

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2233

Wednesday, March 15, 2000 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Carnes	Boyle	Beach	Jackere, Legal
Collins	Jackson	Bruce	Counsel
Harmon		Dunlap	
Hill		Huntsinger	
Horner		Matthews	
Ledford			
Midget			
Pace			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, March 13, 2000 at 8:35 a.m., posted in the Office of the City Clerk at 8:24 a.m., as well as in the office of the County Clerk at 8:25 a.m.

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

Minutes:

Approval of the minutes of February 23, 2000 Meeting No. 2231

On **MOTION** of **CARNES** the TMAPC voted **7-0-0** (Carnes, Harmon, Hill, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Collins, Jackson, Midget "absent") to **APPROVE** the minutes of the meeting of February 23, 2000, Meeting No. 2231.

Minutes:

Approval of the minutes of March 1, 2000 Meeting No. 2232

On **MOTION** of **CARNES** the TMAPC voted **7-0-0** (Carnes, Harmon, Hill, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Collins, Jackson, Midget "absent") to **APPROVE** the minutes of the meeting of March 1, 2000, Meeting No. 2232.

Mr. Midget in at 1:35 p.m.

REPORTS:

Chairman's Reports:

Mr. Westervelt stated that he would like to applaud the new structure regarding the coordination meetings between INCOG staff, Public Works, TDA, UDD and Neighborhood Inspections. He explained that there would be weekly coordination meetings in order to integrate the entire process. He commented that this will be a helpful step and the process will be improved.

Mr. Westervelt thanked Mr. Midget for his efforts for getting the coordination meetings in place.

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Director's Report:

Mr. Dunlap stated that there are several items on the City Council agenda for Thursday, March 16, 2000. He indicated that he would be attending the City Council meeting.

Ms. Matthews stated that there are two neighborhoods that have indicated that they would be coming before the TMAPC requesting rezoning.

Ms. Matthews reported that the South Maple Ridge Neighborhood Association is requesting a worksession for March 22 at 2:00 p.m. She stated that staff has requested background documentation, which has not been received at this time.

Ms. Matthews stated that the Oakview/Timberlane Neighborhood has indicated that they will be requesting RE zoning. This is a neighborhood that the TMAPC encouraged to come forward to request the rezoning after a couple of infill cases. She indicated that staff has already met with the neighborhood leader. Ms. Matthews concluded that it appears that the rezoning issue will be the subject of the April worksession and the request for rezoning in May.

Mr. Westervelt asked Ms. Matthews if the Historic Preservation item would be on the worksession schedule for next week. In response, Ms. Matthews stated that it is tentatively scheduled for next week. Ms. Matthews indicated that if the documentation is submitted in time, then the item would be on the March 22nd worksession. Mr. Westervelt stated that he will be out of town next week and would like to participate if it is not an inconvenience. Ms. Matthews stated that it is within the Chairman's power to request a continuance.

Mr. Midget asked Ms. Matthews if staff has heard anything from the Irving Neighborhood. In response, Ms. Matthews stated that she has not heard anything from that neighborhood.

SUBDIVISIONS

LOT-SPLITS FOR DISCUSSION:

L-19027 – Sack & Associates (784)

(PD-18) (CD-8)

11015 East 73rd Street South

Staff Recommendation:

The applicant has applied to split Tract A of PUD 567 into two tracts called Tract A-1 and Tract A-2. The two proposed tracts meet the CO and PUD requirements. In lieu of a PUD amendment, the applicant has provided the building area square footage for each tract.

Staff believes this lot-split meets with the intent of the Zoning Code and would therefore recommend **APPROVAL** of the lot-split, with the allocation of floor area for each tract as follows:

Tract A-1 (2.57 acres)	65,000 SF	(Tulsa Residence Inn)
Tract A-2 (1.83 acres)	45,000 SF	(Tulsa Springhill Suites)

There were no interested parties wishing to speak.

TMAPC Comments:

Mr. Westervelt asked staff if the lot-split request is an acceptable process to reallocate the square footage rather than through an amendment to the PUD. In response, Mr. Beach answered affirmatively.

Mr. Westervelt asked if the lot-split is the best way to achieve the reallocation of the square footage. In response, Mr. Dunlap stated that in the past this was achieved by a minor amendment, but recently staff began writing recommendations that would allow this to be achieved either by lot-split or minor amendment.

Applicant's Comments:

Ted Sack, 111 South Elgin, Tulsa, Oklahoma 74120, stated that the subject application is part of one development area, and normally the square footage is allocated for each individual lot as part of the platting process. In this particular case, a lot-split application is being used to achieve the square footage allocation. He indicated that as long as the square footage was allocated and an amendment to the deed-of-dedication is filed, Mr. Stump thought this would be similar to a subdivision plat being filed.

Mr. Sack stated that there were two different motel units built on the property. Now his client would like to split this property in order to finance each project separately. The tracts must be split so that they will be independent tracts.

TMAPC Comments:

Mr. Jackere stated that the TMAPC could approve this application subject to Legal's review of the legal requirements for this particular application.

TMAPC Action; 8 members present:

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Carnes, Harmon, Hill, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Collins, Jackson "absent") to **APPROVE** the lot-split for L-19027 subject to the following allocation of floor area for each tract: Tract A-1 (2.57 acres), 65,000 SF (Tulsa Residence Inn); Tract A-2 (1.83 acres) 45,000 SF (Tulsa Springhill Suites).

RESCIND TIE AGREEMENT ON LOT-SPLIT RECEIVING PRIOR APPROVAL:

L-18715 (PD-18) (CD-2)

South of Southeast Corner of East 73rd Street & South Wheeling

Staff Recommendation:

On September 21, 1998, staff approved a lot-split that split Tract 4 into Lot 4 and Lot 5, with the condition that Lot 4 be tied to Tract A. At that time, the owner of Tract A was preparing to purchase Lot 4, which would have been land-locked without the tie agreement. The applicant had the deed stamped tying Lot 4 to Tract A.

Since that time, Tract A owner has not purchased Lot 4 and the present owner has another buyer who desires to purchase both Lot 4 and Lot 5. However, the approved lot-split restricts Lot 4 from being conveyed separately from Tract A.

The applicant is requesting that the Tulsa Metropolitan Area Planning Commission rescind the tie agreement of Lot 4 to Tract A, with the condition that Lot 4 be tied to Lot 5.

Staff has reviewed the applicant's request, noting that currently Lot 4 and Tract A are under different ownership. Staff would therefore recommend **APPROVAL** of rescinding the tie agreement between Lot 4 and Tract A, with the condition that Lot 4 be tied to Lot 5.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 8 members present:

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Carnes, Harmon, Hill, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Collins, Jackson "absent") to **APPROVE** rescinding the tie agreement for L-18715, subject to the condition that Lot 4 be tied to Lot 5 as recommended by staff.

LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

- L-19016 – Sisemore Weisz & Associates (3602)** (PD-2) (CD-1)
1000 East Pine (approximately)
- L-19021 – Tulsa Development Authority (2502)** (PD-2) (CD-1)
1108 East Zion
- L-19023 – Shannon Baker (1590)** (PD-23) (County)
2617-A South 225th West Avenue
- L-19028 – Sack & Associates (1483)** (PD-18) (CD-8)
8312 South 68th East Avenue
- L-19032 – Sisemore Weisz & Associates (583)** (PD-18) (CD-9)
2669 East 69th Street South (approximately)

Staff Recommendation:

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

TMAPC Action; 8 members present:

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

FINAL PLAT:

- PENSKE AT METRO PARK (3294)** (PD-18) (CD-5)
South of the southwest corner of East 51st Street South and South 129th East Avenue.

Staff Recommendation:

Mr. Bruce stated that all of the release letters have been received and everything is in order. Staff recommends **APPROVAL**.

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 **8-0-0** (Carnes, Harmon, Hill, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Collins, Jackson "absent") to **APPROVE** the final plat for Penske at Metro Park as recommended by staff.

PRELIMINARY PLAT:

PRYOR BANK - (2683) (PD 26) (CD 8)
½ mile south of the SW/c of East 101st Street & South Memorial

Staff Recommendation:

This plat consists of one lot in one block on 1.89 acres. It will be developed under PUD 619 as a bank.

The following were discussed **February 17, 2000** at the Technical Advisory Committee (TAC) meeting:

1. Zoning:

- The PUD was approved in November 1999. This project is in Development Area A-1 of the PUD, which permits all uses permitted by right in OL zoning and drive-in banking, establishes the setbacks shown on this plat, and requires that all access points be approved by Traffic Engineering.

2. Streets/access:

- The plat dedicates 38 feet of right-of-way along the south side to go with another 12 feet abutting on the south. The development plan submitted with the PUD shows a boulevard street through this area to serve the remainder of the PUD. Presumably additional right-of-way would be dedicated during platting of the adjacent property. This street would serve as a collector street for the remainder of the development.
- Somdecerff, Transportation, stated that the right-of-way needs to be 60 feet if the street will be a standard collector OR actual paving width plus 24 feet if it is to be a boulevard street. A 30-foot radius at the corner of the new street and Memorial Drive will be required in either case.
- Jones, applicant will check on the plans for this street.
- Eshelman, Traffic, stated that the access limits are acceptable as shown.

3. Sewer:

- Sewer is readily available to serve the project.
- There were no specific comments or requirements.

4. Water:

- Water is readily available to serve the project.
- Lee, Water, stated that the existing water line would need to be extended along the new street. He also stated that a fire hydrant might be needed along the new street near Memorial Drive.

5. Storm Drainage:

- This site drains generally toward the northwest.
- McCormick, Stormwater, stated that detention is required.

6. Other:

- The utility easements shown were acceptable to the TAC members present.

Staff recommends **APPROVAL** of the preliminary plat subject to the conditions listed below.

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

1. Dedicate right-of-way to accommodate the new street and a 30-foot radius at its intersection with Memorial Drive.

Standard Conditions:

1. All conditions of PUD 619 shall be met prior to release of final plat, including any applicable provisions in the covenants or on the face of the plat. Include PUD approval date and references to Section 1100-1107 of the Zoning Code in the covenants.
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 Public Works Department 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 Public Works Department Engineer prior to release of final plat.

6. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
7. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
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 Public Works Department and shown on plat.
10. All curve data, including corner radii, shall be shown on final plat as applicable.
11. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
12. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
13. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
14. 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.
15. 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.]
16. 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.)
17. The method of water supply and plans therefor shall be approved by the City/County Health Department.
18. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
19. The key or location map shall be complete.

20. 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.)
21. 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.)
22. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
23. All other Subdivision Regulations shall be met prior to release of final plat.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Comments:

Mr. Ledford pointed out that the case map for this application illustrates that the subject property is south of the athletic center; however, it is actually north of the John Jacobson Center and the Presbyterian Church. The case map is incorrect.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **8-0-0** (Carnes, Harmon, Hill, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Collins, Jackson "absent") to **APPROVE** the preliminary plat for Pryor Bank, subject to special conditions and standard conditions as recommended by staff.

RIVERSIDE SHURGARD - (783) (PD 18) (CD 2)
Approximately ¼ mile east of South Peoria Ave. on the south side of East 71st St. South

Staff Recommendation:

This plat consists of one lot in one block on 1.93 acres. It will be developed as a mini-storage.

The following were discussed **February 17, 2000** at the Technical Advisory Committee (TAC) meeting:

1. Zoning:

- The zoning is CS and RM-1. The Board of Adjustment approved mini-storage use on the property in November 1999.

2. Streets/access:

- Full right-of-way exists for 71st Street. There is one access location shown on the plat.
- Somdecerrf, Transportation, stated that the standard dedication language needs to be stricken from the Deed of Dedication and Restrictive Covenants since there is no dedication being made.

3. Sewer:

- Sanitary sewer is available to serve the project.
- There were no comments.

4. Water:

- Water service is available to the site.
- Lee, Water, stated the applicant needs to check with the fire marshal to determine his requirements.

5. Storm Drainage:

- This is a relatively flat site. The development would cover nearly the entire site with buildings or paving except at the perimeter for required landscaping.
- McCormick, Stormwater, stated there will not be detention requirements and there are no concerns with the development.

6. Other:

- An 11' perimeter U/E is shown.
- Utility easements were satisfactory to the utility companies represented.

Staff recommends **APPROVAL** of the preliminary plat subject to the conditions listed below.

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

1. Water service with fire hydrants and appropriate easements must be provided as required by the Fire Marshal.

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. 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).
3. Paving and/or drainage plans (as required) shall be approved by County Engineer.

4. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
5. Street names shall be approved by the County Engineer and shown on plat.
6. All curve data, including corner radii, shall be shown on final plat as applicable.
7. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
8. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
9. It is recommended that the developer coordinate with the City Public Works during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
10. It is recommended that the applicant and/or his engineer or developer coordinate with the Oklahoma Department of Environmental Quality for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
11. The method of water supply and plans therefor shall be approved by the Oklahoma Department of Environmental Quality.
12. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
13. The key or location map shall be complete.
14. 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.)
15. 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.)
16. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
17. All other Subdivision Regulations shall be met prior to release of final plat.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 8 members present:

On **MOTION** of **LEDFORD**, the TMAPC voted **8-0-0** (Carnes, Harmon, Hill, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Collins, Jackson "absent") to **APPROVE** the preliminary plat for Riverside Shurgard, subject to special conditions and standard conditions as recommended by staff.

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Commissioner Collins in at 1:53 p.m.

RANCH CREEK ADDITION - (1313) (PD 15) (COUNTY)
East of SE/c East 106th Street North & North Memorial Drive

Staff Recommendation:

This plat consists of 49 lots in five blocks on 37.66 acres. It will be developed for single-family residential uses.

The following were discussed **February 17, 2000** at the Technical Advisory Committee (TAC) meeting:

1. Zoning:

- TMAPC recommended denial of RS zoning and approval of RE zoning. The proposed plat reflects the standards of RE zoning in lot size and setbacks.

2. Streets/access:

- All new streets will have 60 foot-wide rights-of-way. Stubs are being provided at the east and south sides but not to the west. If right-of-way is being dedicated for 106th Street, it should be noted on the plat.
- Rains, County Engineering, stated that limits of access need to be shown on the plat along 106th Street. He also noted that the names of the two north-south streets should be changed to 88th East Avenue and 90th East Avenue.

3. Sewer:

- Sewage disposal will be handled individually on each lot. The applicant indicated septic systems would be used. The ODEQ requirements state that for individual septic systems with a public water supply, the lots must be at least ½ acre and must perc in 30 minutes or less. The lot sizes shown are all in excess of ½ acre. For any lots that don't meet the perc test requirements, an aerobic system would also be permitted based on the lot sizes. A release will be needed from ODEQ before the plat will be released for filing.

4. Water:

- Water service will be provided by Washington County Rural Water District #3. A release letter will be needed from them before the plat will be released for filing.

5. Storm Drainage:

- The existing topo indicates the site falls about 80 feet from the northwest to the southeast to a floodplain. It may be difficult to build on Lot 3, Block 2 because of the floodplain.
- Rains, County Engineering, stated that he does not have enough information to determine if detention will be required or if there are any stormwater management issues. He will discuss this further with the applicant as construction plans become available.

6. Other:

- Nelson, Southwestern Bell, stated that utility easements need to be shown on the plat as follows: 11' back-to-back along the rear lot lines, 17.5' around the perimeter of the property, and 5' or 10' along the side lot lines as necessary to continue service.

Staff recommends approval of the preliminary plat subject to the conditions listed below.

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

1. Show limits of access along 106th Street; provide curve data for all curves in lot lines and street rights-of-way; verify and provide corrected street names on the face of the plat.
2. Provide a letter of release from Oklahoma Department of Environmental Quality as to the appropriateness of the lots for individual on-site sewage disposal systems. Include language in the covenants related to the installation and maintenance of individual on-site sewage disposal.
3. Provide a letter of release from water service provider stating that the design of the water system and easements meets their requirements.

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. 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).

3. Paving and/or drainage plans (as required) shall be approved by County Engineer.
4. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
5. Street names shall be approved by the County Engineer and shown on plat.
6. All curve data, including corner radii, shall be shown on final plat as applicable.
7. Bearings, or true N/S, etc. shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
8. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
9. It is recommended that the developer coordinate with the County Engineer during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
10. It is recommended that the applicant and/or his engineer or developer coordinate with the Oklahoma Department of Environmental Quality for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
11. The method of water supply and plans therefor shall be approved by the Oklahoma Department of Environmental Quality.
12. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
13. The key or location map shall be complete.
14. 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.)
15. 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.)
16. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.

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

TMAPC Comments:

Mr. Westervelt expressed concerns with there being only one access point. In response, Mr. Beach stated that there are some topography challenges along East 106th Street, which creates some sight distance problems to the west. Mr. Beach indicated that there was brief discussion regarding the access point and the stub streets to the east and south. Mr. Beach stated that the County Engineer did not demand or require a second access be given. Mr. Beach commented that TAC did not feel that it was important that a second access be provided.

Applicant's Comments:

Michael Denny, White Surveying, 9936 East 55th Place, Tulsa, Oklahoma 74146, stated that he had discussed a second access point to the northwest corner, which would be atop the hill. He explained that sight distance was an issue regarding the second access point to the northwest corner. He stated that there are plans to develop the property to the east in the very near future. With this in mind, the one access was proposed because the stub streets will go through when the property to the east is developed.

TMAPC Comments:

Mr. Ledford stated that the topography in this subject area makes it difficult to add a second point of access. In the alternative, the TMAPC could require that the applicant enlarge the entrance with a divided median so that there will be access on both sides of a divided median. If an accident blocks one side, one could still access around it and this has been done in the city before.

TMAPC Action; 9 members present:

On **MOTION** of **HORNER**, the TMAPC voted **9-0-0** (Carnes, Collins, Harmon, Hill, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Jackson "absent") to **APPROVE** the preliminary plat for Ranch Creek Addition subject to special conditions and standard conditions; subject to access points being reviewed by the TMAPC as recommended by the TMAPC.

PLAINVIEW HEIGHTS ADDITION AMENDED (PUD 618) (594) (PD 17) (CD 6)
422 South 129th East Avenue

Staff Recommendation:

This plat consists of one lot in one block on 2.49 acres. It will be developed under PUD 618, which is approved for selected light industrial uses.

The following were discussed **February 17, 2000** at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:**

- The property was rezoned to IL and PUD 618 was approved in October 1999. The uses permitted are limited to uses in Use Unit 23 except garbage trucks storage, truck stop, truck wash, truck establishments, and building contract construction services. The PUD requires a 120' setback from the centerline of 129th East Avenue. This should be shown on the plat.

2. **Streets/access:**

- East 4th Street (labeled "Place" on the plat) has the full width right-of-way west of the tract but only half right-of-way along the north side of the tract. It connects with 127th East Ave. and could provide access to 129th E. Ave. for the residential properties to the west and south.
- Somdecerff, Transportation, stated that the south half of the right-of-way needs to be dedicated along with a 30-foot radius at the corner of 129th East Avenue.
- Eshelman, Traffic, stated that the access limits shown need to be reduced to 40 feet each. He recommends the extra 36 feet to be taken from the inside in order to make the drives as far apart as possible (36' from south side of the north drive and 36' from north side of the south drive).

3. **Sewer:**

- Sewer is readily available to serve the project. The sewer line should not be shown on the plat.
- There were no specific comments or requirements.

4. **Water:**

- Water is readily available to serve the project.
- There were no specific comments or requirements.

5. **Storm Drainage:**

- This site drains generally toward the northwest.
- There were no specific comments or requirements.

6. **Other:**

- The utility easements shown were acceptable to the TAC members present.

Staff recommends approval of the preliminary plat subject to the conditions listed below.

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

1. Indicate required setback from 129th East Avenue.
2. Dedicate additional right-of-way to make a total of 50 feet on East 4th Street and a 30-foot radius at its intersection with 129th East Avenue.

3. Reduce access limits to 40 feet wide maximum by taking 36 feet from the south side of the north drive and 36 feet from the north side of the south drive.

Standard Conditions:

1. All conditions of PUD 618 shall be met prior to release of final plat, including any applicable provisions in the covenants or on the face of the plat. Include PUD approval date and references to Section 1100-1107 of the Zoning Code in the covenants.
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 Public Works Department 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 Public Works Department Engineer prior to release of final plat.
6. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
7. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
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 Public Works Department and shown on plat.
10. All curve data, including corner radii, shall be shown on final plat as applicable.
11. Bearings, or true N/S, etc. shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
12. All adjacent streets, intersections and/or widths thereof shall be shown on plat.

13. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
14. 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.
15. 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.]
16. 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.)
17. The method of water supply and plans therefor shall be approved by the City/County Health Department.
18. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
19. The key or location map shall be complete.
20. 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.)
21. 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.)
22. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
23. All other Subdivision Regulations shall be met prior to release of final plat.

There were no interested parties wishing to speak.

The applicant was not present.

TMAPC Action; 9 members present:

On **MOTION** of **HARMON**, the TMAPC voted **9-0-0** (Carnes, Collins, Harmon, Hill, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Jackson "absent") to **APPROVE** the preliminary plat for Plainview Heights Addition Amended, subject to special conditions and standard conditions as recommended by staff.

Mr. Midget out at 1:59 p.m.

PLAT WAIVER:

PUD-592 (2193)

(PD-6) (CD-7)

North and east of the northeast corner of South Harvard and 41st Street, 3939 South Harvard

Staff Recommendation:

The site is located north and east of the northeast corner of Harvard and 41st Street. It is divided into two parcels, one sited to the north along Harvard, the other to the east along 41st. It is bounded by a platted addition along a portion of its northern and eastern boundaries and is bounded by individual lots in the area along Harvard.

The southern portion of the parcel along 41st Street includes New Life Center with the portion to the north and west including Impact Productions.

The southern portion of the ownership appears to be split into three parcels.

The purpose of the waiver is to allow a lot-split in the northern and eastern portions of the parcel (see attached).

The primary purpose of the PUD was to provide adequate parking for Impact Productions (movie and video productions) by allowing shared parking with the church on the entirety of the church parcel. The PUD references the "Impact Parcel" and the "Church Parcel" where ownership conforms to development areas. The proposed lot split will transfer ownership of the majority of the parking area on the church site to Impact Productions, creating two ownerships within the "Church Parcel".

STREETS:

The site is bounded by 41st Street on the south and Harvard on the west.

SEWER:

Sewer is present on the east side of Harvard.

WATER:

Water is present on the north side of 41st Street and East side of Harvard.

STORM DRAIN:

Staff does not have information regarding drainage/detention.

UTILITIES:

Staff does not have information regarding utility easements.

Staff provides the following comments from the TAC meeting.

1. Streets/access:

- French, Traffic, questioned as to access into the eastern parcel. Staff indicated it was from 41st Street.
- Somdecerrf, Streets, indicated dedications along 41st and Harvard would be required.

2. Sewer:

Bolding, Public Works/Engineering: no comment.

3. Water:

- Lee, Public Works/Water: no comment.

4. Storm Drainage:

- McCormick, Stormwater: no comment.

5. Utilities:

None were in attendance.

Conclusions:

The PUD chapter indicates that no building permits can be issued on the site until the subdivision plat for the PUD has been recorded. In this case, no new construction is contemplated; however, the creation of the new lot creates the potential for miscommunication regarding the use of the existing parking as determined by the PUD. In staff's opinion the primary concern is clear public disclosure of the parking standards of the PUD, particularly as they relate to parking for the church. Waiver of the platting requirement will not relieve the requirement to record the PUD standards; this will have to be accomplished by separate instrument.

In addition, dedications along 41st Street and along Harvard will have to be accomplished by separate instrument.

Based on the TAC discussion and the checklist, which reflects the policies of TMAPC, it appears that the issues to be addressed by a plat may be reasonably accomplished by other means. Staff supports **APPROVAL** of the request for plat waiver.

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

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

- | | YES | NO |
|--|-------------------------------------|-------------------------------------|
| 1) Has property previously been platted? | <input type="checkbox"/> | <input checked="" 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:

- | | | |
|--|-------------------------------------|-------------------------------------|
| 4) Is right-of-way dedication required to comply with major street and highway plan? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 5) Will restrictive covenants be filed by separate instrument? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 6. Infrastructure requirements | | |
| a) Water | | |
| i) Is a main line water extension required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ii) Is an internal system or fire line required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iii) Are additional easements required? | <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 type="checkbox"/> | <input checked="" type="checkbox"/> |
| ii) Is an Overland Drainage Easement required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iii) Is on-site detention required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iv) Are additional easements required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 6) 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"/> |
| 7) Change of Access | | |
| a) Are revisions to existing access locations necessary? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- | | | | |
|----|---|--------------------------|--------------------------|
| 8) | Is the property in a P.U.D.? | ✓ | <input type="checkbox"/> |
| a) | If yes, was plat recorded for the original P.U.D.? | <input type="checkbox"/> | ✓ |
| 9) | Is this a Major Amendment to a P.U.D.? | <input type="checkbox"/> | ✓ |
| a) | If yes, does the amendment make changes to the proposed physical development of the P.U.D.? | <input type="checkbox"/> | ✓ |

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:

Max Tankersley, 4242 South Peoria, Tulsa, Oklahoma 74105-7615, stated that the church property has reached a point what it is no longer appropriate for church use. He explained that the church is selling and relocating to another site. The church property will be redeveloped and as a result of PUD-592, Impact Productions will need to have appropriate parking for their operation. He indicated that his client has been able to split the land in a form that will allow Impact Productions to continue parking. In addition, the church will continue to operate for one year. He stated that a prominent developer has acquired the balance of the church site.

Mr. Tankersley stated that the goal of this application is to have adequate parking for Impact Productions and the church on an ongoing basis for the balance of one year.

TMAPC Comments:

Mr. Ledford asked for clarification that no new construction will occur within this period of time (one year). In response, Mr. Tankersley stated that nothing will occur during the one-year period and all agreements will remain (cross parking agreements, etc.). Mr. Tankersley commented that Impact Productions recognizes that any application for a building permit will immediately trigger platting requirements and meeting all of the standards.

Mr. Ledford asked Mr. Tankersley if he is splitting the subject property into two separate lots by the lot-split. In response, Mr. Tankersley stated that the subject property is being split into two lots and the second buyer for the balance of the property will raze all of the buildings and totally redevelop.

Mr. Ledford stated that if the TMAPC were to deny this application today, it would not have any effect on what is being done since there is no new development on the balance of the property. This application will accomplish what the TMAPC would like, which is to have all of the PUD requirements within the plat itself. Mr. Tankersley stated that the necessity for asking for the plat waiver and lot-split is to provide title requirements for the lender of Impact Productions.

Mr. Ledford stated that this subject property has a PUD text and overlay that puts a burden on two separate lots. When the church is razed one year from now and is replatted, then there will still be a lot-split where part of its access is derived through the new plat, except by a separate instrument between the time of the new platting and now. In response, Mr. Tankersley stated that accessibility to the site is still off of 41st Street and they are not asking anything to be changed on the PUD. Mr. Tankersley explained that the PUD will be vacated and replatted when the developer redevelops the balance of the property. Mr. Tankersley stated that when the church is vacated there will no longer be an issue of parking because everything will be replatted and the PUD will have a major amendment or vacated entirely.

Mr. Westervelt stated that the two property owners have a reciprocal parking agreement where each is entitled to park on each lot. Because this is a church and a business that have different cycles, this agreement works well. In response, Mr. Ledford stated that this type of parking agreement has been practiced in the Brookside area.

Mr. Carnes commented that this would be a cleaner operation after the proposal is done.

Mr. Harmon announced that he would be abstaining from this application.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, the TMAPC voted **7-0-1** (Carnes, Collins, Hill, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; Harmon "abstaining"; Boyle, Jackson, Midget "absent") to **APPROVE** the plat waiver for PUD-592; subject to the covenants of the PUD being filed as separate instrument 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 as recommended by staff.

* * * * *

Mr. Midget in at 2:10 p.m.

Z-6746 (292)

(PD-2) (CD-1)

Southeast corner of East Apache and North Owasso

Staff Recommendation:

Trigger: Zone change from RS-3 to CG district, approved 02/10/00.

GENERAL:

Approximately .5 -acre (130' x 175'), lots 15 and 16 of block 2 of the Emerson Addition and the south 175' of the west 20' of the east 200' of the north 250' of the section.

The site is currently vacant and is bounded on the north by Apache Street and on the west by Owasso Avenue. It encompasses two lots that face north to Apache and a portion of the unplatted area to the east. Peoria is beyond the unplatted area to the east. A 3000 SF cleaners is proposed for the site.

STREETS

The site plan proposes one access off Apache in the eastern portion of the site, one off Owasso in the south central portion of the site and one to the south off Peoria. Apache is a secondary arterial on the Major Streets and Highways Plan.

SEWER

Sewer is present to the south and east.

WATER

Water is present along the south side of Apache and along the east side of Owasso, although the Owasso line appears to be 2".

STORM DRAIN and UTILITIES

Staff does not have information regarding easements or improvements.

Staff provides the following comments from the TAC meeting.

6. Streets/access:

- French, Traffic, no comment
- Somdecerff, Streets, indicated that the access to Peoria was consistent with the Peoria realignment.

7. Sewer:

- Bolding, Public Works/Engineering, no comment

8. Water:

- Lee, Public Works/Water, no comment.

9. Storm Drainage:

- McCormick, Stormwater, no comment.

10. Utilities:

None were in attendance.

Conclusions:

TAC had no comments, needs for additional easements or requirements for dedications. The area in question is primarily contained within two previously-platted lots.

Based on the TAC discussion and the checklist, which reflects the policies of TMAPC, staff recommends **APPROVAL** of the request for plat waiver.

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:

- | | | |
|--|--------------------------|-------------------------------------|
| 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 | | |
| • Water | | |
| 1) Is a main line water extension required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2) Is an internal system or fire line required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3) Are additional easements required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| • 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"/> |

- Storm Sewer
 - 1) Is a P.F.P.I. required? ✓
 - 2) Is an Overland Drainage Easement required? ✓
 - 3) Is on-site detention required? ✓
 - 4) Are additional easements required? ✓

7. Floodplain

- a) Does the property contain a City of Tulsa (Regulatory) Floodplain? ✓
- b) Does the property contain a F.E.M.A. (Federal) Floodplain? ✓

8. Change of Access

- a) Are revisions to existing access locations necessary? ✓

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

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

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

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

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

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HORNER**, the TMAPC voted **9-0-0** (Carnes, Collins, Harmon, Hill, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Jackson "absent") to **APPROVE** the plat waiver for Z-6746 as recommended by staff.

Mr. Midget out at 2:11 p.m.

Z-6740 - (292)

(PD 1) (CD 4)

Southeast corner West Brady Street & North Denver Avenue

Staff Recommendation:

Approval of rezoning from IL to CBD triggered the platting requirement. The property is 45' x 50' and will be used for a small office.

Staff Comments and Recommendation:

Due to the small size of the tract and the insignificance of the development, staff administratively waived formal TAC review. In staff's opinion, the purposes of the Subdivision Regulations would not be compromised and there would be no significant public gain by requiring the property to be platted. Therefore, staff recommends **APPROVAL** of the plat waiver.

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 checked="" type="checkbox"/>	<input 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:

4) Is right-of-way dedication required to comply with Major Street and Highway Plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) Would restrictive covenants or deeds of dedication be needed by separate instrument?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6) Infrastructure requirements		
b) 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"/>
c) 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"/>
d) Storm Sewer		
i) Is a P.F.P.I. required?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Is an Overland Drainage Easement required?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Is on-site detention required?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Are additional easements required?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7) Floodplain		
e) Does the property contain a City of Tulsa (Regulatory) Floodplain?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Does the property contain a F.E.M.A. (Federal) Floodplain?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8) Change of Access		
g) Are revisions to existing access locations necessary?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- 9) Is the property in a P.U.D.? √
- h) If yes, was plat recorded for the original P.U.D.? **N/A**

- 10) Is this a Major Amendment to a P.U.D.? √
- a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.? **N/A**

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Carnes, Collins, Harmon, Hill, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Jackson, Midget "absent") to **APPROVE** the plat waiver for Z-6740 as recommended by staff.

PUD 306-G (2083) (PD-18) (CD-2)
 Southeast corner East 95th Street and South Delaware Avenue

Staff Recommendation:

Approval of a major amendment to the PUD triggered the platting requirement. The amendment added approximately 2.6 acres to the former Development Area E of PUD 306-B. The resulting 25.7 acres is being developed as a retail commercial center. A subdivision plat called Riverside Market is being processed as required by ordinance.

Staff Comments and Recommendation:

This plat waiver request is being made in order to allow construction to proceed without delay and the applicant is proposing a condition that the Riverside Market plat would be required to be finished and filed of record before the release of any occupancy permits.

The subdivision plat was originally submitted in January, 1999, ahead of the PUD approval. A subdivision plat must reflect the requirements of the PUD for which it is being created. Since the PUD requirements had not yet been approved and were subject to change, staff removed the item from the TAC agenda until the PUD could be completed. After several months of PUD processing, the preliminary plat was never reactivated and therefore has not yet been to TAC or TMAPC for consideration and approval. However, construction has begun and the applicant has submitted a "draft final plat" for release. Staff discovered the error on March 8 and gave notice for preliminary plat hearing on April 5, 2000.

Mr. Johnsen is now requesting that the platting requirement be waived as described above because the delay resulting from this error would have a devastating effect on the project schedule.

The following two sections from the Subdivision Regulations provide some guidance:

1.9 WAIVER OF SUBDIVISION.

If a subdivision of land is required by a zoning change, the Planning Commission, upon a showing that the purposes of these Regulations have already been achieved by previous subdividing, or could not be achieved by a subdivision or resubdivision, may waive the subdivision requirement.

1.10 MODIFICATIONS.

1. *General.* These Regulations shall be modified by the Planning Commission where unusual topographical or other exceptional conditions require the same. The Planning Commission may modify these Regulations when the purpose of these Regulations may be served to the same extent by an alternative proposal. The Planning Commission shall not approve a modification where the granting of the modification will be detrimental to the public safety health, or welfare, or be injurious to other property or improvements, or where the same will impair the spirit, purposes, and intent of any governing zoning code or the Comprehensive Plan. Variance of zoning regulations must be granted by the Board of Adjustment having proper jurisdiction.

Although we don't know if there is truly a legal basis for granting such a waiver with conditions, **staff is supportive** of the request to the extent that it would help the developer and would likely not cause harm to the City or to other property or improvements. The plat will ultimately be filed and we will not recommend it for approval unless it meets all of the requirements of the PUD and the Subdivision Regulations.

Mr. Beach informed the Planning Commission that comments regarding this application from Alan Jackere are included with the staff recommendation.

From: Alan Jackere
Sent: Friday, March 10, 2000 12:54 PM
To: JBeach@incog.org
Subject: Re: RE: Riverside Market Plat PUD 306G

You indicate that Roy Johnsen came in yesterday and filed a request for plat waiver on the project. He wants the Planning Commission to grant this waiver on March 15 with the condition that the plat be finished and filed of record before any occupancy permits are issued. Apparently some permits have already been

issued, early construction has begun, and a delay now until April 5th would be devastating to the project.

I have reviewed the Subdivision Regulations in this regard. Section 1.8 thereof provides that the TMAPC can impose reasonable conditions on land subdivisions. Section 1.10 provides that TMAPC can modify the subdivision regulations where there are unusual topographic or other exceptional conditions that require that same be modified. In approving modifications, the TMAPC may require such conditions as will secure the standards and objectives of the subdivision regulations. These are the only instances where the regulations authorize the imposition of conditions.

There is no other authority for the TMAPC to impose conditions under the subdivision regulations incident to the waiver of a plat.

In addition, Section 1.9 of the subdivision regulations provides TMAPC may waive the subdivision requirement upon a showing that:

1. the purposes of the regulations have already been achieved by previous subdividing; or,
2. the purposes of the regulations cannot be achieved by a subdivision or resubdivision.

The request to waive the platting (subdivision) requirement on condition that the property be later platted is obviously a recognition of the need to plat and therefore inconsistent with section 1.9.

Applicant's Comments:

Roy Johnsen, 201 West 5th Street, Suite 501, Tulsa, Oklahoma 74103, stated that the subject property was included in a major amendment to a PUD-306-G, which was approved in April 1999. A preliminary plat was filed in January preceding the actual approval of the PUD. It was pulled from the agenda and he should have caught the mistake after the zoning was approved. He explained that everyone proceeded on the basis that the preliminary plat had been approved. A foundation permit was issued and construction commenced; however, a complaint was filed and upon review, the City Building Inspection Office determined that the permit should not have been issued and then issued a shutdown order. Mr. Johnsen commented that construction has ceased.

Mr. Johnsen stated that once he learned that the preliminary plat has not been filed and the order was issued to shut down work, the waiver application was filed. He explained that he is not requesting that the platting requirement be waived, because there is no question that his client has to plat and fully intends to file a plat.

Mr. Johnsen stated that the preliminary plat has been filed and the draft final has been filed. All release letters have been received, except for ONG, which should be routinely coming in soon. On April 5, 2000 the final plat will be presented and the covenants have been drafted and furnished to the Legal Department for review. He commented that he understands that Legal has signed off as to the legal formatting of the covenants and staff is reviewing the content.

Mr. Johnsen stated that his client is requesting a modification of the time within which to plat the subject property. Mr. Johnsen read the platting requirements that he felt were relevant.

Mr. Johnsen cited a similar application where the applicant was allowed to proceed with construction on the basis that the construction was at the applicant's own risk 100% and platted before occupancy. He indicated that this particular incident's outcome was satisfactory.

Mr. Johnsen reminded the Planning Commission that the Subdivision Regulations should be updated and amended. He indicated that he has agreed to serve on the committee that is reviewing the Subdivision Regulations, which will be meeting this month. He stated that the regulations need to be strengthened, as some provisions are antiquated and do not coincide with what the Planning Commission actually does in practice.

Mr. Jackere stated that the only documents or grounds to look at or to guide the Planning Commission are the ordinances that have been passed and the Subdivision Regulations that have been approved by the TMAPC. He explained that he couldn't advise the Planning Commission whether this request has been done in the past. The grounds for plat waivers are found in the Subdivision Regulations and Ordinances. If the Planning Commission interprets the regulations and ordinances as giving it the authority to do what the applicant has requested, then the request can be approved. When this request was presented to Legal, it was presented in the fashion that this was a request to waive the Subdivision Regulations. The Subdivision Regulations requirements for a waiver did not apply to the request to waive the regulations based on the suggestion that platting would be done at sometime in the future, 45 days, etc. Mr. Jackere concluded that his comments contained in the agenda were based on a request for a plat waiver.

Mr. Johnsen informed the Planning Commission that a detail site plan has been submitted, approved, and supplemental covenants agreed to with the neighborhood, which can be utilized for enforcement.

Mr. Ledford stated that the Planning Commission should be careful of how the strict interpretations of the Subdivision Regulations are handled. If the strict interpretation is that no construction commences until the plat of record is filed, then the Commission will destroy the platting process the way it is today. This

will extend the construction time 12 to 18 months. He explained that once a preliminary plat is filed and construction documents are approved by the Public Works Department, then the developer can start construction on the subdivision development. The developer would have to sign a letter recognizing that he is proceeding at his own risk and this is the purpose of the foundation permit that was worked on ten years ago. It is unfortunate that there are Subdivision Regulations existing that have not been updated. It has not been emphasized to keep the regulations updated with the current industry standards.

Mr. Westervelt acknowledged a letter of protest if detrimental to the neighborhood (Exhibit A-1).

Mr. Midget submitted photographs (Exhibit A-2).

After a lengthy discussion it was determined that several entities failed to notice that the plat had not continued through the platting process; however, permits were issued and construction commenced. It was determined that the applicant fully intends to plat the subject property and would like to continue construction at his own risk (100%), subject to a plat being filed of record within 45 days from the grant of modification

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HARMON**, the TMAPC voted **8-1-0** (Carnes, Collins, Harmon, Hill, Horner, Ledford, Pace, Westervelt "aye"; Midget "nays"; none "abstaining"; Boyle, Jackson "absent") to allow the applicant to proceed with the construction, one hundred percent at the applicant's own risk; subject to the project's development not deviating from the covenants in place; grant the applicant additional time to file the required plat; and provide that the Riverside Market Plat be completed, filed of record, and properly approved before the release of any occupancy permit, as recommended by TMAPC.

Mr. Midget out at 2:55 p.m.

CONTINUED ZONING PUBLIC HEARING

APPLICATION NO.: Z-6751

Applicant: John W. Moody

Location: North of the northwest corner of East 11th Street and South 177th East Avenue (Lynn Lane)

AG TO CS
(PD-17) (CD-5)

Staff Recommendation:

RELEVANT ZONING HISTORY:

Z-6731 January 2000: All concurred in approval of a request to rezone a 2.5-acre tract located north of the northeast corner of East 11th Street and South 177th East Avenue from RS-3 to AG. The property is located approximately 330' north of the subject tract on the east side of South 177th East Avenue.

Z-6671 February 1999: All concurred in approval of a request to rezone a ten-acre tract located west of the northwest corner of East 11th Street and South 177th East Avenue from RS-3 to AG.

Z-6465 October 1994: All concurred in denial of a request to rezone a five-acre tract located south of the southeast corner of East Admiral Place and South 177th East Avenue from RS-3 to CH or CG for a machine shop.

Z-6438 May 1994: An application to rezone a half-acre tract located on the northeast corner of East 11th Street and South 177th East Avenue from AG to CG for auto repair was requested. Staff and TMAPC recommended denial of CG and recommended approval of CS zoning in the alternative. City Council concurred in approval of CS zoning.

Z-6361 July 1992: A request to rezone an eight-acre tract located on the northwest corner of E. 11th Street and South 193rd East Avenue from RS-1 to CS was recommended by staff and TMAPC for approval of CS zoning on the southeast corner for an approximately five-acre node, with the balance being zoned OL, which provided a 75' wraparound buffer to the surrounding property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 2.5 acres in size and is located north of the northwest corner of East 11th Street South and South 177th East Avenue. The property is sloping, partially wooded, vacant and zoned AG.

STREETS:

<u>Existing Access</u>	<u>MSHP Design.</u>	<u>Exist. No. Lanes</u>	<u>Surface</u>	<u>Curbs</u>
East 11 th Street South	100'	2 lanes	Paved	No
South 177 th East Avenue	100'	2 lanes	Paved	No

The Major Street Plan designates East 11th Street South and South 177th East Avenue as secondary arterial streets. The City of Tulsa 1996 – 1997 traffic counts indicate 15,400 trips per day on South 177th East Avenue at East 11th Street South.

UTILITIES: City of Tulsa water is available to the site by an extension from East 11th Street to the south and sewer is by private septic system.

SURROUNDING AREA: The subject tract is abutted on the north, south and west by vacant property, zoned AG; to the east by single-family dwellings and vacant land, zoned AG. Several recent rezoning actions in this area have involved redesignation from residential to AG.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the south 165' of the subject tract as Medium Intensity – No Specific Land Use and the north 165' as Low Intensity – No Specific Land Use.

According to the Zoning Matrix the requested CS zoning **is** in accordance with the Plan Map on the southern 165' but **is not** in accordance with the Plan Map on the northern half.

STAFF RECOMMENDATION:

The applicant has amended his request such that the zoning lines for CS and OL match with existing zoning east of South 177th East Avenue. The requested zoning is in compliance with the medium intensity designation of the subject property. The Comprehensive Plan indicates that the southern portion of the property would be within a Type I Commercial Node, which is described in the Metropolitan Development Guidelines. Staff can support CS zoning on the southern portion (approximately 62'), lining up with the CS zoning on the east side of South 177th East Avenue and OL zoning on the approximately 75' north of and adjacent to the southern portion, lining up with the OL zoning on the east side of South 177th East Avenue.

Staff therefore recommends **APPROVAL** of CS zoning on the southern 62' of Z-6751 and **APPROVAL** of OL zoning on the adjacent approximately 75' to the north.

Mr. Carnes out at 3:03 p.m.

Mr. Midget in at 3:05 p.m.

Applicant's Comments:

John W. Moody, 7146 South Canton Avenue, Tulsa, Oklahoma 74136, stated that he represents Mr. and Mrs. Wallace Ledford, owners of the 2 ½ acre tract. He explained that originally his client filed for CS zoning and has amended the application to conform to the Comprehensive Plan and to the existing zoning pattern in the area. The subject area is designated as a commercial node, which does support the commercial zoning up to the south 62' of the subject property and 75' of OL zoning. This will match the existing CS and OL zoning directly to the east across the street. The northwest corner of 11th and Lynn Lane, directly south of the subject property, has a tract zoned CS.

TMAPC Comments:

Mr. Westervelt requested that Mr. Moody to clarify that his client Mr. Wallace Ledford is not related to Planning Commissioner Jerry Ledford, Sr. In response, Mr. Moody stated that there is no relationship between Mr. Wallace Ledford and Planning Commissioner Jerry Ledford, Sr.

Mr. Moody stated that his client has two businesses. His primary business is remodeling, which is done offsite. His client does own a truck to store all of his tools and purchased the subject property in order to build a building for his business and store his truck. He stated that his client also has a second business, building race and stock cars for major sponsors. His client owns large trailers that he transports trucks in and the trucks need a place to be stored inside.

Mr. Moody indicated that his client is proposing a 7,000 SF building to be located on the rear of subject property (the western edge approximately 170' from the front of the property). The proposed building would be located in the middle of the property. He advised his client to amend his application, and if he still preferred to have his building in the middle of the tract he would have to file a PUD.

Mr. Moody submitted a site plan drawn by his client (Exhibit B-3). Mr. Moody indicated that there were a number of interested parties to this application and they held a meeting last week at Mr. and Mrs. Turner's home. He explained that he discussed the interested parties' objections to the application and the possibility of his client filing a PUD. Mr. Moody indicated that the interested parties attending the meeting stated that they would be opposed to a building that is not located on the property that is zoned CS or OL. He commented that the neighbors have had some zoning problems in the subject area in the past and are very active in trying to improve the neighborhood. He stated that his client desires to accomplish the same goal and amended his application to conform to what is the reasonable and proper zoning which conforms to the Comprehensive Plan and existing zoning patterns. After this meeting his client has proposed to build the building on the CS- or OL-zoned portion of the property.

TMAPC Comments:

Mr. Westervelt asked Mr. Moody if the neighborhood association that he met with preferred the building built under straight zoning (CS and OL) rather than an accompanying PUD. In response, Mr. Moody answered affirmatively. Mr. Moody commented that the neighborhood is not supporting the CS- and OL-zoning either.

Mr. Moody stated that his client is not opposed to filing a PUD if it could be accommodated with the neighborhood. Mr. Moody submitted photographs of the surrounding area (Exhibit B-1).

Mr. Moody concluded that his client's type of enterprise that he is proposing is consistent with the surrounding area. He stated that his client does not work on the racecars outside and everything will be stored inside. Mr. Moody commented that if his client does not file a PUD, then he would have to file for a special exception from the Board of Adjustment for restoration of automobiles in a CS district.

Mr. Moody indicated that his client would have two part-time employees for the automotive restoration business. He stated that there are no employees from the remodeling business on the premises other than picking up the truck to go offsite.

Interested Parties opposing Z-6751:

Mike Green, 722 South Lynn Lane, Tulsa, Oklahoma 74108; **Bruce Denny**, 905 South Lynn Lane, Tulsa, Oklahoma 74108, **Cheryl Jones**, 16909 East 11th, Tulsa, Oklahoma 74108; **Alan Greer**, 1551 South Lynn Lane, Tulsa, Oklahoma 74108; **Lance Pitts**, 903 South Lynn Lane, Tulsa, Oklahoma 74108, submitted a petition with 58 signatures (Exhibit B-2); **Diana Best**, 535 South Lynn Lane, Tulsa, Oklahoma 74108.

The above-listed interested parties expressed the following comments:

Neighbors feel that Mr. Ledford will not comply with his proposal; low-intensity area; the proposal does not fit in with the existing intensity of the subject area; applicant is presently occupying the northwest quadrant of 11th and Lynn Lane and is being used for storage (Use Unit 17); noise pollution from the automotive activity; using Lynn Lane as a drag strip to test the race cars; neighbors purchased their property to get away from this type of proposal; neighborhood has already felt the impact of an illegal race car establishment; new homes and remodeling done in the subject area within one mile radius of the proposal; applicant has not shown good faith in the past; the applicant's trailers block the view for turning onto 11th and Lynn Lane; noise and trash pollution from the applicant's property; neighbors did not turn down the applicant's initial plan for placing the building north and south, but turned down the whole proposal; the applicant does not live in the subject area; race car engine noise late into the evening; homes in the subject area value approximately \$250,000; moved to the subject area in order to have AG uses along with their homes.

TMAPC Comments:

Mr. Westervelt asked Ms. Jones if the neighbors turned down the PUD or turned down the whole project completely. In response, Ms. Jones stated that the neighbors do not want the project to happen at all. Ms. Jones indicated that Mr. Ledford made promises that he currently is not complying with and they do not trust him to comply with the promises in the future.

Mr. Horner asked Ms. Jones if she realized that there would be development in the subject area when she purchased her property nine years ago. In response, Ms. Jones stated that she has no problem with commercial development as long

as it falls within the Comprehensive Plan of the subject area and it fits the neighborhood. The intersection is considered a node, which means that it complements the area and the neighborhoods that surround it, and this operation provides no benefit, but is a nuisance to the residents in the area. Ms. Jones asked the Planning Commissioners if they would like to have this operation in their own back yards.

Mr. Westervelt explained the zoning patterns are already set in the subject area for CS and OL zoning. It would be difficult to deny this application with this pattern of zoning already in existence. When a PUD is filed for a proposal of this type it gives the Planning Commission the ability to protect the neighborhood with conditions. He stated that if this application were to be denied by the Planning Commission and the City Council, it would very likely go directly to District Court.

Applicant's Rebuttal:

Mr. Moody stated that his client does not own or lease the property on the northwest corner of 11th Street. He explained that his client's mechanic lives on this property and his mechanic allows Mr. Ledford to store his trailers on the property. He acknowledged that his mechanic does not maintain the property on the northwest corner properly and that is one of the reasons for his proposal. His client would like a clean and attractive place to store his vehicles and conduct his businesses.

Mr. Moody pointed out metal buildings immediately north of the subject property that are similar or larger than the proposed building.

Mr. Moody stated that the CS and OL zoning does conform to the Comprehensive Plan in the existing zoning. If this application is recommended for denial, then his client will have to sell the property to someone else. He commented that it is important to follow the Comprehensive Plan when considering commercial zoning as it is to follow it when you denying their request. He concluded that his client is not opposed to filing a PUD, but would like to know if the rezoning will be approved before filing the PUD.

TMAPC Comments:

Mr. Westervelt asked Mr. Moody if he was suggesting that the Planning Commission withhold a decision today until a PUD is filed, or if he was hoping that the Planning Commission would make a decision on the zoning and not proceed to the City Council until the PUD has been heard. In response, Mr. Moody stated that he would prefer the Planning Commission take action on the zoning and hold the zoning case from the City Council until the PUD has been filed. Mr. Moody stated that his client does not want to pay for the engineering work if the zoning case will not be approved. Mr. Moody stated that, given the nature of the opposition, he felt that this was a reasonable request.

Mr. Jackere stated that once the zoning is recommended for approval, it goes automatically to the City Council and there is no holding it up. It is not appropriate for the Planning Commission to suggest that the zoning case be held from the City Council once it has been recommended for approval. If Mr. Moody would like the zoning case considered along with the PUD, then he should continue his zoning case until the PUD can be filed.

After a lengthy discussion it was determined that the applicant would prefer to continue the zoning case and file a PUD to accompany it.

TMAPC Action; 8 members present:

On **MOTION** of **HARMON**, the TMAPC voted **8-0-0** (Collins, Harmon, Hill, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Carnes, Jackson, "absent") to **CONTINUE** application Z-6751 to May 17, 2000 at 1:30 p.m.

ZONING PUBLIC HEARING

APPLICATION NO.: Z-6754

IM TO CBD

Applicant: Tom Wright

(PD-1) (CD-4)

Location: Southwest corner East 7th Street and South Kenosha

Staff Recommendation:

RELEVANT ZONING HISTORY:

Z-6755 March 2000: A request to rezone a tract located east of the northeast corner of East 6th Street South and South Madison Avenue from RS-3 to IL for expansion of an existing industrial business and parking. Action is pending TMAPC recommendation.

Z-6741 February 2000: A request to rezone a tract located on the southeast corner of East 8th Street and South Madison Avenue from RS-3 to OM to accommodate offices, educational facilities for a non-profit agency and the restoration of a historic building for a museum/cultural facility. Staff recommended denial of OM and recommended OL in the alternative. TMAPC and City Council concurred in approval of OM zoning.

Z-6695 June 1999: All concurred in approval of CBD zoning on a lot located on the southwest corner of East 1st Street and South Detroit from IL zoning.

Z-6598 December 1997: All concurred in approval of CBD zoning for an area that included lots and blocks between Brady on the north; the Burlington Northern railroad on the south; Boulder Avenue as a west boundary and North

Boston Avenue the east boundary, and tracts located on the north side of East Archer Street and east of North Elgin Avenue as well as two tracts located on the northeast and northwest corners of the Burlington Northern railroad and North Greenwood Avenue, from IL to CBD.

Z-6560 November 1996: A request to rezone a tract located on the northwest corner of East 3rd Street and South Lansing Avenue from IM to CBD was withdrawn by the applicant. The applicant/owner explained that the prospective developer/buyer had withdrawn his contract to purchase.

Z-6507 November 1995: A request to rezone a 3.3-acre tract located on the northwest corner of East 6th Street and South Peoria from RM-2 to CS for an outpatient medical office, clinical facility providing dental care, health care, pharmacy, and counseling services for the Indian Health Care Resource Center of Tulsa. All concurred in approval of CS zoning.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 75' x 120' in size and is located on the southwest corner of East 7th Street and South Kenosha Avenue. The property is gently sloping, paved, contains an office and parking lot, and is zoned IM.

STREETS:

Existing Access	MSHP Design.	Exist. No. Lanes	Surface	Curbs
East 7 th Street South	80'	4 lanes	Paved	Yes
South Kenosha Avenue	60'	4 lanes	Paved	Yes

The Major Street Plan designates East 7th Street South and South Kenosha Avenue as CBD/Commercial/Industrial collector streets.

UTILITIES: Water and sewer are available to the site.

SURROUNDING AREA: The subject tract is abutted on the north by an industrial building and parking lot, zoned IM; to the south by a commercial or industrial business; zoned IM; to the west by a vacant lot, zoned IM; and to the east by the Cherokee Expressway right-of-way and exit ramp, zoned RS-3.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 1 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as part of the Downtown East Identity Area, Medium Intensity – Commercial/Parking/Residential uses. Plan provisions call for maintenance and enhancement of existing viable businesses and structures, and encouragement of compatible infill development. Plan provisions also indicate that all or most of the properties within the Inner Dispersal Loop eventually will be rezoned CBD.

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

STAFF RECOMMENDATION:

Based on the Comprehensive Plan, surrounding uses and development trends in the area, staff recommends **APPROVAL** of CBD zoning for Z-6754.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 8 members present:

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Collins, Harmon, Hill, Horner, Midget, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Carnes, Jackson "absent") to recommend **APPROVAL** of CBD zoning for Z-6754 as recommended by staff.

Legal Description for Z-6754:

All that part of Lot 11 and that part of E/2, Lot 10, Block 169, Original Town, now City of Tulsa, Tulsa County, State of Oklahoma, according to the official recorded plat thereof, more particularly described as follows, to-wit: beginning at the Southeast corner of said Lot 11; thence due North along the East boundary of said Lot 11 a distance of 101.40' to a point 51.03' from the Northeast corner thereof; thence N 70°25'37" W a distance of 23.88' to a point 43.0' South and 22.5' West of the Northeast corner of said Lot 11; thence S 86°05'18" W a distance of 58.64' to a point 47.0' South and 81.0' West of the Northeast corner of said Lot 11; thence S 77°02'46" W a distance of 45.42' to a point in the Westerly boundary of said E/2 of Lot 10 3.00' from the Northwest corner thereof; thence S 23°12'30" E along the Westerly boundary of said E/2 of Lot 10 a distance of 137.00' to the Southwest corner thereof; thence N 66°42'00" E along the Southerly boundary of said Lots 10 and 11 a distance of 77.60' to the point of beginning; and all that part of the N/2 of the vacated alley lying adjacent to and immediately South of Lot 11 and the E/2 of Lot 10, Block 169, Original Town, now City of Tulsa, Tulsa County, State of Oklahoma, according to the official recorded plat thereof, said part of such vacated alley being more particularly described as follows: beginning at the Southeast corner of said Lot 11; thence due South a distance of 10.89'; thence S 66°42'00" W parallel to and 10.00' from the Southerly boundary of said Lots 11 and 10 a distance of 73.31'; thence N 23°12'30" W a distance of 10.00' to the Southwest corner of said E/2 of Lot 10; thence N 66°42'00" E along the Southerly boundary of said Lots 10 and 11 a distance of 77.60' to the point of beginning. **From IM (Industrial Moderate District) to CBD (Central Business District).**

APPLICATION NO.: Z-6755

RM-2 TO IL

Applicant: Max Tankersley

(PD-4) (CD-4)

Location: East of northeast corner of East 6th Street South and South Madison Avenue

Staff Recommendation:

RELEVANT ZONING HISTORY:

Z-6754 March 2000: A request to rezone a tract located on the southwest corner of East 7th Street and South Kenosha Avenue from IM to CBD to accommodate existing offices. Action is pending TMAPC recommendation.

Z-6741 February 2000: A request to rezone a tract located on the southeast corner of East 8th Street and South Madison Avenue from RS-3 to OM to accommodate offices, educational facilities for a non-profit agency and the restoration of a historic building for a museum/cultural facility. Staff recommended denial of OM and recommended OL in the alternative. TMAPC and City Council concurred in approval of OM zoning.

Z-6507 November 1995: A request to rezone a 3.3-acre tract located on the northwest corner of East 6th Street and South Peoria from RM-2 to CS for an outpatient medical office, clinical facility providing dental care, health care, pharmacy, and counseling services for the Indian Health Care Resource Center of Tulsa. All concurred in approval of CS zoning.

BOA-13712 August 1985: The Board of Adjustment approved a request for a special exception to permit an existing American Legion Post in an RS-3-zoned district on property located on the southwest corner of East 8th Street and South Peoria and east of the subject tract.

Z-5977 September 1984: A request was initiated by TMAPC to rezone approximately 650 acres that included many properties within the Inner Dispersal Loop from CH to CBD. All concurred in approval of the request.

BOA-13089 April 1984: The Board of Adjustment approved a special exception to permit an accessory building on a lot as the principal use in an RS-3-zoned district on the property abutting the subject tract on the east. This building was requested for the use of storage of equipment and tools for the adjoining cemetery.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 100' x 140' in size and is located east of the northeast corner of East 6th Street South and South Madison Avenue. The property is flat, non-wooded, vacant, and zoned RM-2.

STREETS:

Existing Access	MSHP Design.	Exist. No. Lanes	Surface	Curbs
East 6 th Street South	60'	4 lanes	Paved	Yes
South Madison Ave.	60'	2 lanes	Paved	No

The Major Street Plan designates East 6th Street South as a CBD/Commercial/Industrial collector street.

UTILITIES: Water and sewer are available to the site.

SURROUNDING AREA: The subject tract is abutted on the north and west by single-family dwellings, zoned RM-2; farther to the west by the Cherokee Expressway, zoned RS-3; to the east by an automotive repair business and garage, zoned IL, and to the south by Centennial Park and Community Center, zoned RM-2.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 4 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Medium Intensity – No Specific Land Use.

According to the Zoning Matrix, the requested IL zoning **may be found** in accordance with the Plan Map. This site is also included in the 11th Street Corridor Study and a TIF district. Both of those documents support expansion of existing businesses and provision of adequate parking.

STAFF RECOMMENDATION:

Based on existing development and trends in the area and the Comprehensive Plan, staff can support the requested IL zoning and therefore recommends **APPROVAL** of IL zoning for Z-6755.

Applicant's Comments:

Max Tankersley, 4240 South Peoria, Tulsa, Oklahoma 74105, stated that a transmission shop is in the existing building and is being acquired for continued auto related uses. He explained that the reason for the zoning change is to have adequate parking in order to meet the onsite parking requirements under Use Unit 17.

Mr. Tankersley stated that the appropriate landscaping requirements would be carried out prior to requesting a building permit.

TMAPC Comments:

Mr. Midget expressed concerns with outdoor storage and the effect it would have on the subject area. He stated that outdoor storage for a business of this type is a disservice to the whole neighborhood as a corridor.

Ms. Pace stated that she has the same concerns as Mr. Midget. She commented that she is uncomfortable with the proposed IL zoning. Ms. Pace stated that she would be happy to approve an application for parking, but she does not support IL zoning.

Ms. Matthews informed the Planning Commission that the Urban Development Department is going to be working on a study along 6th Street.

Mr. Harmon asked Mr. Tankersley if the same person owns the IL property adjacent. In response, Mr. Tankersley answered affirmatively.

Mr. Tankersley stated that he understands the issue if there were an industrial type use being proposed, but the automotive use is more of a high-tech service type of use. It is not intended to store cars on the lot and for the most part the cars will be kept inside of the building. He indicated that he was advised that the IL zoning would be the appropriate method to obtain the appropriate onsite parking.

Mr. Midget stated that the IL zoning will stay with the property and if that property is sold it may be to someone who is not as sensitive to the subject area as the present owner.

Mr. Tankersley stated that if the first lot to the west were to receive the zoning for IL, it would accommodate the Use Unit 17 and then he could use the remaining lot strictly for parking. He commented that when all of the setback requirements and landscaping requirements are met it would determine the general look of the property.

Mr. Midget recognized Mr. Tankersley.

Mr. Tankersley stated that he reviewed the long-term uses for the subject area and it was indicated that north of 6th Street will probably become a detention facility for the downtown area. Other uses are not likely to occur other than to be bought out for a detention facility.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HARMON**, the TMAPC voted **6-2-0** (Collins, Harmon, Hill, Horner, Ledford, Westervelt "aye"; Midget, Pace "nays"; none "abstaining"; Boyle, Carnes, Jackson "absent") to recommend **APPROVAL** of IL zoning for Z-6755 as recommended by staff.

Legal Description for Z-6755:

Lots 8 and 9, Block 11, Central Park Place, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, less and except beginning at the southwest corner of said Lot 8; thence North along the West boundary a distance of 3.29' to a point; thence S 85°45'1"E to a point on the South boundary of said Lot, said point being on the South boundary and 35' East of said Southwest corner; thence West along the South boundary of said Lot a distance of 35' to a point and place of beginning. **From RM-2 (Residential Multifamily Medium Density District) to IL (Industrial Light District).**

APPLICATION NO.: Z-4948-SP-3

CORRIDOR SITE PLAN

Applicant: Beverly Ozmun

(PD-8) (CD-2)

Location: South of the southwest corner of West 81st Street South and South Union Avenue

Staff Recommendation:

The proposed corridor site plan contains 7.26 acres and is located south of the southeast corner of West 81st Street South and South Union Avenue. The site is located on a part of the property of Global X-Ray Service and is zoned Corridor district. The property to the south is zoned RMH – Residential Manufactured Home District. The Creek Nation Retail Commercial Smoke Shop is also located to the south. The properties to the north, east (across U.S. Highway 75) and west (across South Union Avenue) is zoned AG – Agricultural District.

The applicant is proposing to place a 14' x 70' mobile home on the site for the following stated purpose:

1. Provide a residence for an employee. At least one room will be set aside as additional office and storage space.
2. Provide assistance for the property owner who is a senior citizen.
3. Provide increased security for the premises.

The applicant also states that the placing of the mobile home in this location should have minimal, if any, effect upon public services or neighboring land because:

1. The property to the north is zoned agricultural.
2. The mobile home will be obscured from the street by existing trees. Other trees and shrubs may be added.
3. The employee already commutes to work and uses the existing driveway and parking areas.

4. There will not be any increase in public or private vehicular or pedestrian circulation by the addition of the mobile home to this property.

The proposed mobile home would be located 84' south of the north property line of the subject tract and approximately 343' from the centerline of South Union Avenue (see enclosed site plan). The site plan proposes two additional parking spaces and an access drive that are surfaced with an all-weather material.

Staff finds the development proposed to be consistent with the stated purposes and standards of the Corridor Chapter of the Zoning Code and therefore recommends **APPROVAL** of Z-4948-SP-3.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Collins, Harmon, Hill, Horner, Midget, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Carnes, Jackson "absent") to recommend **APPROVAL** of the Corridor Site Plan for Z-4948-SP-3 as recommended by staff.

Legal Description for Z-4948-SP-3:

West 620', N 555' of the Southwest Quarter, Northwest Quarter, less West 50' thereof, Section 14, T-18-N, R-12-E.

APPLICATION NO.: Z-6756

Applicant: Charles Norman

Location: East of northeast corner of East 34th Street and South Peoria

RS-3 TO PK

(PD-6) (CD-9)

Staff Recommendation:

BOA-18612 & BOA-18626 February 2000: The Board of Adjustment upheld the decision of the Neighborhood Inspector, determining that a nightclub, located south of the southwest corner of East 33rd Place and South Peoria Avenue, is a nonconforming use. The Board also affirmed that the nonconforming use did not require variances for parking and loading or for a variance of the distance from another Use Unit 12a and a church. The modifications of the parking requirements are to be subject to the nightclub only, a minimum of 480 square feet for dance floor, hours of operation to begin no earlier than 9:00 p.m., outdoor music and speakers are prohibited and the existing parking lot is to be resurfaced and restriped with existing lighting to be shielded.

BOA-18061 May 1998: The Board of Adjustment approved a special exception to modify the off-street parking and loading requirements that were a result of a change in use from commercial to restaurant use and a variance to permit the required parking be located on a lot other than the lot containing the principal use. The property is abutting the subject tract on the west. This lot was approved for off-street parking in 1954.

Z-6436 April 1994: All concurred in approval of a request to rezone two separate tracts located east of the southeast corner of East 34th Street South and South Peoria Avenue from RS-3 to PK for off-street parking.

Z-6430 January 1994: All concurred in denial of OL zoning and approval of PK zoning on a lot located east of the southeast corner of East 34th Street South and South Peoria Avenue from RS-3.

PUD-488 June 1992: All concurred in approval of a request to rezone a tract of land located at the northeast corner of East 33rd Street and South Peoria Avenue to PUD for a drive-in bank facility.

Z-6334 November 1991: A request to rezone a lot located east of the northeast corner of East 36th Street and South Peoria Avenue from RS-3 to CH was approved for CH on the west 12' of the property with the remainder to be rezoned to PK.

Z-6324/PUD-474 July 1991: A request to rezone a tract located east of the northeast corner of East 35th Street and South Peoria from RS-3 to OL was denied. Upon appeal, the City Council referred the application back to the TMAPC for further review. The applicant submitted a PUD with underlying OL zoning and appropriate standards for office. All concurred in approval of the OL zoning with approval of the PUD.

BOA-12967 January 1984: The Board of Adjustment approved a request for a special exception to permit public parking on a lot maintained and abutting the Brookside State Bank for employee parking. The property is abutting the subject tract on the west and is zoned RS-3.

BOA-2610 November 1954: The Board of Adjustment approved off-street parking in an R zoned district on the lot abutting the subject tract on the north.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property consists of two small residential lots approximately 100' x 140' in size. The lots are located east of the northeast corner of East 34th Street South and South Peoria Avenue. The property is flat, non-wooded, contains two single-family dwellings, and is zoned RS-3.

STREETS:

<u>Existing Access</u>	<u>MSHP Design.</u>	<u>Exist. No. Lanes</u>	<u>Surface</u>	<u>Curbs</u>
East 34 th Street South	50'	2 lanes	Paved	Yes
South Peoria Avenue	80'	4 lanes	Paved	Yes

The Major Street Plan designates East 34th Street South as a residential street and South Peoria Avenue as an urban arterial street. The City of Tulsa 1996-1997 traffic counts indicate 25,100 trips per day on South Peoria Avenue between East 31st Street South and East 41st Street South.

UTILITIES: Water and sewer are available to the site.

SURROUNDING AREA: The subject tract is abutted on the north by a parking lot permitted by Special Exception, zoned RS-3; to the west by a parking lot also permitted by Special, zoned RS-3; to the south, by a parking lot, zoned PK; and to the east by single-family residential uses, zoned RS-3.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 6 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Low Intensity – Residential Land Use; however, it is within the “parking line” delineated in a previous study of the Brookside area.

According to the Zoning Matrix the requested PK zoning **is not** in accordance with the Low Intensity – Residential land use designation on the Plan Map but it **is** within the area designated for parking expansion. Moreover, Plan text provisions indicate PK zoning may be appropriate when located adjacent to existing parking or commercial establishments. The PK zoning of the subject property, if approved, would result in the PK zoning lining up with the eastern boundary of the PK zoning line directly across East 34th Street South to the south of the subject property and with the eastern lot line of the nonconforming parking lot abutting it on the north.

STAFF RECOMMENDATION:

Based on previous studies, provisions in the Plan text, development trends and zoning in the area, staff can support the requested PK zoning and therefore recommends **APPROVAL** of PK zoning for Z-6756.

If the Planning Commission were inclined to recommend approval, it would be appropriate to direct staff to prepare proposed amendments to the District 6 Plan.

Applicant's Comments:

Charles Norman, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, submitted photographs (Exhibit C-1) and stated that presently there are two residential structures that are in poor shape. The proposal is to convert the

subject property into a parking area under the standard of the PK district, which requires 10% landscaping and appropriate screening.

Mr. Norman indicated that he met with Ms. Nancy Apgar (representative for the Neighborhood Association) and she authorized him to state that the neighborhood has no objections to the approval this application and welcomes the additional parking.

Interested Parties Comments:

Scott Zahn, 1334 East 34th, Tulsa, Oklahoma 74105, stated he is not present to oppose the subject application, but expressed the following concerns: flooding, littering and vandalism, type of fencing or barrier, landscaping requirements, the necessity of having parking stops to prevent motorists from damaging fencing; placement of trash dumpsters, and repairs to fencing or barriers when damaged.

Mr. Jackere stated that trash dumpsters are not allowed on PK lots. If the fencing or barrier is damage, it is the owner's reasonability to repair the damage done to fencing or barriers of the PK lot and not the adjoining resident. Mr. Jackere stated that if these problems are occurring then there should be a complaint filed with the Neighborhood Inspections Department to cease this practice.

Applicant's Rebuttal:

Charles Norman stated that the parking lot will be used for parking only and there will be no trash receptacles on the lot. He indicated that he would suggest to his client that parking bumpers need to be installed to protect the fencing or barrier.

TMAPC Action; 8 members present:

On **MOTION** of **HARMON**, the TMAPC voted **8-0-0** (Collins, Harmon, Hill, Horner, Midget, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Carnes, Jackson "absent") to recommend **APPROVAL** of PK zoning for Z-6756 as recommended by staff.

Legal Description for Z-6756:

Lot 11, Block 1, Oliver's Addition to the city of Tulsa, Tulsa County, Oklahoma, according to the recorded Plat thereof. **From RS-3 (Residential Single-family High Density District) to PK (Parking District).**

OTHER BUSINESS:

APPLICATION NO.: PUD-360-A

DETAIL SITE PLAN

Applicant: Adrian Smith

(PD-18) (CD-8)

Location: West of northwest corner of East 91st Street and South Memorial Drive

Staff Recommendation:

The applicant is requesting Detail Site Plan approval for a 13,450 SF retail facility on a 72,200 SF tract constituting Development Area 2-B. The single-story retail facility consists of five tenant spaces including a restaurant.

Staff has reviewed the Detail Site Plan and finds conformance to area and bulk, building uses, height and square footage, setback, parking, access, mutual access, screening, lighting and total landscape area standards of PUD 360-A Development Area 2-B.

Staff notes that the required 40-foot landscape buffer strip and screening fence along the western boundary of the tract were installed in conjunction with the April 1999 approval of the Detail Site and Landscape Plans for the *Stein Mart Store* in Development Area 2-A-1.

Staff, therefore, recommends **APPROVAL** of the Detail Site Plan for PUD 360-A Development Area 2-B conditioned on installation/reinstallation of all required trees, grass and irrigation system being installed along west boundary of Development Areas 2-A and 2-B per 4/9/99 Site and Landscape Plan approval.

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

NOTE: Staff visited the site on 3/14 based on a neighbor from the abutting residential area to the west noting condition of a 40' buffer strip being dead or dying.

1. No grass cover; area eroding into street drainage on 91st.
2. Irrigation did not function last summer. Residents watered trees from over their fence.

The staff site visit confirmed the neighborhood residents' concerns. Staff recommends approval of the current site plan be conditioned on replacement of all dead plant material, repair of irrigation system and full sodding of the 40' buffer strip before a building permit is issued for Development Area Tract 2-B (current request) or denial of the Detail Site Plan until such time as the City Development Department certifies the installation of landscaping per plan.

Mr. Dunlap stated that he has discussed these issues with Mr. Smith and he may have some additional information and proposals for this application.

Applicant's Comments:

Adrian Smith, 5157 East 51st Street, Tulsa, Oklahoma 74135, representing Paul Hoover of Commercial Equity Company, stated that he called his client and asked him if he would be willing to sod and plant the 40' strip mentioned as part of the subject site plan. He indicated that his client was unhappy to hear about the problems regarding the 40' strip by Stein Mart, but he would sod and plant the 40' strip if that is what is necessary to obtain the approval.

Mr. Smith stated that he called Mr. Doug Malone (representative of Stein Mart) and informed him that some of the trees were dead and that the neighbors had taken their time and trouble during the summer to water the trees because the irrigation system. He indicated that he informed Mr. Malone that the trees were too small to begin with and if they die they have to be replaced. He explained to Mr. Malone that he had an application before the TMAPC today and would be facing these issues.

Mr. Smith indicated that Mr. Malone stated he would fax a letter stating that he would replace the trees and sod within the next 30 days. Mr. Smith submitted a letter from Mr. Malone (Exhibit D-2).

TMAPC Comments:

Mr. Midget asked how replanting the trees will help if the irrigation system is not taking care of the watering problem.

Mr. Ledford stated that someone has to certify that the landscaping was installed in accordance with the plan. The landscaping includes the sprinkler system.

Mr. Smith stated that there were to be no occupancies permitted in the Stein Mart facility until the landscaping was in place. He indicated that he personally went to the site and checked every single tree. He commented that the trees are alive; however, the caliper of the trees do not meet the standards.

Interested Parties Comments:

Maclure Stillwell, 9003 South 77th East Place, Tulsa, Oklahoma 74133, submitted photographs (Exhibit D-1) and stated that a few trees did die during the summer. He indicated that several of the sprinklers never reached the trees and watered the asphalt instead. Mr. Stillwell informed the Commission of flooding problems due to the detention area being installed improperly.

Mr. Midget out at 4:21 p.m.

TMAPC Comments:

Mr. Westervelt assured Mr. Stilwell that the issues discussed regarding the subject development would be passed on to the next coordination meeting.

Mr. Stilwell asked if the proposed restaurant would have a drive-through type window. He expressed concerns with the traffic and large trucks parking in the lots waiting for the businesses to open. He indicated that the neighbors hear their engines and smell the fumes from the trucks. He stated that the neighbors do not want the kind of restaurant where cars will be driving in all hours of the day and part of the night.

Mr. Stilwell asked if the Planning Commission could hold up any further development in this area until the landscaping requirements are carried out.

Interested Parties Comments:

Morris Brydenthal, 9431 East Central, Wichita, Kansas 67206, stated that he is the architect for the shell building construction on the subject property. He indicated that he represents the owner and the owner is prepared to take any steps necessary to fully screen the 40' buffer.

Mr. Brydenthal stated that he does not want Mr. Smith's application to be penalized because someone else is not living up to his or her agreement.

Mr. Brydenthal indicated that the proposed restaurant would be a sit-down restaurant. He commented that the development has been held up for several months.

Applicant's Rebuttal:

Mr. Smith stated that his client is desperate to start development on the proposed project. He indicated that his client has complied with everything and need their permit.

TMAPC Action; 7 members present:

On **MOTION** of **LEDFORD**, the TMAPC voted **7-0-0** (Collins, Harmon, Hill, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Carnes, Midget, Jackson "absent") to **APPROVE** the Detail Site plan for PUD-360-A; subject to replacement of all dead plant material, repair of irrigation system and full sodding of the 40' buffer strip before an occupancy permit is issued for Development Area Tract 2-B (current request) as recommended by staff.

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APPLICATION NO.: PUD-368

DETAIL SITE PLAN

Applicant: Leo Williams

(PD-18) (CD-5)

Location: Northwest corner of East 61st Street South and 99th East Avenue

Staff Recommendation:

The applicant is requesting Detail Site Plan approval for an 8,125 SF single-story commercial building on a 30,348 SF (Net) lot. The 1986 PUD approval included an approval of a Plat Waiver conditioned on filing of PUD conditions by separate instrument, an access control agreement on 61st Street approved by Traffic Engineering, granting of an 11-foot perimeter utility easement and approval of a stormwater drainage during the permitting process.

Staff has reviewed the Detail Site Plan and finds conformance to the approved PUD Specifications including use, bulk and area, building square footage and height, setback, parking, screening, lighting and total landscaped area.

The applicant has provided documentation reflecting conditions outlined in the approval of a Plat Waiver including approval from City Traffic for driveway access, provision of an approved and filed Deed of Dedication/Covenants outlining the PUD Restrictions, an Alta Survey showing utility easements. Public Works is currently reviewing the building permit for compliance with drainage and stormwater requirements.

Staff, therefore, recommends **APPROVAL** the Detail Site Plan for PUD-368 as submitted.

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

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 7 members present:

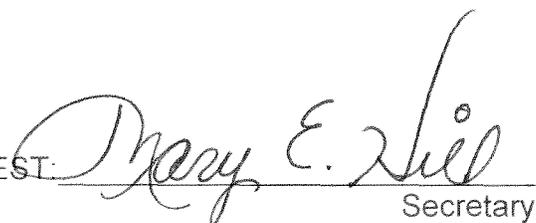
On **MOTION** of **HORNER**, the TMAPC voted **7-0-0** (Collins, Harmon, Hill, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Carnes, Jackson, Midget "absent") to **APPROVE** the detail site plan for PUD-368 as recommended by staff.

There being no further business, the Chairman declared the meeting adjourned at 4:24 p.m.

Date approved: 4-12-00



Chairman

ATTEST: 

Secretary

