

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2204

Wednesday, May 19, 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>
Boyle	Midget	Beach	Jackere, Legal
Carnes		Bruce	Counsel
Dick		Dunlap	
Harmon		Huntsinger	
Hill		Matthews	
Horner		Stump	
Jackson			
Ledford			
Pace			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Tuesday, May 18, 1999 at 8:27 a.m., posted in the Office of the City Clerk on Monday, May 17, 1999 at 10:20 a.m., as well as in the office of the County Clerk at 10:12 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 5, 1999, Meeting No. 2203**

On **MOTION** of **HORNER** the TMAPC voted **8-0-1** (Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; Boyle "abstaining"; Midget, Pace "absent") to **APPROVE** the minutes of the meeting of May 5, 1999 Meeting No. 2203

### REPORTS:

#### Chairman's Report:

Mr. Boyle announced that there has been a continuance requested for PUD-384-A-3 to May 26, 1999.

**Application No.:** PUD-384-A-3

**Applicant:** John Stava (PD-8) (CD-2)

**Location:** East of southeast corner 71<sup>st</sup> Street and South Elwood Avenue

There were no interested parties wishing to speak.

**TMAPC Action; 9 members present:**

On **MOTION** of **WESTERVELT**, the TMAPC voted **9-0-0** (Boyle, Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining";, Midget, Pace "absent") to **CONTINUE** PUD-384-A-3 to May 26, 1999 at 1:30 p.m.

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**Committee Reports:**

**Comprehensive Plan Committee**

Mr. Ledford announced that there would be a work session directly after the TMAPC meeting is adjourned.

**Rules and Regulations Committee**

Mr. Westervelt announced that there will be a work session directly after the TMAPC meeting is adjourned in Room 1102, City Hall.

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**Director's Report:**

Mr. Stump reported that there are five items on the City Council agenda for May 20<sup>th</sup> meeting.

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

**L-18853 – Eugene Harrison (2683)**

(PD-22) (County)

727 West 108<sup>th</sup> Street South

**Staff Recommendation:**

This property was divided into two tracts in a previous lot-split. However, the northeast lot line of Tract 2 was placed over existing lateral lines for the northern tract. This applicant is requesting to move that lot line to the south to avoid the lateral lines, and to create a new tract, Tract 3.

The proposed configuration of these lots will result in all three tracts having more than three side lot lines. All other zoning requirements have been met. Therefore, staff would recommend approval of this lot-split application.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **WESTERVELT**, the TMAPC voted **9-0-0** (Boyle, Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Midget, Pace "absent") to recommend **APPROVAL** of the Waiver of Subdivision Regulations for L-18853 as recommended by staff.

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

- L-18825 Merle Martindale & Clark Brewster (694)** (PD-5) (CD-6)  
9801 East 11<sup>th</sup> Street
- L-18846 Sack and Associates, Inc. (1683)** (PD-18) (CD-8)  
Northeast corner of East 83<sup>rd</sup> Street & South Urbana
- L-18847 – P & J One, LLC (1694)** (PD-17) (CD-6)  
Northeast corner of East 21<sup>st</sup> Place and 129<sup>th</sup> East Avenue
- L-18851 – Smith-Roberts & Associates (684)** (PD-18) (CD-8)  
Southwest corner of East 61<sup>st</sup> Street and Garnett Road
- L-18855 – Roy Johnsen (1984)** (PD-18) (CD-8)  
10102 East 91<sup>st</sup> Street South
- L-18856 – Tulsa Development Authority (1193)** (PD-5) (CD-5)  
7301 East 15<sup>th</sup> Street South
- L-18858 – Bryan McCracken (1993)** (PD-6) (CD-7)  
3606 South Terwilliger
- L-18860 – City of Tulsa (1694)** (PD-17) (CD-6)  
2307 South 129<sup>th</sup> East Avenue
- L-18861 – Don Abel (824)** (PD-14) (County)  
17323 North Garnett Road
- L-18864 – Tulsa Development Authority (593)** (PD-4) (CD-4)  
2500 Block of East 2<sup>nd</sup> Street

**Mr. Westervelt announced that he will be abstaining.**

**Staff Recommendation:**

Mr. Beach stated that these lot-splits are in order and staff recommends approval.

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **8-0-1** (Boyle, Carnes, Dick, Harmon, Hill Horner, Ledford, Jackson "aye"; no "nays"; Westervelt "abstaining"; Midget, Pace "absent") to **RATIFY** these lot-splits given Prior Approval, finding them in accordance with Subdivision Regulations

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Pace in at 1:32 p.m.

**CHANGE OF ACCESS ON RECORDED PLAT:**

**Lot 2, Block 4, 9100 Memorial Addition**

9330 South Memorial Drive

**Staff Recommendation:**

Mr. Beach stated that this proposal is in order, the traffic engineer has reviewed it and signed off, and staff recommends approval.

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

**TMAPC Action; 10 members present:**

On **MOTION** of **DICK**, the TMAPC voted **10-0-0** (Boyle, Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Midget "absent") to **APPROVE** the Change of Access on Recorded Plat for Lot 2, Block 4, 9100 Memorial Addition as recommended by staff.

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**Mr. Ledford announced that he will be abstaining on the Final Plat for Echelon at Memorial Creek.**

**FINAL PLAT:**

**Echelon at Memorial Creek (2383)**

(PD-26) (CD-8)

Southwest corner of Creek Turnpike and South Memorial Drive

**Staff Recommendation:**

Mr. Beach stated that the final plat is in order and has received all of the final release letters. Staff recommends **APPROVAL** subject to final review of the deed of dedication and the restrictive covenants.

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

**TMAPC Action; 10 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **9-0-1** (Boyle, Carnes, Dick, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; Ledford "abstaining"; Midget "absent") to **APPROVE** the Final Plat for Echelon at Memorial Creek subject to final review of the deed of dedication and the restrictive covenants as recommended by staff.

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**Mr. Westervelt announced that he will be abstaining from the Final Plat for Quik Trip #85R Commercial Center.**

**Quik Trip #85R Commercial Center (PUD-594) (593)**

(PD-5) (CD-5)

Northwest corner East Admiral Place and North Harvard Avenue

**Staff Recommendation:**

Mr. Beach stated that the final plat is in order and has received all of the final release letters. Staff recommends **APPROVAL** subject to final review of the deed of dedication and the restrictive covenants.

**TMAPC Action; 10 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **9-0-1** (Boyle, Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Pace "aye"; no "nays"; Westervelt "abstaining"; Midget "absent") to **APPROVE** THE Final Plat for Quik Trip #85R Commercial Center subject to final review of the deed of dedication and the restrictive covenants as recommended by staff.

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**PRELIMINARY PLAT:**

**City Barn (0484)**

(PD-18) (CD-8)

South of southwest corner of South 105<sup>th</sup> East Avenue and East 63<sup>rd</sup> Street

**Staff Recommendation:**

This is a subdivision of 4.4 acres into one lot and one block for commercial (mini-storage) purposes. The site is located in the CO district and carries an approved site plan. The subject property is located approximately 300' south of 63<sup>rd</sup> Street and is bounded by South 103<sup>rd</sup> East Avenue on the west and South 105<sup>th</sup> East Avenue on the east with access off of 105<sup>th</sup>. The Mingo Valley Expressway is directly to the east across 105<sup>th</sup> Avenue. This site was previously the subject of a plat waiver; that request has been withdrawn.

The following were discussed **May 6, 1999** at the Technical Advisory Committee meeting:

**1. Streets/access:**

- Bruce, staff, noted that the plat dedicated 25' of right-of-way along 103<sup>rd</sup> East Avenue from the mid-point of the lot to the south boundary. South 105<sup>th</sup> East Avenue was a half-street, 30' in width, having been discussed and approved at the previous meeting. The plat indicated a second access point not shown on the site plan. Mr. Sack indicated that this was to provide emergency access if needed. The setback from the east property line to the access gate was 29'.
- Eshelman, Traffic, indicated that plat as presented was acceptable.

## **2. Sewer:**

- Bruce, staff, noted that 10' easements were shown on the north and south property lines with 17.5 easements to the east and west.
- Sack, Engineer, indicated that the sanitary sewer would run along the north property line.
- Vaverka, Wastewater, indicated that an 11' easement was standard and questioned as to the status of a future easement on the north side of the north line. Mr. Vaverka indicated that he would contact staff with additional information.

## **3. Water:**

- Bruce, staff, indicated that water was available on 103<sup>rd</sup> Avenue.
- Lee, Water, questioned regarding the location of the water line on site and indicated that it would need to be looped. Mr. Sack indicated that water would come from the northwest corner of the site and would run in an easement in the internal street. Mr. Lee indicated that a 20' easement would be required and that the appropriate restricted water line easement verbiage should be included in the covenants.

## **4. Storm Drainage:**

- Payne, Development Services, fees-in-lieu will be allowed. A watercourse crosses the property; a PFPI will be required for earth change and drainage work.
- McCormick, Stormwater, indicated that an overland drainage easement will be required to move water to the southeast corner of the site.

## **5. Other:**

- Pierce, PSO, requested language in the covenant to allow overhead electrical along both the 103<sup>rd</sup> and 105<sup>th</sup> street frontages.

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

### **Waivers of Subdivision Regulations:**

1. None needed.

### **Special Conditions:**

1. Dedication of the eastern 25' of 103<sup>rd</sup> East Avenue right-of-way in the southern portion of the site.
2. A looped water system on site.
3. A 20' wide restricted water line easement in the northern portion of the site.
4. PFPI for earth change and drainage work.

5. An overland drainage easement will be required.
6. Language in the covenants should allow overhead electrical lines along 103<sup>rd</sup> and 105<sup>th</sup> Streets.

**Standard Conditions:**

1. All conditions of Corridor Site Plan Z-6673-SP-1 shall be met prior to release of final plat, including any applicable provisions in the covenants or on the face of the plat. Refer to Section 805 E Zoning Code. Include Site Plan approval date.
2. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
3. Water and sanitary sewer plans shall be approved by the Department of Public Works (Water & Sewer) prior to release of final plat. (Include language for W/S facilities in covenants.)
4. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owner(s) of the lot(s).
5. Any request for creation of a Sewer Improvement District shall be submitted to the Department of Public Works (Water & Sewer) prior to release of final plat.
6. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater and/or Engineering) including storm drainage, detention design, and Watershed Development Permit application subject to criteria approved by the City of Tulsa.
7. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).
8. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
9. Street names shall be approved by the Department of Public Works and shown on plat.
10. All curve data, including corner radii, shall be shown on final plat as applicable.
11. City of Tulsa Floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.

12. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the Department of Public Works.
13. All adjacent streets, intersections, and/or widths thereof shall be shown on plat.
14. Limits of Access or LNA as applicable shall be shown on plat as approved by the Department of Public Works (Traffic). Include applicable language in covenants.
15. It is recommended that the Developer coordinate with the Department of Public Works (Traffic) during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
16. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
17. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
18. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
19. The method of water supply and plans therefor shall be approved by the City/County Health Department.
20. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
21. The key or location map shall be complete.
22. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
23. Zoning application Z- 6673 shall be approved and the ordinance or resolution therefor published before the final plat is released. (The plat shall conform to the applicable zoning approved.)
24. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)

25. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
26. 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.
27. All other Subdivision Regulations shall be met prior to release of final plat.

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

**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, Dick, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Midget "absent") to recommend **APPROVAL** of the Preliminary Plat for City Barn subject to conditions as recommended by staff.

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**Hahn Industrial Park (3304)**

(PD-16) (CD-6)

North of the northwest corner of East Archer Street and North 145<sup>th</sup> East Avenue

**Staff Recommendation:**

This is a subdivision of 4.5 acres into one lot and one block for industrial purposes. The site is located on the west side of 145<sup>th</sup> Street, which is the boundary between Tulsa and Rogers Counties. The parcel is zoned IL as is the great majority of the area of the section north of I-244. An area of AG zoning lies to the north of the site.

The following were discussed **May 6, 1999** at the Technical Advisory Committee meeting:

**1. Streets/access:**

- Bruce, staff, noted that the plat dedicated 70' of right away along the 145<sup>th</sup> Street frontage. The plat indicated a 40' access point in the north east portion.
- Somderceff, Transportation, requested standard street dedication language in the covenants. Mr. Sack indicated that the right of way had already been dedicated and that the plat would be revised to indicate the recording reference.

**2. Sewer:**

- Bruce, staff, noted that 11' easements were shown on the north and south property lines with 17.5 easements to the east and west.

- Sack, Engineer, indicated that gravity flow sanitary sewer would be extended to the site and would run along the south property line.
- Vaverka, Wastewater, questioned the status of any easement on the south side of the south property line. He requested a 17.5' easement along the north side of the south line if none existed on the south side of the south line.

### 3. Water:

- Bruce, staff, indicated that water did not show on INCOG's atlas.
- Lee, Water, indicated that an 8" line was present along the east side of the property.

### 4. Storm Drainage:

- Payne, Development Services, indicated that fees-in-lieu will be allowed. Public water crosses the property from north to south; a PFPI will be required for earth change and drainage work.
- McCormick, Stormwater, indicated that an overland drainage easement will be required to move water to the southeast corner of the site.

### 5. Other:

- Pierce, PSO, indicated that a 17.5' easement exists on the south side of the south property line. He questioned as to the potential of expanding the easement along the north line to 17.5'. However, PSO would be serving from the south.

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

#### **Waivers of Subdivision Regulations:**

1. None needed.

#### **Special Conditions:**

1. Revision to language on the face of plat indicating recording reference for ROW dedication.
2. PFPI for earth change and drainage work.

#### **Standard Conditions:**

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. Any 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. Any 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 (if applicable) are 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. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
23. Applicant is advised to of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
24. 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.
25. All other Subdivision Regulations shall be met prior to release of final plat.

**The applicant indicated his agreement with staff's 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, Dick, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Midget "absent") to recommend **APPROVAL** of the Preliminary Plat for Hahn Industrial Park subject to conditions as recommended by staff.

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**PLAT WAIVER:**

**BOA – 18403 (3003)**

(PD-2) (CD-1)

2247 North Peoria, northeast corner of North Peoria and East Woodrow Place

**Staff Recommendation:**

The trigger case was heard and approved by the Board on May 11, requesting Special Exception to allow expanded church use. A number of requests for variances will be included. The waiver is requested for the purpose of allowing the construction of additional facilities.

**Staff comments and recommendation:**

The subject parcel is approximately 2.3 acres in size. The northern portion of the site lies in the De Priest Addition and includes Lots 1,2,4,5 and 6 of Block 1 and Lots 1 through 6 of Block 2. The remainder of the site lies south of Block 2 and extends to south to East Woodrow Place. The subject property is bounded on the west by North Peoria and on the east by North Quaker Avenue. East Xyler Street bisects the site. Water is available in the Peoria Avenue right-of-way; sanitary sewer runs in a north/south easement, which bisects the property. The proposed construction will include a new auditorium and related parking.

At the TAC meeting of April May 6, 1999 there were no requirements for right-of-way dedication, mainline extension or on-site detention. It should be noted that the Peoria right-of-way is expanding to the west, eliminating the need for right-of-way on the east.

However, the following issues will need to be resolved.

- The access as shown on the proposed site plan does not correspond to the access indicated on the City's Peoria improvement plans. Transportation Staff indicated a willingness to adjust the access to accommodate the church. It should be noted that the access will be north in/north out; a median cut will not be approved in this location. A change in access should be filed.
- The change of access should include an indication of a limit of no access.
- The eastern portion of Xyler Street remains a dedicated right of way. This area should be closed or vacated. Transportation indicates this to be acceptable.

- A driveway detail in the area of the existing Xyler Street will need to be approved by Traffic Engineering. A striped curb return may not be an acceptable solution.
- The proposed auditorium is located over the City's north/south sewer line. Relocation and easements will need to be addressed and approved by Engineering Services. It is staff's understanding that the line will be relocated to run to the west in the closed Xyler Street right-of-way and then run south in the Peoria right-of-way.

Based on the checklist below which reflects the policies of TMAPC, **staff recommends approval** of the request for plat waiver **with the following conditions:**

- Approval and filing of a change in access which includes limits of no access.
- Confirmation of an approved sewer relocation in the closed Xyler Street right-of-way and the Peoria right-of-way
- Approval by Traffic Engineering of a curb/entry detail in the eastern portion of the site at the existing Xyler right-of-way.

These conditions should be complied with, at a minimum, prior to occupancy.

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 RW? | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

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

- |  |                          |                                     |
|--|--------------------------|-------------------------------------|
| 4) Is right-of-way dedication required to comply with major street and highway plan? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5) Will restrictive covenants be filed by separate instrument?                       | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- 6) Infrastructure requirements
- a) Water
    - i) Is a main line water extension required?  ✓
    - ii) Is an internal system or fire line required?  ✓
    - iii) Are additional easements required?  ✓
  - b) Sanitary Sewer
    - i) Is a main line extension required?  ✓
    - ii) Is an internal system required?  ✓
    - iii) Are additional easements required?  ✓
  - c) Storm Sewer
    - i) Is a P.F.P.I. required?  ✓
    - ii) Is an Overland Drainage Easement required?  ✓
    - iii) Is on-site detention required?  ✓
    - iv) Are additional easements required?  ✓
- 7) Floodplain
- a) Does the property contain a City of Tulsa (Regulatory) Floodplain?  ✓
  - b) Does the property contain a F.E.M.A. (Federal) Floodplain?  ✓
- 8) Change of Access
- a) Are revisions to existing access locations necessary?  ✓
- 9) Is the property in a PUD?
- a) If yes, was plat recorded for the original PUD?  ✓
- 10) Is this a Major Amendment to a PUD?
- 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.

**TMAPC COMMENTS:**

After discussion it was determined that Peoria is moving to the west and there is no need for additional dedication of right-of-way. Mr. Jackson explained that Peoria is being realigned in the subject area.

**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, Dick, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Midget "absent") to recommend **APPROVAL** of the Plat Waiver for BOA-18403 subject to conditions as recommended by staff and subject to 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.

\* \* \* \* \*

**CONTINUED ZONING PUBLIC HEARING**

**Application No.: Z-6685**

**Applicant:** Patsy R. Slagle

**Location:** 1147 and 1153 North Columbia Place

**RS-3 to PK**

(PD-3) (CD-3)

**Staff Recommendation:**

Relationship to the Comprehensive Plan:

The District 3 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property as Low Intensity – Residential. The Plan designates the area adjacent to it on the east as an Industrial Special District and the area across Columbia to the southwest as an Industrial Special District.

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

Staff Comments:

**Site Analysis:** The subject property is approximately 120' x 128' in size and is located north of the northeast corner of East Dawson Road and North Columbia Place. The property is flat, has recently been illegally established as a gravel-surfaced parking lot, and is zoned RS-3. The property is surrounded by a chain link fence with outward-facing barbed wire. Some portion of the fence may also be sheet metal.

**Surrounding Area Analysis:** The subject tract is abutted on the north and west by single-family dwellings, zoned RS-3; to the east by an industrial facility, zoned IM; to the southwest by an industrial business (with several junked cars on the lot), zoned IM; and to the south by a vacant grass-covered lot, zoned RS-3.

**Zoning and BOA Historical Summary:** None in this area.

**Conclusion:** Based on the Comprehensive Plan and the existing zoning and land uses, staff recommends **DENIAL** of PK zoning for Z-6685. (Staff would note that if at some future date, parking is allowed on this or any other property in the area, the applicant must comply with paving, landscape and screening requirements of the Zoning Code.)

**TMAPC COMMENTS:**

Mr. Harmon asked the staff if the recommendation for denial is because the subject property has been zoned RS previously. Mr. Harmon commented that sometimes uses change. In response, Mr. Dunlap stated that the application is not in compliance with the Comprehensive Plan and there are other existing residential uses in the subject area.

Mr. Stump stated that the subject property is a part of the residential subdivision and parking facilities could be intrusive to the neighborhood.

Mr. Boyle stated that apparently the subject property has been used outside of the zoning regulations. He asked staff if that has any influence on the recommendation. In response, Mr. Stump stated that the applicant recently illegally established the uses. The actions of the applicant did not have anything to do with staff's recommendation.

Mr. Horner stated that he couldn't visualize RS-1 in the subject area. He explained that the area is heavily industrialized along Dawson Road. He asked staff if the subject property was paved it would change the staff's recommendation. In response, Mr. Stump stated that it would not change the recommendation. Mr. Stump further stated that staff assumes that if this application was granted that the applicant would comply with zoning requirements for PK use. Mr. Stump explained that the subject property is near the edge of the residential area and faces a residential street, and there is no prohibition against the applicant accessing the residential street.

Mr. Harmon asked staff if a restriction could be imposed to prevent the subject property from accessing the residential street. In response, Mr. Stump answered negatively.

**APPLICANT'S COMMENTS:**

**James Unruh**, 9 East 4<sup>th</sup>, Suite 300, Tulsa, Oklahoma 74103, stated that this application was heard one month ago, at which time there were two protestants. He explained that he met with the neighborhood as requested and several issues were agreed to. He indicated that the protestants no longer have any objections to the rezoning of the subject property.

Mr. Unruh stated that the subject property would be used for employee parking only. He explained that the employees have been parking near a railroad right-of-way and would like to move away in order to help clean the area up.

Mr. Unruh indicated that if the application is granted, then his client plans to comply with the paving and the other requirements. He stated that the neighbors on North Columbia Place have been satisfied that the issues have been addressed and are in agreement with the application. He indicated that the two interested parties are present, but do not wish to speak.

**TMAPC COMMENTS:**

Mr. Boyle stated that he could confirm that Councilor Turner stated he that he considered the matter worked out. Mr. Boyle further stated that he has no concern that the applicant has reached an agreement.

Mr. Unruh stated that his client has agreed that there will be no ingress or egress off of North Columbia Place.

Mr. Boyle expressed concerns regarding the illegal establishment of the parking lot on the subject lot in the past. Mr. Boyle stated that he is concerned that the owners of the subject property will not comply with the rules in the future. Mr. Boyle asked Mr. Unruh what assurances he could give the Planning Commission that his client will comply with the rules they have agreed to with the neighborhood. In response, Mr. Unruh stated that his client now knows that certain rules and requirements have to be followed and they will comply. Mr. Unruh indicated that if his client does not follow the rules, then the neighborhood can call Neighborhood Inspections and the authorities can take the appropriate action.

Mr. Boyle asked Mr. Unruh if he was involved in advising the applicant prior to the establishment of the illegal parking lot. In response, Mr. Unruh stated that he has been the applicant's attorney for several years, but he was not asked about the parking lot prior to the establishment. Mr. Boyle asked Mr. Unruh if he is convinced that his applicant is fully informed their obligation and will follow the rules and regulations.

Mr. Westervelt asked Mr. Unruh how he suggests that the Planning Commission can ensure that there will be no access along North Columbia Place. In response, Mr. Unruh stated that there is a gate located at the access and it will be locked.

**INTERESTED PARTIES COMMENTS:**

**Karla George**, 1203 North Columbia Place, Tulsa, Oklahoma 74110, asked the Planning Commission if the agreement made between the neighborhood and Mr. Unruh can be enforced. In response, Mr. Boyle stated that the Planning Commission couldn't give the assurance that the promises made by Mr. Unruh's client will be enforced because it is impossible to rezone with conditions.

**APPLICANT'S REBUTTAL:**

Mr. Unruh stated that Mr. Slagle has been involved in attempting to clean up the area along Dawson Road with Councilor Turner. It explained that is the reason Mr. Slagle purchased the residential lots and made a parking lot for his employees.

After a long discussion it was suggested that Z-6685 be continued and that the applicant file an accompanying PUD.

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **7-3-0** (Carnes, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; Boyle, Dick, Harmon "nay"; none "abstaining"; Midget "absent") to **CONTINUE** Z-6685 to July 7, 1999 and request the applicant to file an accompanying PUD.

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Horner out at 2:11 p.m.

**ZONING PUBLIC HEARING**

**Application No.: PUD-550-1**

**Applicant:** Tom Ernst (PD-5) (CD-5)

**Location:** Southwest corner of East 21<sup>st</sup> Street and South 91<sup>st</sup> East Avenue  
(Minor Amendment)

**Staff Recommendation:**

The applicant is requesting Minor Amendment approval to reduce the minimum building setback line from South 91<sup>st</sup> East Avenue (eastern property boundary) from 150 feet to 50 feet of the centerline of 91st for purposes of computing the street yard area within Development Area B. The Detail Landscape Plan indicates the single-story postal processing facilities east-facing building wall is set back 360 feet from the centerline of South 91<sup>st</sup> East Avenue.

Staff has examined the request and finds that if the street yard is computed utilizing a 50-foot-from-centerline setback, 33 honey locust trees, each 10-12 feet in height, will be required along the 980 feet of street frontage. The plan also indicates the installation of 17 ash trees between the east face of the building and South 91st. The applicant has represented to staff that the installation of over 100 trees utilizing the 150-foot building setback is cost prohibitive and would necessitate planting smaller trees in the street yard having negligible screening value.

Staff has reviewed the request and finds the 360 foot building setback combined with larger trees and an expansive area of lawn will provide an acceptable landscape buffer and green open area to protect the large-lot residential uses to the east. Staff is of the opinion that the character and intent of the original approval of PUD-550 will be maintained with a reduction in the South 91<sup>st</sup> East Avenue street yard within Development Area B. Staff notes that the required eight foot solid screening wall along the west, north and south boundaries of the development area and the screening of all mechanical equipment is shown on the landscape plan. Staff notes that the facility is nearing completion and has never received Detail Site Plan approval from TMAPC.

Staff, therefore, recommends **APPROVAL** of PUD-550-1, Development Area B allowing a 50-foot from centerline South 91<sup>st</sup> Avenue East building setback line for street yard computational purposes only. This approval is subject to the following condition:

The minimum building setback is not modified by this approval and will remain at 150 feet from the centerline of South 91<sup>st</sup> East Avenue.

**STAFF COMMENTS:**

Mr. Stump explained that when the Landscape Chapter was passed, it stated that there had to be a certain number of trees in the street yard and it was computed as one tree for every 1500 SF of street yard. "Street yard" is a new definition that was from the street right-of-way to the minimum building setback line. In this case there is a very large building setback that produces a very large street yard and therefore a very large number of trees. The applicant would like to use the standard 50' setback, as commercial uses have in this area, for computing the number of required trees.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **HARMON**, the TMAPC voted **9-0-0** (Boyle, Carnes, Dick, Harmon, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Midget, Horner "absent") to recommend **APPROVAL** of the Minor Amendment for PUD-550-1 subject to conditions as recommended by staff.

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**OTHER BUSINESS:**

**Application No.: PUD-541-B**

**Applicant:** Jason Potter

(PD-6) (CD-9)

**Location:** South of East 42<sup>nd</sup> Street and South Peoria  
(Detail Site Plan)

**Staff Recommendation:**

The applicant is requesting Detail Site Plan approval for a 6,383-square-foot automobile service facility on a 1.18 acre (net) parcel within Development Area B of the 4300 Brooktowne Addition. Approval of a Major Amendment in 1998 allowed light automotive repair uses and established detailed development specifications.

Staff has examined the Detail Site Plan and finds conformance to the approved development specifications for bulk and area, building height and square footage, setback, building orientation and architectural/appearance details, access, parking, lighting, screening, landscape buffering and total landscaped area.

Staff, therefore, recommends **APPROVAL** of the Detail Site Plan for PUD-541-A (Lot 2, Block 1) as submitted.

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

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **WESTERVELT**, the TMAPC voted **9-0-0** (Boyle, Carnes, Dick, Harmon, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Midget, Horner "absent") to **APPROVE** the Detail Site Plan for PUD-541-B as recommended by staff.

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**Application No.: L-18852**

**Applicant:** Gary Sievers

(PD-5) (CD-5)

**Location:** 2222 South 85<sup>th</sup> East Avenue  
(Refund request)

**Staff Recommendation:**

The applicant applied for a lot-split on April 27, 1999, that would split a 31' X 125' tract of RD zoned property and tie it to a 120' X 125' tract zoned RS-1. On April 30, 1999, the applicant telephoned to withdraw his application. A letter requesting a refund of the \$50 application fee was received on May 3, 1999.

Considering the timely withdrawal of this application, staff would recommend approval of a full \$50 refund.

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

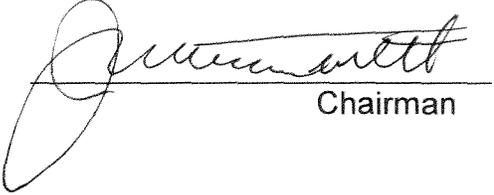
**TMAPC Action; 9 members present:**

On **MOTION** of **HARMON**, the TMAPC voted **9-0-0** (Boyle, Carnes, Dick, Harmon, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Midget, Horner "absent") to **APPROVE** the refund request for a full refund of \$50.00 as recommended by staff.

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

Date approved: 06/02/99

  
Chairman

ATTEST: Bradley L. Gockner  
Secretary