | ✓ |
| | iii) Is on-site detention required? | <input type="checkbox"/> | ✓ |
| | iv) Are additional easements required? | <input type="checkbox"/> | ✓ |
| 7) | Floodplain | | |
| | a) Does the property contain a City of Tulsa (Regulatory) Floodplain? | <input type="checkbox"/> | ✓ |
| | b) Does the property contain a F.E.M.A. (Federal) Floodplain? | <input type="checkbox"/> | ✓ |
| 8) | Change of Access | | |
| | a) Are revisions to existing access locations necessary? | | N/A |
| 9) | Is the property in a P.U.D.? | <input type="checkbox"/> | ✓ |
| | a) If yes, was plat recorded for the original P.U.D.? | | N/A |
| 10) | Is this a Major Amendment to a P.U.D.? | <input type="checkbox"/> | ✓ |
| | a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.? | | N/A |

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.

Staff recommends **denial** of the plat waiver.

Interested Parties:

Bill Retherford, 8545 East 41st Street, Tulsa, Oklahoma 74145, representing Eastland Church of the First Born, read a prepared statement requesting the plat waiver. He explained that he thought that the site plan was in lieu of a plat.

Mr. Retherford stated that the 2-½ acre tract will be used by the church building and parking only. He explained that he went before the Technical Advisory Committee ("TAC") on May 7, 1998 and several issues were raised. He indicated that he has been working with a consulting firm and his attorney to resolve all the issues that were raised by TAC.

Mr. Retherford informed the Planning Commission that he had a Deed of Dedication, which deeds ten feet along the north boundary at 21st Street to the City of Tulsa for right-of-way and easement. He indicated that his attorney has filed a petition to vacate 133rd East Avenue. He stated he is willing to accept a no left turn sign on 21st Street,

since the church is not financially able to pay for a left-turn lane for the eastbound traffic on 21st Street.

Mr. Retherford commented that the Deed of Dedication for the easement will comply with the Major Street and Highway Plan. He stated that there will be no need for restrictive covenants. He indicated that he has received sign-offs from the various City Departments, including Stormwater Management. He concluded that he feels that he has addressed all of the issues and met all the requirements. He requested that the plat waiver be approved.

TMAPC Comments:

Mr. Selph asked staff if Mr. Retherford's comments answer effectively the concerns that were addressed during the TAC review. Mr. Stump responded that Mr. Retherford's comments satisfy TAC's needs, but staff would prefer to see this on a plat. He explained that since there are so many easements and stormwater drainage facilities, etc., the record would be better served with a plat.

Mr. Retherford stated he understands Mr. Stump's position for the need of plats. However, the City will be abutting the subject property on three sides and the deed will take care of all of the issues pertaining to easements and right-of-ways. He further stated his attorney is filing a petition to vacate 133rd East Avenue.

Mr. Ledford stated that Mr. Retherford's engineer should have known the requirements for developing the subject property. He commented that it is not the Planning Commission's fault that the applicant did not know the plat waiver process. He explained that if the Planning Commission grants a plat waiver the applicant still has to file an ALTA/ACSM/NSPS Land Title Survey, which will be as expensive as platting the property. He commented that the property still needs to be platted because of the easements and right-of-ways.

Mr. Ledford stated that the Planning Commission cannot give TAC a tool to work with and then each time it is brought before the Planning Commission the tool is not used and a plat waiver is granted. In response, Mr. Retherford stated that the engineer was not called in until after the building permit was applied for. It was at this time that the church learned that they had to file a plat or a plat waiver.

Mr. Ledford asked Mr. Retherford if he had an architect involved in the project. In response, Mr. Retherford answered affirmatively. Mr. Ledford stated that the architect should have known the platting process.

Mr. Horner asked staff what expense and time is involved with filing a plat. In response, Mr. Stump stated he did not know the fees, but the time is anywhere from six weeks to 90 days. He predicted that this application will take approximately six weeks since a good portion of the issues have already been addressed.

Mr. Westervelt stated he has some real trepidation when the Planning Commission vary from this new procedure that has been put in place. However, based on the fact that these are unique circumstances with the City of Tulsa abutting all sides of the subject property and if the applicant understands that he will be required to file an ALTA/ACSM/NSPS Land Title Survey he will make a motion.

TMAPC Action; 10 members present:

On **MOTION** of **WESTERVELT** the TMAPC voted **8-2-0** (Boyle, Gray, Harmon, Horner, Midget, Pace, Selph, Westervelt “aye”; Carnes, Ledford “nays”; none “abstaining”; Jackson “absent”) to **APPROVE** the Plat Waiver for BOA 16096 subject to the filing for the vacation of 133rd East Avenue; an ALTA/ACSM/NSPS Land Title Survey being produced, and subject to the 10’ dedication being made for the right-of-way along 21st Street.

PUD 272 (1583)

(PD-16b) (CD-8)

West of southwest corner East 81st Street and South Sheridan Road

Staff Recommendation:

This is a request for a temporary plat waiver to allow the temporary installation of a mobile banking office for 14 months. The office will be used during construction of the permanent bank building.

The applicant is requesting waiver of TAC review of the requested plat waiver. Staff can support waiver of the plat if evidence is provided that Public Works has no objections and the waiver is only granted for a temporary mobile banking office to be removed within 14 months.

Staff Comments:

Mr. Stump stated that the applicant has explained that he has a banking facility, which has to establish its use within a certain period of time and would like to establish a mobile office while the development for the permanent facility is in process.

There were no interested parties wishing to speak.

Interested Parties:

Mr. Wayne Wilkerson, 1602 South Main, Tulsa, Oklahoma, 74103, stated he agrees with staffs’ recommendation and indicated the plat process for the entire site is underway.

TMAPC Comments:

Mr. Westervelt stated that he has learned that when the banks go into temporary facilities that their insurance rates are extraordinary and that alone will be an incentive to process the plat as soon as possible.

TMAPC Action; 10 members present:

On **MOTION** of **WESTERVELT** the TMAPC voted **10-0-0** (Boyle, Carnes, Gray, Harmon, Horner, Ledford, Midget, Pace, Selph, Westervelt "aye"; no "nays"; none "abstaining"; Jackson "absent") to **APPROVE** the Temporary Plat Waiver for PUD-272 subject to conditions recommended by staff.

Zoning Public Hearings:

PUD-542-1 – Stephen Turner

(PD-18) (CD-8)

6320-26 East 88th Street.

(Minor Amendment to increase the allowed building height for a proposed single-family dwelling.)

Staff Recommendation:

The applicant is requesting Minor Amendment approval to increase the allowed building height for a proposed single-family dwelling from 35 feet to 40 feet to permit construction of a large structure on two residential lots totaling 74,795 square feet. The home will be located on the end of a cul-de-sac and is the first home to be built in the new subdivision. The addition was approved with a private street system, which meets City of Tulsa specifications.

Staff has reviewed the request and finds the building setback, location on the end of the cul-de-sac and the large building site would allow a larger residential structure with increased height without encroaching on abutting properties or substantially altering the PUD standards or the character of the original approval.

Staff, therefore, recommends **APPROVAL** of the Minor Amendment per the submitted plot plan and elevations increasing the maximum building height for a single building on Lots 24 and 25 to 40 feet.

There were no interested parties wishing to speak.

The applicant was present and agrees with staff's recommendation.

TMAPC Action; 10 members present:

On **MOTION** of **WESTERVELT** the TMAPC voted **10-0-0** (Boyle, Carnes, Gray, Harmon, Horner, Ledford, Midget, Pace, Selph, Westervelt "aye"; no "nays"; none "abstaining"; Jackson "absent") to recommend **APPROVAL** of the Minor Amendment for PUD-542-1 as recommended by staff.

Legal Description of PUD-542-1:

Lots 24 and 25, Block 2, Sheridan Oaks Estates Addition, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Other Business:

PUD-272 – Sisemore, Hall & Weisz, Inc.

(PD-18) (CD-8)

Southwest corner 81st and Sheridan
(Detail Site Plan for temporary bank facility.)

Staff Recommendation:

The applicant is requesting Detail Site Plan approval for a two-story 11,430 square foot permanent bank facility with five drive through lanes on a 2.042-acre tract. The applicant is also requesting approval to locate a 1,846-square-foot temporary portable office structure on the eastern portion of the site for 14 months while the permanent facility is being built.

The applicant has just filed a preliminary plat for the parcel and is requesting a plat waiver to allow construction of the temporary facility in order to meet a deadline for establishing the bank.

Staff has examined the site plan and finds conformance to the bulk and area, building height, floor area, setback, parking, site screening and total landscaped area standards of PUD-272. Although City Traffic Engineering has approved the access points along East 81st Street South (which recognize the future widening and inclusion of a turn lane), the absence of a preliminary plat application and related TAC review may not establish all constraints and conditions that may effect the final design of the site.

The temporary facility will be located in the eastern .733 acre portion of the tract and will consist of a portable building, parking, temporary drives, one drive-through lane and landscaped areas. The temporary building, drive-through and parking area conforms to bulk and area, floor area, setback, access, parking and site screening requirements of Development Area A of the PUD.

Staff, therefore, recommends **APPROVAL** of the Site Plan for only the temporary building to be located in Development Area A of PUD-272 as submitted with the following conditions:

1. The portable building with associated parking, landscaping and trash enclosure is approved for 14 months or until July 20, 1999. A Plat Waiver and Landscape Plan for the temporary building must be approved before a building permit will be issued.

2. No building permit for the permanent facility will be issued until TMAPC reviews and approves Detail Site, Landscape and Sign Plans for the permanent facility based on review and comment of the TAC during the platting process and the platting requirement is met.

There were no interested parties wishing to speak.

Applicant was present and indicated he was in agreement with staff's recommendation.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES** the TMAPC voted **10-0-0** (Boyle, Carnes, Gray, Harmon, Horner, Ledford, Midget, Pace, Selph, Westervelt "aye"; no "nays"; none "abstaining"; Jackson "absent") to **APPROVE** the Detail Site Plan for a portion of PUD-272 subject to conditions as recommended by staff.

Mr. Midget requested that the HOPE VI Osage Project be included on the next agenda for TMAPC.

There being no further business, the Chairman declared the meeting adjourned at 2:15 p.m.

Date approved: 6-3-98



Chairman

ATTEST: Brenda S. Jaehn
Secretary