

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2163

Wednesday, June 17, 1998, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Boyle	Ledford	Beach	Romig, Legal
Carnes		Dunlap	Counsel
Gray		Huntsinger	
Harmon		Matthews	
Horner		Stump	
Jackson			
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 8:35 a.m., posted in the Office of the City Clerk at 8:28 a.m., as well as in the office of the County Clerk at 8:25 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 27, 1998, Meeting No. 2159:**

On **MOTION** of **HORNER** the TMAPC voted **8-0-0** (Boyle, Carnes, Gray, Harmon, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Jackson, Selph, Midget "absent") to **APPROVE** the minutes of the meeting of May 6, 1998 Meeting No. 2157.

### Reports:

#### Committee Reports:

##### **Comprehensive Plan Committee:**

Mr. Boyle reported that the committee held a meeting on June 17, 1998 at 11:30 a.m. The Planning Commission will be reporting the results of the meeting under Item No. 22.

**Special Residential Facilities Task Force:**

Mr. Westervelt reported that there will be a meeting Thursday, June 18, 1998 at 3:30 p.m. at the INCOG Conference Room, 5<sup>th</sup> floor. He stated the Task Force will have a consolidated list of alternatives to review.

Mr. Boyle asked Mr. Westervelt when the Planning Commission could expect a report from the Task Force. In response, Mr. Westervelt stated there will be one additional meeting and then look at the statutory time to submit to the agenda.

It was determined that the report would be ready in the latter part of July.

**Director's Report:**

Mr. Stump reported that there are several cases on the City Council agenda and Mr. Jim Dunlap will be representing staff.

Mr. Boyle reported that Mr. Harmon will attend the City Council Meeting to represent the Planning Commission.

Mr. Horner informed Mr. Boyle that he could attend the City Council meetings on the first Thursday of every month.

**Subdivisions:**

**LOT-SPLITS FOR WAIVER OF SUBDIVISION REGULATIONS:**

**L-18642 – Louis DeSilvio (424)** (PD-14) (County)  
17707 North 129<sup>th</sup> East Avenue

**Staff Comments:**

Mr. Beach informed the Planning Commission that this application was denied at the County Board of Adjustment and it should be stricken from the agenda.

**Final Plat:**

**Antioch Baptist Church** (1102) (PD-25) (County)  
West of southwest corner W. 56<sup>th</sup> Street North and North Cincinnati Avenue.

**Staff Recommendation:**

Mr. Beach stated that everything is in order and staff recommends approval subject to final legal review.

**There were no interested parties wishing to speak.**

**TMAPC Action; 8 members present:**

On **MOTION** of **WESTERVELT** the TMAPC voted **8-0-0** (Boyle, Carnes, Gray, Harmon, Horner, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Jackson, Ledford, Midget, Selph "absent") to **APPROVE** Final Plat for Antioch Baptist Church subject to final legal review as recommended by staff.

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**Lots 11 and 12, Block 26, Gilcrease Hills Village II** (2702) (PD-2) (CD-1)  
South side of West Queen Street, east side of North Union Avenue

**Staff Recommendation:**

Mr. Beach stated this plat was before the Planning Commission previously and there was some controversy over an oil well. This controversy has been settled and the engineer resubmitted the plat with a large reserve area surrounding the oil well. The applicant was granted a reduced setback and now he is submitting a new plat to include Lots 11 and 12, which were formerly Reserve Area A.

Mr. Beach stated that everything seems to be in order and the staff recommends approval subject to final legal review.

**There were no interested parties wishing to speak.**

**TMAPC Action; 8 members present:**

On **MOTION** of **CARNES** the TMAPC voted **8-0-0** (Boyle, Carnes, Gray, Harmon, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ledford, Midget, Selph "absent") to **APPROVE** the Final Plat for Lots 11 and 12, Block 26, Gilcrease Hills Village II subject to final legal review.

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**Preliminary Plat:**

**Essex** (PUD-589) (993) (PD-6) (CD-9)  
North of East 41<sup>st</sup> Street at South Xanthus Avenue

**Staff Recommendation:**

This subdivision contains seven lots in one block on 2.91 acres. It will be developed as single-family residences with a private, gated access. This is a re-subdivision of two existing lots, each of which contain a single-family residence that will remain.

The Technical Advisory Committee has the following comments:

1. Sack, Applicant, stated that the water line for fire protection will be extended to Lot 9.
2. Pierce, PSO, wants 5' utility easements along the side lot lines between Lots 1 and 2, 3 and 4 and 5 and 6
3. Miller, ONG, wants utility easements along both sides of the private street.
4. Eshelman, Traffic, suggested a reconfiguration of the end of the private street to make it easier to turn around. This is not a requirement, just a suggestion.
5. Sack, Applicant, agreed.

**Staff recommends approval** of the preliminary plat subject to the following:

1. A waiver of the Subdivision Regulations is needed to allow the plat to be drawn at a scale of 1" = 40'.
2. All conditions of PUD-589 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.**

**The applicant, Mr. Ted Sack, indicated his agreement with staff's recommendation.**

**TMAPC Action; 8 members present:**

On **MOTION** of **HORNER** the TMAPC voted **8-0-0** (Boyle, Carnes, Gray, Harmon, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ledford, Midget, Selph "absent") to **APPROVE** the Preliminary Plat for Essex subject to waiver of subdivision regulations as recommended by staff.

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**Maple Ridge Village** (PUD-590) (2783)  
East of South Yale Avenue at East 104<sup>th</sup> Place

(PD-26) (CD-8)

**Staff Recommendation:**

This subdivision contains 14 lots and four reserve areas in one block on 4.087 acres. It will be developed as single-family residences with a private street.

The Technical Advisory Committee has the following comments:

6. Pierce, PSO, wants 5' utility easements on each side of the lot line between Lots 3&4 and 6&7. He also stated that new easements will be needed to serve the surrounding existing houses.
7. Lee, Water, wants a loop main extension and language pertaining to it in the restrictive covenants.
8. McCormick, Stormwater, stated that the detention facility must have an approved point of discharge.
9. Miller, ONG wants separate street maintenance and utility easements.
10. The hammerhead at the end of the private street needs to be larger to give adequate room to maneuver vehicles.
11. Limits of access need to be shown along Yale.
12. Right-of-way dedication along Yale needs book and page number.

**Staff recommends approval/denial** of the preliminary plat subject to the following:

1. Waiver of the Subdivision Regulations to allow the plat to be drawn at a scale of 1" = 40'.
2. Waiver of the Subdivision Regulations to allow a cul-de-sac longer than 500 feet.
3. The remaining portions of lots abutting this subdivision that have been reduced shall meet the Subdivision regulations
4. All conditions of PUD-590 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.
5. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
6. 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.)
7. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).
8. A request for creation of a Sewer Improvement District shall be submitted to the Department of Public Works (Water & Sewer) prior to release of final plat.
9. 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.
10. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).
11. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
12. Street names shall be approved by the Department of Public Works and shown on plat.
13. All curve data, including corner radii, shall be shown on final plat as applicable.

14. City of Tulsa Floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.
15. 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.
16. All adjacent streets, intersections, and/or widths thereof shall be shown on plat.
17. 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.
18. 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.)
19. 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.
20. 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.)
21. 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.)
22. The method of water supply and plans therefor shall be approved by the City/County Health Department.
23. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
24. The key or location map shall be complete.
25. 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.)
26. 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.)

27. 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.)

28. All other Subdivision Regulations shall be met prior to release of final plat.

**TMAPC Comments:**

Mr. Westervelt stated that the applicant wants the Planning Commission to waive the subdivision requirements for a longer, standard cul-de-sac. In response, Mr. Beach stated the discussion was about the width. He explained that the ends of the hammerhead are about 17' in width, which is not considered to be a sufficient amount for turning from those individual lots. He stated that TAC wanted the hammerhead to be widened. The Engineer for the project agreed and the new width should be on the final plat.

Mr. Westervelt asked staff if there was any discussion in the TAC meeting regarding a cul-de-sac vs. a hammerhead. In response, Mr. Beach stated that TAC did not make a cul-de-sac as a requirement.

Ms. Pace asked staff if this was a gated community, and if so, is there enough stacking space. Mr. Beach stated the applicant will have to address the stacking issue.

Mr. Carnes asked how anyone would get a trailer turned around in the hammerhead. He indicated that he is against this application because it requires a cul-de-sac to enable vehicles to turn around.

**Applicant's Presentation:**

**Darin Akerman**, 1602 South Main, stated this community will not have a gate at the entry of the subdivision. He explained that the cul-de-sac would not leave ample depth for the lots and that is the reason for the hammerhead.

**TMAPC Comments:**

Mr. Boyle asked the applicant how anyone who is pulling a trailer with lawn equipment could turn around on this hammerhead. In response, Mr. Akerman stated the hammerhead will be widened to make a better turn-around area.

Mr. Horner asked the applicant what the length of the hammerhead is. Mr. Akerman stated the hammerhead is 17' x 60'. Mr. Horner stated that with an 18' trailer with a 2' tongue and 20' car, that would make a total length of 40', which would be impossible to turn around in a hammer head. Mr. Ackerman stated he is open to modifying the hammerhead, but would like to avoid the cul-de-sac because of the constraints it would put on the lots.

Mr. Westervelt asked staff if the Planning Commission could approve a preliminary plat with the condition that there be a change in the hammerhead. Mr. Stump stated it would be better to come back with a plat that is redrawn. He explained that any modification will change the lots and the final plat is supposed to agree with the preliminary plat. Mr. Stump recommended that the applicant return with a preliminary plat with the modifications discussed regarding the hammerhead.

**There were no interested parties wishing to speak.**

**Mr. Selph and Mr. Midget in at 1:43 p.m.**

**TMAPC Action; 10 members present:**

On **MOTION** of **CARNES** the TMAPC voted **8-0-2** (Boyle, Carnes, Gray, Harmon, Horner, Jackson, Pace, Westervelt “aye”; no “nays”; Midget, Selph “abstaining”; Ledford “absent”) to **DENY** the Preliminary Plat for Maple Ridge Village.

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**8100 Bank South** (PUD 272) (1583) (PD-18b) (CD-8)  
West of southwest corner E. 81<sup>st</sup> St. and S. Sheridan Rd.

**Staff Recommendation:**

This is a one-lot, one-block subdivision designed for development of a bank.

The Technical Advisory Committee has the following comments:

- 1. Lee, Water, stated that a water line extension will be required.
- 2. Miller, ONG, stated that if the sanitary sewer easement shown along 81<sup>st</sup> St. is restricted, an additional 17.5' utility easement will be needed.

**Staff recommends approval** of the preliminary plat subject to the following:

- 1. Waiver of the Subdivision Regulations to allow the plat to be drawn at a scale of 1" = 20'.
- 2. All conditions of PUD-272 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. This plat has been referred to Bixby because of its location near or inside a "fence line" of that municipality. Additional requirements may be made by the applicable municipality. Otherwise only the conditions listed apply.
26. 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.)
27. All other Subdivision Regulations shall be met prior to release of final plat.
28. If this is a re-subdivision of already platted property, this plat is subject to Oklahoma Statute 42-106.
29. If the owner is a Limited Liability Corporation (L.L.C.) a letter from an attorney stating that the L.L.C. is properly organized to do business in Oklahoma is required.

There were no interested parties wishing to speak.

**TMAPC Action; 10 members present:**

On **MOTION** of **WESTERVELT** the TMAPC voted **10-0-0** (Boyle, Carnes, Gray, Harmon, Horner, Jackson, Midget, Pace, Selph, Westervelt “aye”; no “nays”; none “abstaining”; Ledford “absent”) to **APPROVE** the Preliminary Plat for 8100 Bank South subject to legal review and waiver of the subdivision requirements as recommended by staff.

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**Albertson's Tulsa Distribution** (494)

(PD-6) (CD-9)

Northwest corner S. 145<sup>th</sup> E. Ave. and E. Admiral Pl.

**Staff Recommendation:**

This is a one-lot, one-block subdivision of 113 acres to be developed as a regional distribution center for a national grocery chain.

The Technical Advisory Committee has the following comments:

1. Eshelman, Traffic Eng., stated that an additional right-of-way dedication of 8 feet x 388 feet will be required along Admiral Pl. west from the intersection at 145<sup>th</sup> E. Ave. and 145<sup>th</sup> E. Ave. is a primary arterial and access locations will need to be confirmed, with median cuts.
2. McCormick, Stormwater, stated that the southwest corner of the property is subject to flooding and on-site detention will be required.

**Staff recommends approval** of the preliminary plat subject to the following:

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 storm water facilities, and PUD information as applicable.)
25. This plat has been referred to Catoosa because of its location near or inside a "fence line" of that municipality. Additional requirements may be made by the applicable municipality. Otherwise only the conditions listed apply.
26. 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.)
27. All other Subdivision Regulations shall be met prior to release of final plat.
28. If this is a re-subdivision of already platted property, this plat is subject to Oklahoma Statute 42-106.
29. If the owner is a Limited Liability Corporation (L.L.C.) a letter from an attorney stating that the L.L.C. is properly organized to do business in Oklahoma is required.

**Applicant was present and indicated his agreement with the staff recommendation.**

**There were no interested parties wishing to speak.**

**TMAPC Action; 10 members present:**

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

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**Flying J Travel Plaza** (3304)

(PD-5) (CD-6)

Northeast corner S. 129<sup>th</sup> E. Ave. and E. Admiral Pl.

**Staff Recommendation:**

This is a subdivision of 20.55 acres into two lots and one reserve in one block. It will be developed as a highway travel stop.

The Technical Advisory Committee has the following comments:

1. Pierce, PSO, stated that a 17.5-foot utility easement will be needed along and south of the south line of Reserve A. The deed of dedication needs standard language making provisions for overhead lines in the easement.
2. Eshelman, Traffic Eng., stated that the 80' access shown on 129<sup>th</sup> E. Ave. should not have a median.
3. Beach, INCOG, stated that the building line along E. Admiral Pl. should be 50', not 25' as shown.
4. McCormick, Stormwater stated that compensatory storage will be required.

**Staff recommends approval** of the preliminary plat subject to the following:

1. 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.
2. 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.)
3. 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).
4. 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.
5. 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.
6. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).
7. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)

8. Street names shall be approved by the Department of Public Works and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. City of Tulsa Floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.
11. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the Department of Public Works.
12. All adjacent streets, intersections, and/or widths thereof shall be shown on plat.
13. Limits of Access or LNA as applicable shall be shown on plat as approved by the Department of Public Works (Traffic). Include applicable language in covenants.
14. It is recommended that the Developer coordinate with the Department of Public Works (Traffic) during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
15. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
16. 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.)
17. 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.)
18. The method of water supply and plans therefor shall be approved by the City/County Health Department.
19. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
20. The key or location map shall be complete.
21. 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.)

22. The restrictive covenants and/or deed of dedication shall be submitted for review with the preliminary plat. (Include subsurface provisions, dedications for storm water facilities, and PUD information as applicable.)
23. The zoning application Z-6643 shall be approved and the ordinance or resolution therefor published before final plat is released. (Plat shall conform to the applicable zoning approved.)
24. This plat has been referred to Catoosa because of its location near or inside a "fence line" of that municipality. Additional requirements may be made by the applicable municipality. Otherwise only the conditions listed apply.
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.
27. If this is a re-subdivision of already platted property, this plat is subject to Oklahoma Statute 42-106.
28. If the owner is a Limited Liability Corporation (L.L.C.) a letter from an attorney stating that the L.L.C. is properly organized to do business in Oklahoma is required.

**TMAPC Comments:**

Mr. Carnes asked staff if there will be an off-ramp added to the subject area at a later date. In response, Mr. Beach stated that there was nothing mentioned regarding an off-ramp.

**Applicant's Presentation:**

**Ted Sack**, 111 South Elgin, stated there is no new on-ramp planned for the subject area.

**There were no interested parties wishing to speak.**

**TMAPC Action; 10 members present:**

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

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**Plat Waiver:**

**BOA 18059** (593)

(PD-4) (CD-4)

Southeast of S. Florence Ave. and E. Fourth Pl.

**Staff Recommendation:**

The Board of Adjustment approved this property for expansion of the TU Law Library on May 26, 1998. This approval (Special Exception – Use Unit 2) triggered the platting requirement.

This and the surrounding properties are already platted and well described. The infrastructure is adequate for this and the surrounding development. The scope of the project is limited to within the Tulsa University campus.

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

**The applicant was present and indicated his agreement with staff's recommendation.**

**There were no interested parties wishing to speak.**

**TMAPC Action; 10 members present:**

On **MOTION** of **MIDGET** the TMAPC voted **10-0-0** (Boyle, Carnes, Gray, Harmon, Horner, Jackson, Midget, Pace, Selph, Westervelt "aye"; no "nays"; none "abstaining"; Ledford "absent") to **APPROVE** the Plat Waiver for BOA-18059 as recommended by staff.

\*\*\*\*\*

**Z-4649** (894)

(PD-17) (CD-6)

1245 S. Garnett Rd.

**Staff Recommendation:**

This property was approved by the City in 1974 for rezoning to CS (Commercial Shopping Center District). This approval triggered the platting requirement.

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

1. Miller, ONG, asked if 13<sup>th</sup> St. has been vacated. The site plan submitted shows 13<sup>th</sup> vacated and being used for access to the proposed parking lot.
2. The applicant answered he believes it has been.
3. Beach, INCOG, will check it and advise. **(Review of County Assessor maps that show current ownership of parcels in Tulsa County show from the centerline of Garnett, east approximately 214.11 feet is 50' wide public right-of-way.)**

4. Nelson, Southwestern Bell Telephone, stated a 17.5' utility easement is needed along Garnett Rd.
5. Eshelman, Traffic Eng., stated that he does not want trucks to pull into Garnett Rd. before backing into the truck dock.
6. Lee, Water, stated that two fire hydrants need to be added to the west side of the property.

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"/> |
| 2) Are their restrictive covenants contained in a previously filed plat?             | ✓   | <input type="checkbox"/> |
| 3) Is property adequately described by surrounding platted properties or street R/W? | ✓   | <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 type="checkbox"/> | ✓                        |
| 5) Will restrictive covenants be filed by separate instrument?                       | ✓                        | <input type="checkbox"/> |
| 6) Infrastructure requirements   |                          |                          |
| a) Water   |                          |                          |
| i) Is a main line water extension required?  | <input type="checkbox"/> | ✓                        |
| ii) Is an internal system or fire line required?                                     | <input type="checkbox"/> | ✓                        |
| iii) Are additional easements required?  | <input type="checkbox"/> | ✓                        |
| b) Sanitary Sewer  |                          |                          |
| i) Is a main line extension required?  | <input type="checkbox"/> | ✓                        |
| ii) Is an internal system required?  | <input type="checkbox"/> | ✓                        |
| iii) Are additional easements required?  | <input type="checkbox"/> | ✓                        |

- |  |   |                                     |                                     |
|--|---|-------------------------------------|-------------------------------------|
| c) Storm Sewer                             |   |                                     |                                     |
| i)   | Is a P.F.P.I. required?   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| ii)  | Is an Overland Drainage Easement required?  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| iii)                                       | Is on-site detention required?  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| iv)  | Are additional easements required?  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 7) Floodplain                              |   |                                     |                                     |
| a)   | Does the property contain a City of Tulsa (Regulatory) Floodplain?                          | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b)   | Does the property contain a F.E.M.A. (Federal) Floodplain?                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 8) Change of Access                        |   |                                     |                                     |
| a)   | Are revisions to existing access locations necessary?                                       | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 9) Is the property in a P.U.D.?            |   |                                     |                                     |
| a)   | If yes, was plat recorded for the original P.U.D.?  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
|  |   | <b>N/A</b>                          |                                     |
| 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.? | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
|  |   | <b>N/A</b>                          |                                     |

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.

**TMAPC Comments:**

Mr. Midget asked staff if TAC's primary concern was that the street had not been vacated at this time. Mr. Beach answered affirmatively. He explained that TAC had concerns with the street not being vacated at this time and stormwater issues. He stated the project has already begun and there is a PFPI underway on the site. He explained that the PFPI is required and the entire process is much cleaner when it coincides with the platting process.

**Applicant's Presentation:**

**Joe McCormick**, 601 Park Tower, 5314 South Yale, Tulsa, Oklahoma, 74135, representing Warehouse Market, stated that TAC did not know at the time of their review that Warehouse Market had acquired the property to the north of 13<sup>th</sup> Street. He explained that he has an application to have the street vacated and it will be filed today.

Mr. McCormick stated that there was a request to dedicate a 17 ½' utility easement along Garnett. He commented that if the easement on Garnett is a requirement, then his client has no problem with the request. He stated that all of the subject property is platted in old subdivisions.

Mr. McCormick indicated that the Traffic Engineer has already approved the subject project and the PFPI has been approved. He stated that his client has already signed the easement documents. He requested the Planning Commission to waive the plat in order to move forward with the project. He explained that his client has to be out of the current store.

**TMAPC Comments:**

Mr. Westervelt asked staff if the sole reason for the recommendation for denial is the vacated street. Mr. Beach stated the platting process is the most effective and efficient way to record all of the easements, street dedications, and whatever may be involved with a particular piece of property. The Plat Waiver checklist was created to determine if there are any additional or peculiar maneuvers that will have to be made. When there are additional or peculiar maneuvers involved, TAC feels strongly that platting should be required.

Mr. Boyle asked staff how long the process will be if the Planning Commission required platting. In response, Mr. Beach stated the most expedited version of platting is approximately three to four months.

Mr. Midget asked Mr. Romig if the Planning Commission could approve this application subject to the street vacation and the additional easement. In response, Mr. Romig stated that this is more of a practical problem; other words, the problems are those that will be created for staff.

Mr. Midget stated that it is his understanding that he will have to vacate the street. The PFPI is already underway, and he is willing to dedicate the additional easement. In response, Mr. Romig stated that the street vacation will take approximately 90 days.

Mr. Westervelt commented that approving the plat waiver will not speed the process because it will take 90 days to vacate 13<sup>th</sup> Street. He stated the building permit will be held until the street is vacated.

Ms. Gray stated that the applicant is under construction and if the plat waiver is not approved, she asked if that meant the applicant would have to wait until fall to finish the project.

**Applicant's Rebuttal:**

Mr. McCormick stated the building is at the south end of the subject property and if construction on the building could be started immediately, then he could have the street vacated by the time the building would be utilized. He explained that Warehouse Market owns three sides of 13<sup>th</sup> Street and there will not be any development there. He stated that 13<sup>th</sup> Street does not serve anyone but Warehouse Market. He commented that it is only a matter of filing an application to vacate 13<sup>th</sup> Street.

**TMAPC Comments:**

Mr. Harmon asked staff if 13<sup>th</sup> Street were kept as a public street, it would be still be available for access to the parking lot. Mr. Stump explained that there would be access on 13<sup>th</sup>, but there is another issue. If it is required parking it has to be on the same lot as the principal structure that requires the parking. If the required parking is across the street, then it is on a different lot.

Mr. McCormick informed the Planning Commission that his client had met the parking requirement before purchasing the additional property. He stated he could obtain the building permit without the parking lot on the recently-acquired property north of 13<sup>th</sup> Street.

Mr. Stump stated that if the parking north of 13<sup>th</sup> Street is not required parking, then regardless whether the street is vacated or not, if the applicant builds the building and parking as shown, it is assumed it will comply with the Zoning Code. It is a matter now of getting adequate easement, which should be the only issue other than vacating 13<sup>th</sup> Street. He commented that the applicant can dedicate the easement rather quickly and the Planning Commission could waive the plat subject to dedication of the 17 ½' perimeter easement. He stated that he is not sure that the street vacation becomes an issue if it is not required parking.

Mr. Beach stated the Planning Commission could waive the plat with a condition that the client could obtain a building permit but cannot occupy the building until the 13<sup>th</sup> Street is approved for vacation. He commented that 13<sup>th</sup> Street only goes 200' east from Garnett and then dead ends.

**TMAPC Action; 10 members present:**

On **MOTION** of **HORNER** the TMAPC voted **10-0-0** (Boyle, Carnes, Gray, Harmon, Horner, Jackson, Midget, Pace, Selph, Westervelt "aye"; no "nays"; none "abstaining"; Ledford "absent") to **APPROVE** the Plat Waiver for Z-4649 subject to the dedication of the easement of 17 ½' and vacating 13<sup>th</sup> Street before an occupancy permit is issued as recommended by staff.

**Further TMAPC Comments:**

Mr. Westervelt asked staff to supply an aerial photo when there is a controversial issue such as the above case.

\*\*\*\*\*

**Clarification of Previous Plat Waiver:**

**BOA-16096(1694)**  
13410 East 21<sup>st</sup> Street

(PD-17) (CD-6)

**This case has been withdrawn by applicant.**

\*\*\*\*\*

**Other Subdivision Business:**

Amendment to Plat and Deed of Dedication of Winbury Place, PUD-538 establishing required side-yards.

**Staff Recommendation:**

Mr. Beach stated this plat was approved sometime ago with a condition that the plat was to show the side building setback lines. The setback lines were required to be 0' and 10' and shown on the plat and that was not accomplished before the plat was filed of record. Mr. Beach concluded that this is an amendment to the plat.

Mr. Stump stated that this was a PUD condition, since they would have variable side-yard setbacks from one lot to the next. This was necessary to be shown on the plats so that every builder would know what his building envelope was.

**TMAPC Comments:**

Mr. Westervelt commented that this is a residential subdivision very similar to the Maple Ridge Village. He commented that PUD-538 has a good size cul-de-sac and a well-done site plan.

**There were no interested parties wishing to speak.**

**TMAPC Action; 10 members present:**

On **MOTION** of **MIDGET** the TMAPC voted **10-0-0** (Boyle, Carnes, Gray, Harmon, Horner, Jackson, Midget, Pace, Selph, Westervelt "aye"; no "nays"; none "abstaining"; Ledford "absent") to **APPROVE** the Amendment to Plat and Deed of Dedication of Winbury Place, PUD-538 as recommended by staff.

\*\*\*\*\*

**Continued Zoning Public Hearings/Special Requests:**

**CZ-243 – David Vines**

Southeast corner East 116<sup>th</sup> Street North and North Mingo  
(97<sup>th</sup> East Avenue)

**AG to IL**  
(PD-15) (CD-0)

**Staff Recommendation:**

Relationship to the Comprehensive Plan:

The Owasso 1985-2000 Comprehensive Plan designates the southeast corner of the intersection of E. 116<sup>th</sup> Street North and N. Mingo Road as High Intensity – Industrial.

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

Staff Comments:

**Site Analysis:** The subject property is approximately 23.55 acres in size and is located on the southeast corner of East 116<sup>th</sup> Street North and North Mingo Road. It is gently sloping, partially wooded, vacant, and zoned AG in the County.

**Surrounding Area Analysis:** The subject tract is abutted on the north by single-family dwellings, a church and a water storage facility, zoned AGR; to the south and east is vacant land, zoned AG; and to the west by single-family dwellings.

**Zoning and BOA Historical Summary:** The most recent zoning action in the County in this area was in 1985 when CS zoning was approved on a 9.29 acre tract located .25 miles east of the subject tract on the south side of East 116<sup>th</sup> Street North.

**Conclusion:** Based on the Owasso Comprehensive Plan, staff recommends **APPROVAL** of IL zoning for CZ-243.

**Applicant's Presentation:**

**Mr. David Vines**, P.O. Box 498, Owasso, Oklahoma, stated that the idea for the subject property was to accommodate larger commercial activity. He explained that the proposed project is to rejuvenate the German Corner, which has been depressed for the past ten years.

Mr. Vines stated that the proposal is to subdivide the subject property into five- to six-acre lots in order to bring some larger businesses into the area. He explained that he looked at Owasso's Comprehensive Plan and it was marked as heavy industrial and appeared to be a place for this type of activity. He stated that there is a railroad on the east side and it is mostly in a flood zone.

Mr. Vines stated that apparently there are some concerns with residents in the area. He explained that the City Manager of Owasso has informed him of the residents' concerns and he is willing to reduce the request to commercial general.

**Interested Parties:**

**Bob and Kathy Bellemare**, 9225 East 116<sup>th</sup> Street North, Owasso, stated they live in the immediate area. Bob Bellemare explained that the reason he is protesting the project is because he specifically looked at the zoning in the area and it was zoned for residential and agricultural uses. He stated he purposely purchased his property to live in a residential/agriculture environment. He commented that he does not want to live next to commercial/industrial-type areas.

Mr. Bellemare stated that the second issue is that the intersection of 97<sup>th</sup> and 116<sup>th</sup> Street North has a history of high accident rates. He explained that the traffic on 116<sup>th</sup> Street North is increasing and that brings up a safety concern with any kind of commercial or industrial establishment contributing to the traffic. He commented that

any further development in the area would cause the need for enhancement of 116<sup>th</sup> Street North.

Mr. Bellemare stated that German Corner is one mile from the subject property and it is the nearest commercial type of development. He explained that German Corner has many vacated properties that are zoned for this type of development.

**TMAPC Comments:**

Mr. Horner asked Mr. Bellemare if when he purchased his property for a home site, the he relied upon the existing zoning to remain the same throughout the tenure of his domicile. In response, Mr. Bellemare stated that he researched the zoning in the immediate area and does not understand why there is zoning if you can not count on it to remain the same.

**Interested Parties:**

**Carl Fritschen**, Comprehensive Planner for the City of Owasso, 207 South Cedar, Owasso, Oklahoma, 74055, stated that the community is currently undergoing a detailed land use evaluation as part of its process of updating the Comprehensive Plan. He explained that the last update was in 1985. This preliminary analysis has revealed that this location is inappropriate for high intensity industrial use as indicated on the 1985 plan.

Mr. Fritschen stated that the City of Owasso preferred the subject area to be light industrial because it would be less intrusive to the area residents. There would be smaller, less intense types of uses and would not generate the significant amounts of traffic generally associated with a large-scale industrial facility. He commented that the entire area is in an economically distressed condition and it is his responsibility to look out for the entire community. He stated that if this area were to develop it would improve the economy for the entire community of Owasso.

Mr. Fritschen stated that the City of Owasso is supportive of the concept to reduce the subject property to CG zoning, if the Planning Commission should grant this request.

**TMAPC Comments:**

Ms. Pace asked Mr. Fritschen if AG/R is similar to residential, which would be large tract, single-family housing. He answered affirmatively.

Mr. Stump commented that the AG/R area is one-acre lots for residential use.

Ms. Pace asked Mr. Fritschen if the other three corners of the subject intersection are stable residential. Mr. Fritschen stated it is stable except for the property at the southwest corner of the intersection. He explained that he could see that the southwest corner changing to commercial sometime in the future. He reminded the Planning Commission that 116<sup>th</sup> Street North has been identified by the Tulsa Metropolitan Transportation Plan as a primary arterial connecting the east/west portion of the community.

Ms. Pace asked Mr. Fritschen if it seems wise to zone the entire tract under one zoning category rather than filing a PUD with some lesser intense zoning. In response, Mr. Fritschen stated that with CG zoning he could be flexible with the type of uses that are allowed.

**Interested Parties:**

**Lynn Thomas**, 11635 North 97<sup>th</sup> East Avenue, stated he lives outside of the 300' radius. He explained that the sign on the corner is what prompted him to come to the hearing.

Mr. Thomas stated he is opposed to industrial zoning. He explained that he has lived in the area for over 20 years. He stated that there is a housing addition being built across the street, which will have five- and ten-acre plots. He commented that the homeowners would not have built if they knew that industrial was being proposed in the immediate area. He stated he is opposed to light commercial; however, it would be better than industrial.

Mr. Thomas stated that the intersection of 97<sup>th</sup> and 116<sup>th</sup> needs a traffic light because the proposal will increase the traffic. He commented that the traffic needs to be slowed down and not increased. He stated that the area is getting to the point to where he is no longer in the country.

Mr. Thomas acknowledged that Owasso is growing and needs to grow. He stated he feels that he is losing the family atmosphere in the subject area.

**TMAPC Comments:**

Mr. Boyle asked Mr. Thomas if he is opposed to the CG zoning that was suggested. In response, Mr. Thomas stated he is opposed to both zoning proposals; however, the CG zoning is better than industrial.

**Applicant's Rebuttal:**

**Mr. Vines** stated that the Comprehensive Plan has been on file since 1985 and indicates heavy industrial. He commented that people who have purchased property in the area thinking it would remain AG must not have looked at the Comprehensive Plan.

Mr. Vines stated he is a major business owner in the German Corner area and President of the German Corner Merchants Association. He indicated that he has no intent to denigrate this area. He stated that the proposal is not to place large factories with smoke stacks on the subject area. He commented that everyone will be very happy with the proposal once they see the development.

**TMAPC Comments:**

Mr. Midget asked Mr. Vines if the subject site had ever been considered for residential use. Mr. Vines stated he would never look at this subject property as residential use. He explained that the subject property had been for sale for a long time. He

commented that the problem is that no one wants to build residences next to a railroad track.

Mr. Midget stated that there are residents northeast of the railroad tracks. In response, Mr. Vines stated he would not develop the subject property for residences next to the railroad tracks and a good a portion of the area is in a flood zone. He explained that the subject property would have to have a great deal of improvements in order to build residential homes.

Mr. Westervelt asked the Owasso staff how long they anticipated it would be before they have the updated Comprehensive Plan for the subject area. In response, Mr. Fritschen stated it would be approximately nine months. He indicated that normally the updates for the Comprehensive Plan take approximately two years.

Mr. Westervelt stated he had hoped that the update to the Comprehensive Plan would be available earlier than is nine months. He explained that he knows the subject area well and it is predominately residential.

Mr. Fritschen stated that he is receiving many calls from companies and businesses that would like to locate in Owasso and there is no place to put them. He explained that the companies and businesses would be smaller-type industries or commercial developments. He indicated that sometime in the near future 116<sup>th</sup> Street North will be a four-lane street. He stated that 116<sup>th</sup> Street North will be the east/west commuter corridor between Highway 75 and U.S. 169<sup>th</sup>.

Mr. Stump stated that this application would have to be re-advertised and send out notices sent if the Planning Commission wants to consider any commercial zones for this tract. He explained that the subject property is not properly advertised for commercial zoning.

Ms. Gray stated she couldn't support IL zoning because if this were in the City of Tulsa the Planning Commission would call this spot zoning.

Mr. Midget stated he would not support IL zoning and certainly at this point would not support a blanket CG zoning, because the zoning goes with the land. There are two types of uses under the CG zoning that he would not be compatible with the surrounding residential, which are automotive-related uses as well as adult entertainment.

Mr. Selph stated that he supports Ms. Gray's comments, and with all due respect to the staff in Owasso, this is not appropriate for IL zoning. The only part that is appropriate for commercial is possibly the northwest corner of the subject lot.

Mr. Boyle stated he would be more in favor of the commercial, given the future of 116<sup>th</sup> Street North. He commented that the applicant will have to apply for that type of zoning and make a case for the zoning.

Ms. Pace stated that if the subject property is recommended for commercial use, it should come in as a PUD because this is a sensitive area.

Mr. Westervelt stated that current industrial land prices are identical to the land that is zoned residential in this area. He commented from an economic standpoint the applicant probably would not see much increased profits. The subject area does look like it has been very successful from a residential standpoint.

**TMAPC Action; 10 members present:**

On **MOTION** of **CARNES** the TMAPC voted **10-0-0** (Boyle, Carnes, Gray, Harmon, Horner, Jackson, Midget, Pace, Selph, Westervelt “aye”; no “nays”; none “abstaining”; Ledford “absent”) to recommend **DENIAL** of the IL zoning for CZ-243.

**Legal Description for CZ-243:**

Part of Lot 1, Section 7, T-21-N, R-14-E, and part of the NE/4, NW/4 Section 7, T-21-N, R-14-E, more particularly described as follows: beginning at the northwest corner of said Lot 1, thence E 1,624.21'; thence Southwest 789.01' along the right-of-way; thence W 1,418.77'; thence N 761.92' to the Point of Beginning, less 1.06 acres for railroad and 21.7 acres for road.

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**CZ-244 – Stephen Gray**

South and east of southeast corner East 101<sup>st</sup> Street and South Garnett (Applicant has **withdrawn** this case)

**RE to AG**

. (PD-19) (CD-0)

**CZ-244 was stricken from the Agenda.**

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**Other Business:**

**PUD-567 – Jon Clayton**

7350 South Garnett

(Detail Site Plan for an Apartment complex in Development Area D)

(PD-18) (CD-8)

**Staff Recommendation:**

The applicant is requesting Detail Site Plan approval for 232 units of multifamily housing on 10.13 acres within Development Area D. The site plan depicts 13 two- and three-story buildings, a leasing office and clubhouse and parking surface and under-building parking areas.

Staff has reviewed the site plan and finds it conforms to bulk and area, height, setback, parking, access, screening, buffering and total landscaped area standards for

Development Area D as approved in October 1997. A required screening fence along the southern boundary of Development Area D as well as lighting notes are not sufficiently detailed to indicate conformance to the approved standards. The PUD requires a six-foot screening fence, which may be increased to eight feet at the time of hearing by TMAPC. Light standards and building lighting is limited to 25 feet except for the southernmost buildings where lights can not exceed 12 feet in height. All lighting shall be hooded and directed downward.

Staff notes that two gated access points along East 73<sup>rd</sup> Street South provide primary access for residential units. The application also includes gate details showing a 22.5-foot setback from the driving lanes of East 73<sup>rd</sup> Street South that provides acceptable stacking distance for vehicles entering the complex. The gate widths meet the minimum 14-foot unobstructed width for emergency vehicles approved by the Tulsa Fire Marshal.

The Garnett access point is primarily for leasing office access and provides an internal gate system separating the residential units from the parking and turn-around areas. The internal gate is set back 111 feet from the Garnett Road driving surface and is 24 feet in width.

Staff, therefore, finds the Detail Site Plan conforms to the approved standards (with the exception of screening and lighting) for Development Area D within PUD-567 and recommends **APPROVAL** subject to the following conditions.

1. Revision of the Detail Site Plan to reflect a screening fence along the entire southern boundary of Development Area D at a height approved by the Planning Commission.
2. Revision of the Detail Site Plan to indicate lighting heights of 25 feet and 12 feet for the southernmost buildings with all lighting hooded and directed downward.

NOTE: Detail Site Plan approval does not constitute Detail Landscape or Sign Plan approval.

**TMAPC Comments:**

Mr. Westervelt stated that he remembers that at the west there was a request to reverse the fence. Mr. Stump stated that he is correct, but it was for a different development area, which is the movie theater.

**Applicant's Presentation:**

**Jim Hamilton**, 1708 Peach Tree Street, Atlanta, Georgia, stated that he agrees with the changes and will make those changes on the Detail Site Plan. He indicated that he will change the site plan to indicate a six-foot fence and the lighting stipulations.

**TMAPC Comments:**

Mr. Boyle asked the applicant if he has a problem with an eight-foot fence if the Planning Commission thinks it is appropriate. In response, Mr. Hamilton stated he does

not have a problem with the eight-foot fence, but with the distance between the subject property and the single-family residences, the six-foot fence will be adequate. He reminded the Planning Commission of the landscaping and the trickle channel, which will be between the single-family residences and the fencing.

Mr. Carnes stated that with southern winds in Oklahoma, he does not recommend eight-foot fences.

Mr. Westervelt stated that an eight-foot fence from the inside of the complex could become oppressive.

Ms. Pace asked staff if the interested parties had strong feelings about a six-foot fence versus an eight-foot fence. Mr. Stump stated that the original proposal was written as a six-foot fence. He informed the Planning Commission that staff notified the interested parties about today's hearing for the Detail Site Plan. Mr. Stump stated that Mr. Abrahamson did call the INCOG offices regarding the Detail Site Plan and indicated he had some inclination of an eight-foot fence. Mr. Stump stated he did not talk with Mr. Abrahamson personally and cannot speak for him.

**Interested Parties:**

**Mr. Jeff Levinson**, 35 East 18<sup>th</sup> Street, stated he is representing Mr. Abrahamson. He explained that he met with the applicant before the hearing and resolved the issues. He indicated that he is comfortable with the direction this project is heading.

Mr. Boyle asked Mr. Levinson if he is comfortable with the six-foot fence. Mr. Levinson answered affirmatively.

**TMAPC Action; 10 members present:**

On **MOTION** of **HORNER** the TMAPC voted **10-0-0** (Boyle, Carnes, Gray, Harmon, Horner, Jackson, Midget, Pace, Selph, Westervelt "aye"; no "nays"; none "abstaining"; Ledford "absent") to **APPROVE** the Detail Site Plan for PUD-567 subject to conditions as recommended by staff.

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**Public Hearing for Comprehensive Plan Amendments:**

Continued public hearing to amend the Historic Preservation Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area; resolution (**This item has been withdrawn by the applicant.**)

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Public hearing to amend the District 17 Detail Plan Map and Text in the area of Admiral Place and 145<sup>th</sup> East Avenue to create a special district and designate an area of Medium Intensity Land Use.

**Staff Presentation:**

Dane Matthews stated that this is a proposal to amend the District 17 Plan Map in an area that includes and surrounds the property located at the northwest corner of South 145<sup>th</sup> East Avenue and East Admiral Place. She indicated that the subject property is south of U.S. 412 to 11<sup>th</sup> Street and 137<sup>th</sup> East Avenue to just west of 161<sup>st</sup> East Avenue.

Ms. Matthews stated that the purpose of the amendment is to re-designate an area of medium intensity on the north side of approximately 6<sup>th</sup> Street South. She further stated it will also create a special district south of 6<sup>th</sup> Street down to 11<sup>th</sup> Street.

Ms. Matthews stated that the Plan Text amendments call for use of the PUD in medium intensity type uses, observing appropriate setback and limiting uses.

**Staff Recommendation:**

Plan Text:

Change the first paragraph, and add as the second, third and fourth paragraphs, in item 3. Specific Areas to read as follows.

The District Plan Map indicates three Special District Industrial Areas, one Special District Low/Medium Intensity Mixed Use Area and one Special District Eastland Mall.

The first Special District Industrial Area is between Admiral Place and U.S. 412 between west of 161<sup>st</sup> East Avenue and 193<sup>rd</sup> East Avenue. This was designated as a result of the existing activities and the industrial potential of the area. A second Special District, specified for Industrial Research activities, has been designated for much of the area south of East 41<sup>st</sup> Street between Garnett Road and 129<sup>th</sup> East Avenue. The third Special District Industrial Area is designated between 31<sup>st</sup> Street and 41<sup>st</sup> Street, 161<sup>st</sup> East Avenue and 177<sup>th</sup> East Avenue, specified for large-site light industrial uses or low intensity development. The fourth Special District Industrial Area lies south of approximately 6<sup>th</sup> Street to 11<sup>th</sup> Street, approximately 137<sup>th</sup> East Avenue and approximately 153<sup>rd</sup> East Avenue, excluding the medium intensity node at the northwest corner of the intersection of 145<sup>th</sup> East Avenue and 11<sup>th</sup> Street. This is planned for low and medium intensity mixed use development.

A Special District has also been designated for Eastland Mall located at the southwest corner of East 21<sup>st</sup> Street and South 145<sup>th</sup> East Avenue, being a large regional consumer-oriented development.

Consideration Area 1 was designated along the Wagoner County line west of South 193<sup>rd</sup> East Avenue. This area points out properties where particular uses could act as

buffers between possible high intensity activities and single-family residences. Consideration Area 2 was designated along East 31<sup>st</sup> Street between South 90<sup>th</sup> and 116<sup>th</sup> East Avenues and contains strip commercial zoning, which needs particular attention.

[The existing second paragraph becomes the fifth paragraph.]

Add as item 3.10 the following.

**3.10 Special District – Low/Medium Intensity Mixed Use Area**

This area is generally suited for low intensity development. However, some medium intensity uses may be appropriate, and medium intensity zoning may be appropriate if accompanied by a Planned Unit Development (PUD) establishing appropriate use limitations and adequate buffering from residential development.

Plan Map:

Change the plan map to include the Special District Mixed Use Development Area as described above.

Change the designation of the area between approximately 137<sup>th</sup> East Avenue and just west of 161<sup>st</sup> East Avenue, U.S. 412 to approximately 6<sup>th</sup> Street from low intensity – no specific land use to medium intensity – no specific land use. Remove the Special District Industrial Area designation between U.S. 412 and Admiral Place. [The Medium Intensity Linear Development Areas remain.]

**TMAPC Comments:**

Mr. Boyle stated that this issue was discussed at the Comprehensive Plan Committee work session and the Committee recommended approval with a change in the Text language. In response, Ms. Matthews stated the language was changed to designate as medium intensity/industrial on the north and restrict it to the industrial type uses.

**Mr. Selph out at 2:36 p.m.**

**Interested Parties:**

**Mr. Jim Doherty**, 616 South Boston, stated this request for the amendment to the Comprehensive Plan was triggered when there was a prospective company looking for a large warehouse distribution. He explained that the subject area was originally on the Comprehensive Plan as low intensity – no specific land use, which usually means residential. He stated that the residential development did not develop on the subject area because of the limestone underground and the expense of installing sewers. He commented that the subject area is largely undeveloped.

Mr. Doherty stated that the recommendation by staff to provide a medium intensity industrial district to the north and a special district to the south, which will provide extra

buffering for the residential, is well chosen. He commented the subject area is not well-suited for commercial development because of the traffic patterns and access.

Mr. Doherty stated he firmly supports staff's recommendation and requests the Planning Commission to forward this request to the City Council.

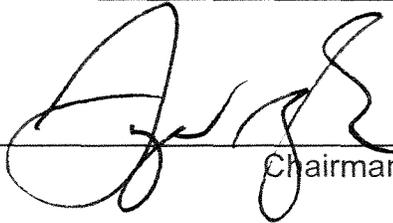
**TMAPC Action; 9 members present:**

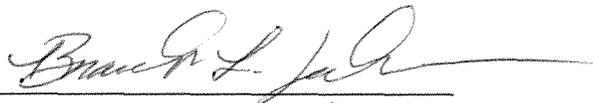
On **MOTION** of **MIDGET** the TMAPC voted **9-0-0** (Boyle, Carnes, Gray, Harmon, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ledford, Selph "absent") to recommend **APPROVAL** of the Proposed Amendments to District 17 Plan Map and Text as recommended by staff.

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There being no further business, the Chairman declared the meeting adjourned at 2:45 p.m.

Date approved: 7-8-98

  
\_\_\_\_\_  
Chairman

ATTEST:   
\_\_\_\_\_  
Secretary