

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2201

Wednesday, April 21, 1999, 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>
Carnes	Boyle	Beach	Swiney, Legal
Dick	Westervelt	Dunlap	Counsel
Harmon		Huntsinger	
Hill		Stump	
Horner			
Jackson			
Ledford			
Midget			
Pace			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, April 19, 1999 at 1:38 p.m., posted in the Office of the City Clerk at 10:27 a.m., as well as in the office of the County Clerk at 10:24 a.m.

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

### Minutes:

#### **Approval of the minutes of April 7, 1999, Meeting No. 2199:**

On **MOTION** of **HORNER** the TMAPC voted **7-0-1** (Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace "aye"; no "nays"; Dick "abstaining"; Boyle, Midget, Westervelt "absent") to **APPROVE** the minutes of the meeting of April 7, 1999 Meeting No. 2199.

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### REPORTS:

#### Committee Reports:

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

Mr. Ledford stated that Resolution 2200-822 amending the Tulsa Metropolitan Major Street and Highway Plan is on the agenda today.

#### Director's Report:

Mr. Stump stated that there are several cases on the City Council agenda for April 22, 1999 and the Planning Commission voted unanimously on all the items.

**SUBDIVISIONS**

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

**L-18841 – Jack C. Cox (983)**

(PD-18) (CD-8)

3898 East 72<sup>nd</sup> Street South

**Staff Recommendation:**

This application is to convert two lots into three tracts. All three tracts meet all the bulk and area requirements. Because of the proposed configuration, Tract 2 and Tract 3 will have more than three side lot lines. The applicant is seeking a waiver of the three-side-lot-line subdivision regulation.

Staff believes this lot-split would not have an adverse effect on the surrounding properties and would therefore recommend approval.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Pace "aye"; no "nays"; none "abstaining"; Boyle, Midget, Westervelt "absent") to **APPROVE** the waiver of Subdivision Regulations for L-18841 as recommended by staff.

\* \* \* \* \*

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

**L-18730 – Douglas Reynolds (1693)**

(PD-4) (CD-4)

3805 East 24<sup>th</sup> Place

**L-18810 – Tim Dunn (790)**

(PD-23) (County)

Southwest of East 11<sup>th</sup> Street and Coyote Trail

**L-18824 – Eugene Harrison (2092)**

(PD-9) (County)

3605 South 65<sup>th</sup> West Avenue

**L-18827 – Bryan McCracken (1582)**

(PD-8) (CD-2)

8205 South Yukon

**L-18835 – Carolyn Bates (1083)**

(PD-18) (CD-8)

5729 East 75<sup>th</sup> Place

**L-18836 – Ronald Bonham (2613)**

(PD-15) (County)

7302 East 85<sup>th</sup> Street North

**L-18838 – Tulsa Development Authority (593)**

(PD-4) (CD-4)

2700 Block East 8<sup>th</sup> Street

**L-18839 – Rick Winfield (3402)**

(PD-11) (CD-1)

1315 North Xenophon

**L-18840 - Mary Ann Swain (2093)**

(PD-6) (CD-9)

3911 South Atlanta Place

**L-18842 – Julie Ann Chenoweth (3090)**

(PD-23) (County)

26367 West Coyote Trail

**L-18843 – Marie Gillespie (2623)**

(PD-14) (County)

14502 North Memorial

**Staff Recommendation:**

Mr. Beach stated that everything is in order for these lot-splits and staff recommends approval.

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

**TMAPC Action; 8 members present:**

On **MOTION** of **Horner**, the TMAPC voted **8-0-0** (Carnes, Dick, Harmon, Hill, Horner, Ledford, Jackson, Pace "aye"; no "nays"; none "abstaining"; Boyle, Midget, Westervelt "absent") to **RATIFY** these lot-splits given Prior Approval, finding them in accordance with Subdivision Regulations.

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**FINAL PLAT:**

**Tara Addition (PUD-597) (2483)**

(PD-6) (CD-9)

**Staff Recommendation:**

Mr. Beach stated that everything is in order and all release letters have been received. Staff recommends approval subject to final review of the deed of dedication language.

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

**TMAPC Action; 8 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Pace "aye"; no "nays"; none "abstaining"; Boyle, Midget, Westervelt "absent") to **APPROVE** the Final Plat for Tara Addition subject to a final review of the deed of dedication language as recommended by staff.

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**Mr. Ledford announced that he will be abstaining from 9600 Mingo Office Park and Braum's at Southern Crossing.**

**9600 Mingo Office Park (PUD-597) (2483)**

(PD-18) (CD-8)

Northwest corner of South Mingo Road & Mingo Valley Expressway

**Staff Recommendation:**

Mr. Beach stated that everything is in order and all release letters have been received. Staff recommends approval subject to final review of the deed of dedication language.

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

**TMAPC Action; 8 members present:**

On **MOTION** of **HARMON**, the TMAPC voted **7-0-1** (Carnes, Dick, Harmon, Hill, Horner, Jackson, Pace "aye"; no "nays"; Ledford "abstaining"; Boyle, Midget, Westervelt "absent") to **APPROVE** the Final Plat for 9600 Mingo Office Park subject to final review of the deed of dedication language as recommended by staff.

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**Pecan Meadow (2774)**

(PD-20) (County)

Northeast corner 171<sup>st</sup> and South 145<sup>th</sup> East Avenue

**Staff Recommendation:**

Mr. Beach stated that everything is in order and all release letters have been received. Staff recommends approval subject to final review of the deed of dedication language.

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

**TMAPC Action; 8 members present:**

On **MOTION** of **DICK**, the TMAPC voted **8-0-0** (Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Pace "aye"; no "nays"; none "abstaining"; Boyle, Midget, Westervelt "absent") to **APPROVE** the Final Plat for Pecan Meadow subject to final review of the deed of dedication language as recommended by staff.

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**Braum's at Southern Crossing (PUD-578) (2683)**

(PD-26) (CD-8)

North of the northwest corner East 111<sup>th</sup> Street and South Memorial Drive

**Staff Recommendation:**

Mr. Beach stated that everything is in order and all release letters have been received. Staff recommends approval subject to final review of the deed of dedication language.

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

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

**TMAPC Action; 8 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **7-0-1** (Carnes, Dick, Harmon, Hill, Horner, Jackson, Pace "aye"; no "nays"; Ledford "abstaining"; Boyle, Midget, Westervelt "absent") to **APPROVE** the Final Plat for Braum's at Southern Crossing subject to final review of the deed of dedication language as recommended by staff.

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

**PLAT WAIVER:**

**BOA-17585 (1293)**

8611 East 21<sup>st</sup> Street

(PD-5) (CD-5)

**Staff Comments:**

Mr. Stump stated that this request was continued from April 14, 1999. He explained that the issue appeared to be that there will have to be an on-site detention and the architect was under the understanding that the City of Tulsa was going to require dedication of the detention area. He stated that after meeting with Public Works, staff has determined that the City will not require the dedication of the detention area, but the City will review the engineering to make sure that the detention area is adequate.

**Staff Recommendation:**

A Special Exception to allow church use on a parcel in the RS-3 district was approved on December 10, 1996. The Special Exception triggered the platting requirement. The waiver is requested for the purpose of allowing the construction of a church on the site.

**Staff comments and recommendation:**

The subject parcel is approximately 4.4 acres in size. The subject parcel is block 10 of the O'Connor Park Addition and is bounded on the north by 19<sup>th</sup> Street and on the south by 21<sup>st</sup> Street. Water is available in 21<sup>st</sup> Street; sanitary sewer is available on the east side of the property. The proposed structure is a church with related parking.

At the TAC meeting of April 1, 1999 the Street Department requested dedication of 10' of right-of-way on 21<sup>st</sup> Street, a primary street on the Major Street and Highway Plan. The department indicated that a deed of dedication would be acceptable. The Development Services Department indicated that on-site detention and a PFPI will be required. An overland drainage easement is possible.

Based on the checklist below which reflects the policies of TMAPC, **staff recommends approval** of the plat waiver subject to:

1. Dedicating street right of way by separate instrument as outlined above
2. A PFPI agreement and approved detention/drainage plans

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 checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 2) Are there restrictive covenants contained in a previously filed plat?             | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 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:**

- |  |                                     |                                     |
|--|-------------------------------------|-------------------------------------|
| 1) Is right-of-way dedication required to comply with Major Street and Highway Plan? | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 2) Will restrictive covenants be filed by separate instrument?                       | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 3) 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?  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) Sanitary Sewer  |                                     |                                     |
| i) Is a main line extension required?  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| ii) Is an internal system required?  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| iii) Are additional easements required?  | <input type="checkbox"/>            | <input checked="" 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 checked="" type="checkbox"/> | <input type="checkbox"/>            |
| iv) Are additional easements required?   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 4) 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"/> |
| 5) Change of Access  |                                     |                                     |
| a) Are revisions to existing access locations necessary?                             | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 6) Is the property in a PUD?   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| a) If yes, was plat recorded for the original PUD?                                   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 7) Is this a Major Amendment to a PUD?   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| a) If yes, does the amendment make changes to the proposed physical                  |                                     |                                     |

development of the PUD?

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.

**APPLICANT'S COMMENTS:**

**Alvin McCreary**, no address given, stated that on February 23<sup>rd</sup> the City of Tulsa sent a letter explaining that there would be no requirement for detention on the subject property, which is less than five acres. He commented that he was not notified until the April 14<sup>th</sup> meeting that there would be a requirement of ten feet of property taken on 21<sup>st</sup> Street. He stated that the Church does not feel that this is fair request because none of the adjoining property has that setback requirement.

Mr. McCreary stated that he would like a plat waiver without the restrictions of retention or the ten feet given to the City of Tulsa. He indicated that the engineer for the project is present if the Planning Commission wants to discuss the methods of water running off of the subject property. He commented that if the stormwater issue is a problem, it should not be tied to the plat waiver request. He stated that he can work the water issues out with the City of Tulsa, but it should not be tied into the plat waiver request.

**TMAPC COMMENTS:**

Mr. Stump stated that when the Planning Commission approves a plat waiver then it is in lieu of recording a subdivision plat where all of these matters are discussed and resolved. He explained that the Planning Commission waives the platting requirement with certain conditions, such as how storm drainage is handled and resolved. He stated that he is not sure that the Planning Commission has the power to waive the storm drainage requirement and the requirements that are required by the subdivision regulations will not be accomplished.

Mr. Stump stated that 21<sup>st</sup> Street is a primary arterial and the dedication of the additional ten feet is required to meet the 120-foot right-of-way or 60 feet from centerline. This facility will generate substantial traffic and the ten-foot dedication is a reasonable request to have the applicant to contribute the extra ten feet needed to make this a standard right-of-way in the subject area. He reminded the Planning Commission that the ten feet dedication is also a platting requirement.

Mr. Ledford stated that plat waivers are in lieu of platting the subject property. He commented that the church is a developer just like any other development that occurs in the City. He explained that the Planning Commission couldn't waive the two requirements. If Public Works requires that the church create a detention pond instead of paying the fee, then that is a determination made by Public Works not the Planning Commission.

Mr. Ledford concluded that the Planning Commission does not have the authority to waive the detention or the ten feet of dedication. He explained that if the applicant chooses to not abide by the two conditions, then the Planning Commission couldn't approve the plat waiver.

Mr. McCreary reiterated that he received a letter from the City of Tulsa in February, which stated that detention would not be required on the subject property. He agreed that property over five acres should have a detention site and if the subject property does have a problem then he will agree to rework the subject area. In response, Mr. Ledford stated that he cannot answer as to why Public Works sent the letter and maybe there was a mistake for the in-lieu-of letter. Mr. Ledford reiterated that the reason detention is required is to soften the effects between urbanized and unurbanized condition. Mr. Ledford explained that the applicant is adding impervious area to the undeveloped area, which changes the characteristics of the subject area. Mr. Ledford stated that the volume of water coming off of the subject property will result in more water for a longer period of time because of the impervious areas, and that is the reason for the detention site.

Mr. McCreary asked the Mr. Ledford if the Planning Commission is stating that he has to accept the detention on the subject property and give ten feet of property to the City in order to get a plat waiver. In response, Mr. Ledford answered affirmatively.

Ms. Pace stated that the ten feet dedication is standard and the second issue is a PFPI agreement and approved detention drainage plans. She indicated that it is not the Planning Commission's position to tell the applicant what the plan should be, but it is the Planning Commission's position to inform the applicant that he needs to work with the Public Works Department. She stated that the staff recommendation does not specifically state that the applicant has to have a detention pond, but that the applicant does have to have a plan for the drainage that meets Public Works' requirements. In response, Mr. Stump stated that Ms. Pace is correct and if Public Works states that no detention is required then none will be required. Mr. Stump explained that the standard is simply that the applicant has to comply with the requirements of the City, which is administered by the Public Works Department. Ms. Pace informed the applicant that the Planning Commission is requiring him to meet with the Public Works Department and find out what type of plan will meet the requirements. Ms. Pace stated that the Planning Commission is not stating whether the applicant is right or wrong in his assumption of the discussion with the City in February. Ms. Pace further stated that the Planning Commission is stating that the applicant has to devise a plan that will meet the Public Works Department's approval.

McCreary stated that he understands what the Planning Commission is requiring, but he did not know that it was to be required that he place a detention pond on the subject property, but he will work with the City of Tulsa. Mr. Carnes stated that the two conditions discussed are necessary in order for the Planning Commission to grant the plat waiver. Mr. Carnes explained that if the applicant is willing to comply with the two conditions then the Planning Commission could grant the plat waiver. In response, Mr.

McCreary stated that under the conditions he does not have any choice and he will agree to the conditions.

Mr. Ledford stated that the Planning Commission couldn't tell the applicant that he will not be required to have an on-sight detention. If Public Works decides that based on the applicant's site plan and development plan that on-site detention is required, then the applicant will have to comply.

**TMAPC Action; 9 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **9-0-0** (Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Boyle, Westervelt "absent") to **APPROVE** to the Plat Waiver for BOA-17585 subject to conditions as recommended by staff.

\* \* \* \* \*

**CONTINUED ZONING PUBLIC HEARING**

**Z-6685 – Patsy R. Slagle**  
1147 & 1153 North Columbia Place

**RS-3 to PK**  
(PD-3) (CD-3)

**Staff Recommendation:**

Mr. Dunlap stated that Mr. Unruh is present to request a continuance till May 19, 1999.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted **9-0-0** (Boyle, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Carnes "absent") to **CONTINUE** Z-6685 to May 19, 1999, at 1:30 p.m.

\* \* \* \* \*

**PUD-516-A – Roy D. Johnsen**  
Southeast corner East 101<sup>st</sup> Street and South Yale  
(Major Amendment)

(PD-18) (CD-8)

(Mr. Dunlap stated that the applicant and staff concur with this recommendation.)

**Staff Recommendation:**

PUD-516 as amended pursuant to PUD-516-1 (TMAPC 3/1/95) designated a development area of retail and/or office use which was subsequently platted as Lots 18 and 19, Block 1, 101 Yale Village and designated a development area of office use which was subsequently platted as Lots 16 and 17, Block 1, 101 Yale Village. Lot 18 is developed as the F & M banking facility. Lot 19 has been acquired by Springer Clinic and is planned for medical offices. PUD-516-6 was approved by TMAPC on March 3, 1999. This Minor Amendment approved attaching a portion of Lot 17 to Lot 19.

This amendment proposes the designation of Lot 16 as a retail development area and the reallocation of previously approved retail and office floor area. The amendment further proposes the allocation of previously unallocated office floor area permitted by the existing underlying CS and OL zoning. The proposal would divide Lot 17, which is part of Development Area B, into four development areas as depicted on the attached conceptual site plan as Development Areas I, II, III and IV. Development Area I is planned for additional parking for Lot 19 (the Springer Clinic facility) and Development Areas II, III and IV are planned as office parcels intended for individual ownership in an office park setting with common parking areas and mutual access drives. It is also proposed that Development Area I not be required to have mutual access with Development Areas II, III, IV and Lot 16, but staff does not support this.

The existing allocation of floor area for Lots 16, 17, 18 and 19 is currently as follows:

	Office	Retail/Office	Total
Lot 16	7,756 SF	0	7,756 SF
Lot 17	10,494 SF	0	10,494 SF
Lot 18	4,710 SF	10,598 SF	15,308 SF
Lot 19	5,290 SF	11,902 SF	17,192 SF
<b>Total:</b>	<b>28,250 SF</b>	<b>22,500 SF</b>	<b>50,750 SF</b>

The amendment proposes the reallocation of this existing floor area and the allocation of 3,652 SF of previously unallocated office floor area from Lot 18 as permitted by the existing underlying CS and OL zoning. Lot 16, which currently only allows office use, would also be designated as a retail development area. Retail uses currently allowed in Lot 19 would be eliminated. The proposed allocation of floor area is as follows:

	Office	Retail/Office	Total
Lot 16	0	11,902 SF	11,902 SF
Lot 17	10,000 SF	0	10,000 SF
Lot 18	4,710 SF	10,598 SF	15,308 SF
Lot 19 and Development Area I	17,192 SF	0	17,192 SF
<b>Total:</b>	<b>31,902 SF</b>	<b>22,500 SF</b>	<b>54,402 SF</b>

It is proposed that Lot 17 be divided into four parcels and the building floor area be allocated as follows:

Development Area I	0 SF
Development Area II	3,000 SF
Development Area III	2,500 SF
Development Area IV	4,500 SF
<b>Total:</b>	<b>10,000 SF</b>

Staff finds the uses and intensities of development proposed and as modified by staff to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds PUD-516-A as modified by staff to be: (1) consistent with the Comprehensive

Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends APPROVAL of PUD-516-A subject to the following conditions:

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

### LOT 19 AND DEVELOPMENT AREA I

Permitted Uses:	Use Unit 10 and 11 uses.
Maximum Building Floor Area:	17,192 SF
Maximum Building Height:	30 FT but not to exceed two stories.
Minimum Building Setbacks:	
From centerline of 101 <sup>st</sup> Street	100 FT
From east boundary of Development Area	20 FT
From south boundary of Development Area	50 FT
Minimum Landscaped Open Space:	15% of net lot area

### DEVELOPMENT AREA II

Permitted Uses:	Use Units 10 and 11 uses.
Maximum Building Floor Area:	3,000 SF
Maximum Building Height:	30 FT not to exceed two story.

Minimum Building Setback:  
From south boundary of Development Area 20 FT

Minimum Landscaped Open Space: 15% of net lot area

**DEVELOPMENT AREA III**

Permitted Uses: Use Units 10 and 11 Uses.

Maximum Building Floor Area: 2,500 SF

Maximum Building Height: 30' not to exceed two story.

Minimum Building Setback:  
From south boundary of Development Area 20 FT

Minimum Landscaped Open Space: 15% of net lot area

**DEVELOPMENT AREA IV**

Permitted Uses: Use Units 10 and 11 uses.

Maximum Building Floor Area: 4,500 SF

Maximum Building Height: 30 FT not to exceed two story.

Minimum Building Setback:  
From centerline of Yale Avenue 108 FT  
From south boundary of Development Area 20 FT

Minimum Landscaped Open Space: 15% of net lot area

## LOT 16

**Permitted Uses:**

Use Units 10 and 11 and the uses included within Use Unit 13 **Convenience Goods and Services** (but excluding the establishment commonly known as a convenience grocery and excluding any food establishment as therein set forth); and the uses included within retail trade establishments within Use Unit 14 **Shopping Goods and Services**; only the following Service Establishments: copying service, costume rental service, interior decorating, locksmith, photo finishing, radio and television repair, and watch and jewelry repair (no Retail Building Material Establishments nor Service Establishments within Use Unit 14 are permitted) as set forth within the Tulsa Zoning Code. There also shall be no drive-in windows permitted.

Maximum Building Floor Area:	11,902 SF
Maximum Building Height:	30 FT not to exceed two story.
Minimum Building Setbacks:	
From centerline of Yale Avenue	
North 52 FT of Lot 16	108 FT
Remainder of Lot 16	100 FT
From north boundary of Lot 16	10 FT
North 47.37 FT of east boundary of Lot 16	15 FT
From east boundary of Lot 16 abutting a residential lot:	20 FT
From south boundary of Lot 16	20 FT
Minimum Landscaped Open Space:	15% of net lot area

## LOT 18

**Permitted Uses:**

Use Units 10 and 11 and the uses included within Use Unit 13 **Convenience Goods and Services** (but excluding the establishment commonly known as a convenience grocery and excluding any food establishment as herein set forth); the uses included within Use Unit 14 **Shopping Goods and Services** (but excluding automobile parts and accessory store, pawn shops, retail building material establishment and self-service laundromat as herein set forth) as such use units are described and set forth within the City of Tulsa Zoning Code.

Maximum Building Floor Area:	15,308 SF*
Maximum Building Height:	30 FT not to exceed two story.
Minimum Building Setbacks:	
From Centerline of East 101 <sup>st</sup> Street South	100 FT
From Centerline of South Yale Avenue	108 FT
From other lot boundaries	20 FT
Minimum Landscaped Open Space:	15% of net lot area.

\*(Within Lot 18 Retail Floor Area shall not exceed 10,598 SF)

3. Parking adjacent to arterial streets shall be set back at least ten feet from the street right-of-way and shall be screened from view from the street by landscaping or berming to a minimum height of three feet. Parking adjacent to the east boundary of the PUD shall be set back at least five feet from that boundary.
4. A five-foot landscaped buffer strip and a six-foot or higher screening fence shall be provided along any boundary adjoining a residential lot or 102<sup>nd</sup> Street South, except where mutual access is permitted.
5. All buildings shall have pitched roofs and an architectural style that will be compatible with the surrounding residential structures. Elevation drawings of the office and retail buildings shall be submitted with the detail site plans. Variations in rooflines, brick or stone façades, and buildings with offset rather than straight exterior walls are encouraged.
6. Signs shall comply with the requirements of Section 1103.B.2 of the Tulsa Zoning Code, except wall signs shall not exceed one square foot per linear foot of building wall to which affixed and no wall signs shall be permitted on walls facing the residential lots in Development Area C of PUD-516. Within Lot 19, ground signage shall be limited to one sign along east 101<sup>st</sup> Street South. Within Lot 18, ground signage shall be limited to one sign along South Yale Avenue. No ground sign shall exceed a display surface area of 100 SF nor eight feet in height. There shall be no ground signs in Lots 16 or 17.
7. No Zoning Clearance Permit shall be issued for a lot within the PUD until a Detail Site Plan for the lot, which includes all buildings, parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.

8. A Detail Landscape Plan for each lot shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved Landscape Plan for the lot, prior to issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continuing condition of the granting of an Occupancy Permit.
9. No sign permits shall be issued for erection of a sign on a lot within the PUD until a Detail Sign Plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
10. All trash, mechanical and equipment areas shall be screened from public view by persons standing at ground level. Within Lot 16 or Development Areas I, II, III and IV, bulk trash containers shall be set back a minimum of 50 feet from residential lots.
11. All parking lot lighting shall be shielded and directed downward and away from adjacent residential areas. No parking lot light standard shall exceed 15 feet in height.
12. The Department of Public Works or a Professional Engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an Occupancy Permit on that lot.
13. No building permit shall be issued until the requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the Restrictive Covenants the PUD conditions of approval and making the City beneficiary to said Covenants that relate to PUD conditions.
14. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
15. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during Detail Site Plan review or the subdivision platting process.
16. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, nor shall trucks, truck-trailers or containers be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers or outside containers shall not be used for storage.

17. All lots with PUD-516-A shall be mutually accessible to each other. Lot 16 shall have no access to East 102<sup>nd</sup> Street South.

**Staff Comments:**

Mr. Stump stated that there are some uses that were not considered for Lot 16 and that Mr. Johnsen would like the uses added to the standards. He commented that Mr. Johnsen would read the uses to the Planning Commission.

**APPLICANT'S COMMENTS:**

**Roy D. Johnsen**, 201 West 5<sup>th</sup> Street, Suite 501, Tulsa, Oklahoma 74103, stated that he has reached an agreement with staff, but he would like to identify several uses there were excluded from the permitted uses. He explained that staff agrees with the additional uses. The following uses were read by Mr. Johnsen:

copying service  
costume rental service  
interior decorating  
locksmith  
photo finishing  
radio and television repair  
watch and jewelry repair

These uses are included in Use Unit 14, under the category of "Service" and the original staff recommendation excludes Service.

Mr. Johnsen concluded that there is an area of single-family residents to the south and east and the homeowners association is in support of the amendment with one condition. He explained that the homeowners association would like Lot 16 to access from Yale and not use 102<sup>nd</sup> Street. He stated that he has agreed to the condition of the homeowners association.

**INTERESTED PARTIES COMMENTS:**

**Pat Flynn**, President of the homeowners association, 4940 East 102<sup>nd</sup> Street, Tulsa, Oklahoma 74137, stated that the association fully agrees with the proposal submitted today.

**TMAPC COMMENTS:**

Mr. Stump stated that when the PUD does not include the residential area it is limited to two access points on Yale and that is what is shown. Staff would concur to prohibiting access between Lot 16 and 102<sup>nd</sup> Street South.

**TMAPC Action; 9 members present:**

On **MOTION** of **HARMON**, the TMAPC voted **9-0-0** (Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Boyle, Westervelt "absent") to recommend **APPROVAL** of the Major Amendment for PUD-516-A subject to the conditions outlined and the additional uses permitted in Lot 16 and the prohibition

of access between Lot 16 and 102<sup>nd</sup> Street South as proposed by Mr. Johnsen.  
(Language deleted by Applicant is shown as ~~strikeout~~, language added or substituted by Applicant is underlined.)

**Legal Description for PUD-516-A:**

Lots 16 through 19, Block 1, 101 Yale Village Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma.

\*\*\*\*\*

**OTHER BUSINESS:**

**PUD-567 – Larry Stubblefield** (PD-18) (CD-8)  
East of southeast corner East 71<sup>st</sup> Street and Mingo Valley Expressway  
(Detail Site Plan)

**Staff Recommendation:**

The applicant is requesting Detail Site Plan approval for a 4,999 square foot one-story restaurant on a 41,600 square foot (.95 acre) parcel within Tract C of Development Area C.

Staff notes that a Lot-Split and Plat Waiver approved on March 3, 1999 divided Development Area C into four tracts and allocated maximum floor area to each tract. The 3.27 acres of Tract C was allocated 25,000 SF of maximum floor area. The current request represents development of approximately 29% of the total area of Tract C and 20% of the maximum allowed floor area within the tract. The two undeveloped parcels within Tract C conform to the required minimum frontage and access standards of the PUD.

Staff has reviewed the Detail Site Plan for conformance to bulk and area, building square footage and height, setback, access and mutual access, circulation, parking, screening and total landscaped area standards of PUD-567 Development Area C as amended. Staff finds conformance to the approved development standards.

Staff, therefore, recommends **APPROVAL** of the Detail Site Plan as submitted.

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **9-0-0** (Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Boyle, Westervelt "absent") to **APPROVE** the Detail Site Plan for PUD-567 as submitted and recommended by staff.

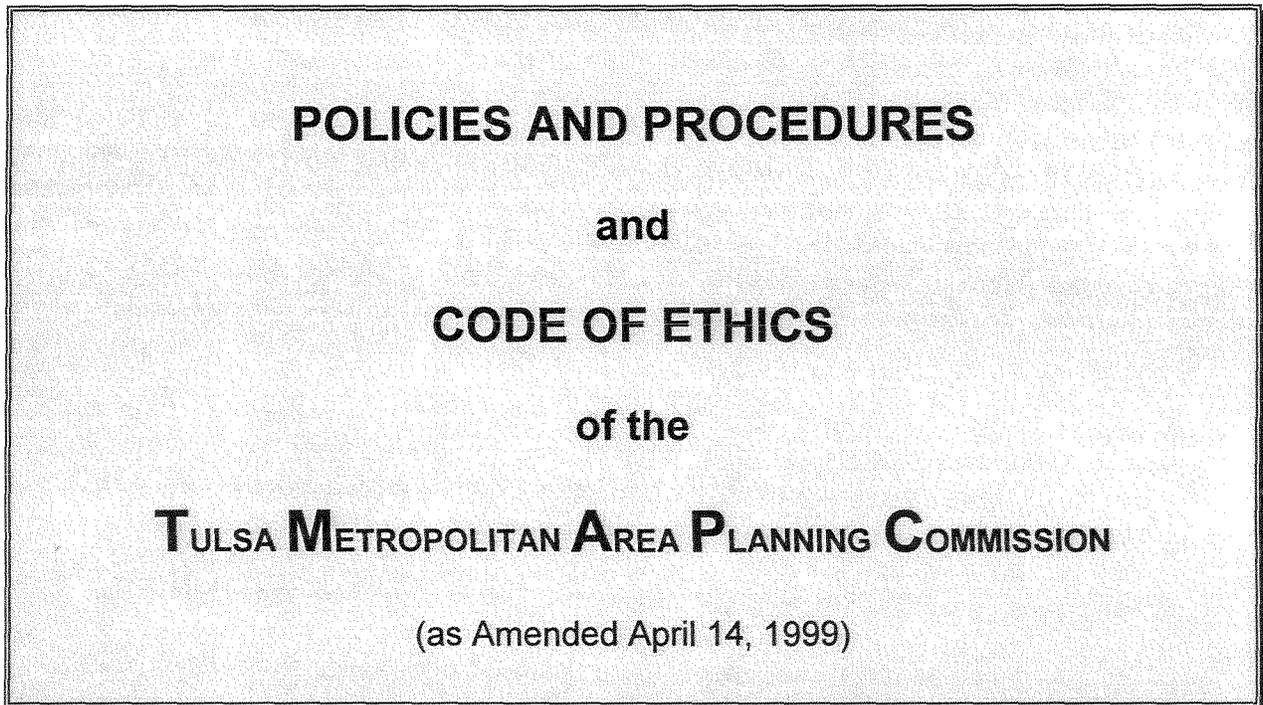
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**Changes to the TMAPC Policies and Procedures and Code of Ethics**

Relating to when officers are elected, how often the TMAPC meets and changes to the TMAPC meeting schedule and application cut-off dates.

**Staff Recommendation:**

Mr. Stump stated that staff was directed by the Policies and Procedures Committee to propose amendments to the TMAPC Policies and Procedures and Code of Ethics, which would implement three meetings per month rather than four meetings per month. Staff is suggesting that the second Wednesday meeting of each month be eliminated and the policy stating that the first and third Wednesdays of the month will be when subdivision applications are heard be amended. Zoning applications would also be heard on the first and third Wednesday of each month, and the fourth Wednesday of the month will be used for miscellaneous items and Comprehensive Plan items. Staff suggests that the regular work session of the committees be moved to the fourth rather than the third Wednesday. The election of the officers should be moved to the fourth Wednesday of January and all of the changes should go into effect in the month of July.



**SECTION I: Rules of Procedure**

**A. Name**

The name of this Commission shall be "Tulsa Metropolitan Area Planning Commission (TMAPC)", hereinafter referred to as the "Commission".

**B. Commission Membership (O.S.19-863.5)**

The Tulsa Metropolitan Area Planning Commission consists of eleven members, selected as follows: Six are appointed by the Mayor and approved by the City Council, and three are appointed by the Board of County Commissioners. The Mayor and the Chairman of the Board of County Commissioners or their designee shall be "ex officio" members of the Commission and shall be entitled to vote on all matters. Appointed members shall serve for terms of three years, and shall continue to serve until their successors are appointed. Vacancies occurring otherwise than through the expiration of term shall be filled only for the unexpired term in the same manner as set out above. All appointed members of the Commission shall serve without compensation and shall hold no municipal or county office.

A member of such Commission, once qualified, can thereafter be removed during his/her term of office only for cause and after a hearing held before the governing body by which he/she was appointed.

**C. Officers**

1. Annually, on the first Wednesday in January, the Commission shall elect from its appointed members a Chair, a First Vice-Chair, a Second Vice Chair and a Secretary. No Commission member shall hold the same office for more than two consecutive full one-year terms. Any vacancy in office shall be filled by the Chair for the unexpired term only.
2. When present, the Chair shall officiate at all meetings of the Commission, shall appoint all standing committees and shall serve as an ex officio member to all committees.
3. The First Vice-Chair shall assume all of the duties of the Chair during the Chair's absence. The Second Vice-Chair shall assume all of the duties of the Chair during the Chair's and the First Vice Chair's absence.
4. The Secretary shall keep or cause to be kept full and complete minutes of all public hearings and all committee meetings of the Commission and shall assume all duties of the Chair in the event the Chair, First Vice-Chair and Second Vice-Chair are absent. The Secretary shall attest the Chair's signature on all documents and receive all District Court appeals from any action of the Commission.

In the event the Secretary is not present, the First Vice-Chair or Second Vice-Chair, in that order, will assume the Secretary's duties.

5. Each of the officers above named shall be entitled to participate in discussion and vote on any question before the Commission, whether occupying the position of the Chair or not.

#### **D. Quorum**

A numerical majority of six of the full membership of the Commission, including the ex officio members thereof shall constitute a quorum for the conduct of any Commission business.

#### **E. Committees**

1. As soon after the election of officers as may be practical, the following standing committees of three to five members each shall be appointed by the Chair to serve during the ensuing year, or until a successor is appointed:
  - (a) Comprehensive Plan Committee
  - (b) Rules and Regulations Committee
  - (c) Budget and Work Program Committee
  - (d) Community Participation Committee
  - (e) Policies and Procedures Committee

The Chair of the Commission shall also appoint a committee Chair for each committee. Matters pertaining to zoning, subdivision and similar statutory functions shall be referred to the Rules and Regulations Committee. Matters pertaining to the Comprehensive Plan and amendments thereto, transportation, parks, housing, proposed capital improvements, etc. shall be referred to the Comprehensive Plan Committee. Matters pertaining to the budget and work program of the TMAPC shall be referred to the Budget and Work Program Committee. Matters pertaining to citizen input in the planning and zoning process shall be referred to the Community Participation Committee. Matters pertaining to rules of procedure, code of ethics and Commission policies shall be referred to the Policies and Procedures Committee. In the absence of a Committee Chair, any past or present TMAPC Chair may serve in that capacity for the purpose of conducting a Committee meeting or a regular meeting.

2. All Special requests coming to the Commission for consideration shall be referred by the Chair to the appropriate standing committee or staff for timely response.
3. The Commission Chair or the Chair's appointees may serve on other governmental agency committees.

**F. Meetings**

1. The Commission shall meet regularly on the first, third and fourth Wednesday of each month in the City Council Room, City Hall, 200 Civic Center, in accordance with its approved calendar.
2. Special Public Hearing meetings may be held on approval by a majority vote of the Commission. Such public hearings shall be held in the regular meeting place of the Commission.
3. Normally, land division matters and zoning public hearings will be considered on the first and third Wednesdays and Comprehensive Plan matters on the fourth Wednesday.
4. All meeting agendas must be posted 24 hours in advance of the meeting for all regular scheduled hearings and 48 hours in advance of all special commission hearings and Committee meetings.
5. Items to be placed on the TMAPC agenda shall meet the cut-off dates as specified on the approved TMAPC annual planning calendar. New items shall not be added to the final agenda mailed to TMAPC on Friday preceding the regularly scheduled Wednesday meeting unless authorized by the Chair.
6. It is the policy of the commission that sufficient supporting information, such as a plot plan, plat of survey, etc., be filed with the application in order for the staff and Commission to have time to evaluate the proposal. If staff concludes that sufficient supporting information has not been provided, staff shall consider the application as incomplete and shall not place the item on the agenda.

**G. General Procedures**

- 1. The latest edition of *Robert's Rules of Order* shall govern all TMAPC proceedings to which they are applicable and where they do not conflict with other adopted rules herein.

**TMAPC COMMENTS:**

Mr. Carnes stated that it has been the policy in the past that the outgoing Commission elects the new officers because the incoming new Commissioners will not know the people. He asked Mr. Stump how the fourth Wednesday will coincide with the new appointments for the Commission. He suggested that the elections be moved to the first Wednesday in January of each year. In response, Mr. Stump agreed that the election of new officers should be on the first Wednesday of January.

**TMAPC Action; 9 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **9-0-0** (Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Boyle, Westervelt "absent") to **APPROVE** the modifications to the Policies and Procedures and Code of Ethics as modified by the Planning Commission.

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**Resolution No. 2200-822 Amending the Tulsa Metropolitan Major Street and Highway Plan, a Part of the Comprehensive Plan for the Tulsa Metropolitan Area**

**Staff Recommendation:**

Mr. Stump stated that the submitted resolution implements the action taken by the Planning Commission adopting urban arterials into the Major Street and Highway Plan during the public hearing April 14, 1999.

**TMAPC COMMENTS:**

Mr. Midget asked staff if this resolution will go directly to the City Council and if it will coincide with the recommendations from the Infill Task Force Study. In response, Mr. Stump answered affirmatively.

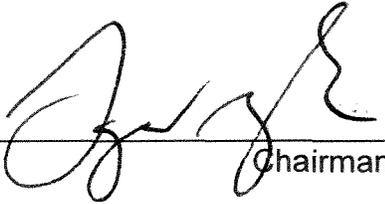
**TMAPC Action; 9 members present:**

On **MOTION** of **LEDFORD**, the TMAPC voted **9-0-0** (Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Boyle, Westervelt "absent") to **ADOPT** Resolution No. 2200-822 Amending the Tulsa Metropolitan Major Street and Highway Plan, a Part of the Comprehensive Plan for the Tulsa Metropolitan Area as submitted.

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There being no further business, the Chairman declared the meeting adjourned at 2:05 p.m.

Date approved: 5-12-99

  
\_\_\_\_\_  
Chairman

ATTEST: Brandon J. Jocku  
Secretary

