

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2259

Wednesday, December 6, 2000 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Boyle	Ledford	Beach	Boulden, Legal
Carnes		Bruce	Counsel
Harmon		Dunlap	
Hill		Huntsinger	
Collins		Matthews	
Horner		Stump	
Jackson			
Midget			
Pace			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, December 5, 2000 at 4:00 p.m., posted in the Office of the City Clerk at, as well as in the office of the County Clerk.

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

### Minutes:

#### **Approval of the minutes of November 15, 2000 Meeting No. 2257**

On **MOTION** of **BOYLE** the TMAPC voted **9-0-0** (Boyle, Carnes, Collins, Harmon, Hill, Horner, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Jackson, Ledford "absent") to **APPROVE** the minutes of the meeting of November 15, 2000 Meeting No. 2257.

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### REPORTS:

#### Chairman's Reports:

Mr. Westervelt announced that CZ-276 (Item No. 17) has been withdrawn and the applicant is requesting a refund. Mr. Westervelt directed staff to refund the appropriate amount of the application fees to the applicant.

**CONTINUED ITEMS:**

**APPLICATION NO.:** PUD-527-A

**MAJOR AMENDMENT**

**Applicant:** R.A. Ellison

(PD-26) (CD-8)

**Location:** Northeast corner of East 121<sup>st</sup> Street and South Yale Avenue

**TMAPC Comments:**

Mr. Westervelt announced that the applicant has timely requested a continuance for PUD-527-A (Item No. 19) to December 20, 2000.

**TMAPC Action; 9 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **9-0-0** (Boyle, Carnes, Collins, Harmon, Hill, Horner, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ledford, Jackson, "absent") to **CONTINUE** the major amendment for PUD-527-A to December 20, 2000 at 1:30 p.m.

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**Committee Reports:**

**Rules and Regulations Committee**

Mr. Boyle stated that the committee had a meeting last week to discuss a recommendation regarding rezoning the Woody Crest neighborhood to RE zoning. He reported that the unanimous recommendation of the committee, after reviewing the request, is to not call for a public hearing primarily because so many of the lots in the proposal would not be in conformance with the RE zoning guidelines.

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**Nominating Committee Report for Election of Officers**

Mr. Horner reported that the Nominating Committee has chosen the following nominees for the 2001 election of officers: Joe Westervelt, Chair; Gary Boyle, 1<sup>st</sup> Vice Chair; Wesley Harmon, 2<sup>nd</sup> Vice Chair; Brandon Jackson, Secretary.

Mr. Horner stated that the election of officers would be held January 3, 2001.

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**Director's Report:**

Mr. Stump reported that there is one item on the City Council agenda Thursday, December 7, 2000.

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**SUBDIVISIONS**

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

**L-19079 - Margaret M. Jennings (374)**

(PD-19) (County)

12951 East 152<sup>nd</sup> East Avenue

**Staff Recommendation:**

The applicant has applied to split a 327' X 295' tract into two parcels. Both tracts will meet all the bulk and area requirements, and will have the required street frontage; however, the *Major Street and Highway Plan* calls for a total of 100' right-of-way on East 131<sup>st</sup> Street, of which 35' of the 50' is currently deeded. The proposed configuration will result with Tract B having four side lot lines; therefore, the applicant is seeking a Waiver of Subdivision Regulations that each tract have no more than three side lot lines.

Staff believes this lot-split would not have an adverse effect on the surrounding properties and would therefore recommend **APPROVAL** of the waiver of Subdivision Regulations and of the lot-split, with the condition that the additional 15' of right-of-way on East 131<sup>st</sup> Street is deeded to Tulsa County.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES** TMAPC voted **9-0-0** (Boyle, Carnes, Collins, Harmon, Hill, Horner, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Jackson, Ledford "absent") to **APPROVE** the lot-split for waiver of Subdivision Regulations for L-19079, subject to conditions as recommended by staff.

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**L-19141 - Wynona Dunbar (1792)**

(PD-9) (County)

2360 South 61<sup>st</sup> West Avenue

**Staff Recommendation:**

The applicant has applied to split a 300' X 125.5' tract into two parcels. Both tracts will meet all the bulk and area requirements, and will have the required street frontage. The proposed configuration will result with Tract 1 having four side lot lines; therefore, the applicant is seeking a Waiver of Subdivision Regulations that each tract have no more than three side lot lines.

Staff believes this lot-split would not have an adverse effect on the surrounding properties and would therefore recommend **APPROVAL** of the waiver of Subdivision Regulations and of the lot-split.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **BOYLE** TMAPC voted **9-0-0** (Boyle, Carnes, Collins, Harmon, Hill, Horner, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Jackson, Ledford "absent") to **APPROVE** the lot-split for waiver of Subdivision Regulations for L-19141 as recommended by staff.

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**L-19145 - Betty Braithwait (983)**  
7536 South Urbana Place

(PD-18) (CD-8)

**Staff Recommendation:**

The subject property was originally split on April 15, 1981, having received approval for water and sewer service and a PUD minor amendment. However, the dwelling on Tract A was built over the common property line. In order to fix the encroachment, an application has been filed to rearrange the common boundary line, resulting in the two tracts swapping pieces of property. The proposed configuration will result with Tract A having six side lot lines, requiring a Waiver of Subdivision Regulations that each tract have no more than three side lot lines.

The Tulsa Metropolitan Area Planning Commission heard and approved a minor amendment to PUD-136 on November 15, 2000, in conjunction with the current lot-split application. The property meets the RS-3 bulk and area requirements.

Given that this lot-split is necessary to clear up the encroachment on the common property line and all approvals related to utility service were given in 1981, staff would recommend **APPROVAL** of the waiver of Subdivision Regulations and of the lot-split.

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

**TMAPC Action; 9 members present:**

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

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**L-19149 – Murrel Wilmoth (1793)**  
2847 South Columbia Place

(PD-6) (CD-9)

**Mr. Westervelt announced that this item has been stricken from the agenda per applicant.**

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

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

**L-19102 – QuikTrip Corporation (2793)**  
4747 South Yale Avenue

(PD-6) (CD-7)

**L-19122 – Patty Shadrick (614)**  
9940 East 126<sup>th</sup> Street North

(PD-15) (County)

**L-19124 – Judy Marrs (2422)**  
15110 North Peoria

(PD-13) (County)

**L-19133 – Sack & Associates, Inc.**  
10802 East 71<sup>st</sup> Street

(PD-18) (CD-8)

**L-19157 – Roger K. Eldredge (1793)**  
South side of East 21<sup>st</sup> Street and South Atlanta Place

(PD-4) (CD-9)

**L-19158 – Roy Johnsen (383)**  
West of southwest corner of East 61<sup>st</sup> Street and Hudson

(PD-18) (CD-7)

**Staff Recommendation:**

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

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

**TMAPC Action; 9 members present:**

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

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**CHANGE OF ACCESS ON RECORDED PLAT:**

**Lot 28, Block 1, Staiger Addition (2793)**

4747 South Yale Avenue

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

**Staff Recommendation:**

This application is made by QuikTrip Corporation to accommodate the location of the northernmost of two access driveways from Yale Avenue.

The Traffic Engineer has reviewed and approved the request.

Staff recommends **APPROVAL** of the change of access.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **HORNER** TMAPC voted **8-0-1** (Boyle, Carnes, Collins, Harmon, Hill, Horner, Midget, Pace, "aye"; no "nays"; Westervelt "abstaining"; Jackson, Ledford "absent") to **APPROVE** the change of access for Lot 28, Block 1, Staiger Addition as recommended by staff.

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**Lot 14 & 15, Block 2, 21 Garnett Place (894)**

Northwest corner East 21<sup>st</sup> Street and South 116<sup>th</sup> East Avenue

**Staff Recommendation:**

This application is made by Clinic Properties, Inc. to accommodate the location of the northernmost of two existing access driveways from South 116<sup>th</sup> East Avenue.

The Traffic Engineer has reviewed and approved the request.

Staff recommends **APPROVAL** of the change of access.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **BOYLE** TMAPC voted **9-0-0** (Boyle, Carnes, Collins, Harmon, Hill, Horner, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Jackson, Ledford "absent") to **APPROVE** the change of access for Lots 14 and 15, Block 2, 21 Garnett Place as recommended by staff.

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**Lot 2, Block 1, Eastside Market (684)**

11021 East 71<sup>st</sup> Street

**Staff Recommendation:**

This application is made to accommodate the actual planned location of the access driveway from East 71<sup>st</sup> Street. The user has been identified and the final project parcel has been created.

Lot 2 is being split and this new access location will provide a common drive for the two development parcels.

The Traffic Engineer has reviewed and approved the request.

Staff recommends **APPROVAL** of the change of access.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **BOYLE** TMAPC voted **9-0-0** (Boyle, Carnes, Collins, Harmon, Hill, Horner, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Jackson, Ledford "absent") to **APPROVE** the change of access for Lot 2, Block 1, Eastside Market as recommended by staff.

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**PRELIMINARY PLAT:**

**Union High School Addition (0183)**

(PD-18) (CD-7)

6636 South Mingo Road

**Staff Recommendation:**

This plat consists of one lot in one block and one reserve on 50.15 acres. It is the site of the existing Union High School and accessory uses.

The following were discussed **November 16, 2000** at the Technical Advisory Committee (TAC) meeting:

**1. Zoning:**

- The Board of Adjustment recently approved a special exception to permit expansion of the existing high school buildings and parking. This approval triggered the platting requirement. The high school was established prior to the zoning code on this property and has never been subject to plat before now. The site plan included on the face of the plat shows the existing elements of the site. The separate site plan attached shows the new elements as approved by the Board of Adjustment.

**2. Streets/access:**

- There are no new streets proposed in this plat. Fifty feet of right-of-way is being dedicated for Mingo Road from the south 400 feet of the east side of the property. There are five access locations on the plat along Mingo Road that correspond with the drives shown on the new site plan.
- French, Traffic, requested that the southernmost access be reduced to 40 feet, approximately 30 feet from the southeast corner of the property. He also noted that the dedication language needs to be changed to dedicate street right-of-way, not the streets.

**3. Sewer:**

- The atlas shows an existing sewer along the west property line. The plat shows a sewer along the west side of the existing building. Any public sewers should be placed in easements.
- There were no additional comments or concerns.

**4. Water:**

- The atlas shows an existing 12" water line along Mingo Road. The plat shows water lines throughout the site. Any public water mains should be placed in easements.
- There were no comments or concerns.

**5. Storm Drainage:**

- Reserve Area A is for stormwater detention and parking. The plat shows existing storm sewer pipes and structures throughout the site.
- McCormick, Stormwater, stated that a 20-foot easement is needed for the existing storm drain on the west side of the property and that detention with easements will be required for all areas draining west.

**6. Utilities:**

- This plat shows perimeter easements, mostly 11 feet. Any existing easements should have the book and page numbers identified.
- There were no comments or concerns.

**7. Other:**

- There were no other comments

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

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

1. None.

**Standard Conditions:**

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.

2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. 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.)
13. 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.
14. 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.]

15. 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.)
16. The method of water supply and plans therefor shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.
19. 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.)
20. 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.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final plat.

**TMAPC Comments:**

Mr. Harmon asked staff why Traffic Engineering recommends reducing the size of the access point. In response, Mr. Beach stated that the access location shown is 70' wide and Traffic Engineering prefer that the accesses be 40' wide and would like 30' separation from the corner in order to allow for curb returns and to make sure the driveway is fully within the subject property. Mr. Stump stated that immediately to the south is an access to Sam's development and Traffic Engineering did not want two accesses be adjacent to each other because of the potential conflicts that could produce.

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

**Applicant's Comments:**

**Darin Akerman**, 6111 East 32nd Place, Tulsa Oklahoma 74135, stated that the driveway is already in existence; however, it would eventually be expanded to four or five lanes in order to have a wider access. He indicated that he would respect the curbcut going into the property to the south and have sufficient limit of no access for proper curb returns. He requested that this issue be coordinated with Traffic Engineering during the development.

**TMAPC Comments:**

Mr. Westervelt asked Mr. Akerman where he varies from the staff recommendation. In response, Mr. Akerman stated that the distance from the southeastern corner of the property would be approximately 20' rather than the 30', and he would widen the access from 40' to approximately 60' or 70'. Mr. Ackerman indicated that this has been proposed to Darrell French and it is understood now that the access on the plat is the existing drive leading out onto Mingo.

Mr. Carnes suggested approving the plat subject to the applicant and Traffic Engineering working out their access points.

Mr. Boyle asked why staff didn't have this as part of the special conditions or standard conditions. In response, Mr. Beach stated that staff includes special conditions when they are dramatically different from what is ordinarily required under the standard conditions. Mr. Beach further stated that in this case the request was made by Traffic Engineering and ultimately they will have to be satisfied with whatever the applicant provides for an access. Mr. Beach commented that staff does not have any concern with a 50' or 60' wide access location if Traffic Engineering approves.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **BOYLES** TMAPC voted **9-0-0** (Boyle, Carnes, Collins, Harmon, Hill, Horner, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Jackson, Ledford "absent") to **APPROVE** the preliminary plat for Union High School subject standard conditions; subject to Traffic Engineering approval regarding access points as recommended by staff.

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**Mr. Jackson in at 1:55 p.m.**

**Shelter Place (CO-5620-SP-10) (2483)**

(PD-18) (CD-8)

East of southeast corner of East 91<sup>st</sup> Street South and South Memorial Drive

**Staff Recommendation:**

**GENERAL**

The site is located on the south side of 91st Street east of Memorial It is bounded on the east and south by vacant land and on the west by commercial uses. East 91<sup>st</sup> Street bounds it on the north with a shopping center beyond.

**ZONING**

The site is zoned CO (corridor).

## **STREETS**

The site will have access to 91<sup>st</sup> Street from a point in the western portion of the site and from a 30' private drive to the east. A mutual access easement will allow traffic from the west to access 91<sup>st</sup> Street and the private drive through this parcel.

Access to the interior of the section is limited from the north by virtue of the existing development. One issue is whether this private drive constitutes sufficient access to the interior of the parcel.

## **SANITARY SEWER**

Sanitary Sewer is present along the north boundary.

## **WATER**

Water is present along the north boundary.

## **STORM DRAIN**

Staff does not have drainage/detention information.

## **UTILITIES**

A 17.5' perimeter easement is shown along the north boundary; 11' easements are shown to the east, south and north.

### **Staff provides the following comments from TAC.**

#### **1. Streets and Access:**

- Somdecerff, Streets: Book and Page references should be given for dedication along 91<sup>st</sup> Street.

Discussion ensued regarding future access to the south. It was noted that there was potential for significant floor area in the future for the 14 acres to the south, given the CO District. Mr. French indicated that servicing additional traffic would have to be addressed but that it could not be addressed at this time given lack of information regarding future plans on the 14 acres.

Significant discussion occurred regarding the 30' easements for potential future access purposes (including a possible public collector street) to be laid along the east and west side of the Tract A/Tract B boundary.

Staff questioned the applicant's engineer (Sack) regarding the particular language that would ensure the City's future ability to utilize the easement area for access, including future public collector street as intended. Mr. Sack indicated that the language was being prepared and would be submitted for legal department review.

**2. Sewer:**

- Bolding, Wastewater: sanitary sewer would have to be extended to the south. A 17.5' easement would be required.

**3. Water:**

- Holdman, Water: no comment.

**4. Storm Drainage:**

- McCormick, Stormwater: no comment.

**5. Utilities:**

- No comment.

**Additional Staff Comments:**

At the City Council meeting of November 9 the Council approved the Corridor Site Plan with one amendment to the Commission's recommendation. This amendment was in regard to the north/south access in the eastern portion of the site. The Council indicated that the 60' wide private roadway easement should become a public roadway easement. A limitation on time was not included in the Council action. Internal discussions and discussion with the Public Works Department interpret the intent as creating a perpetual easement. The easement could be vacated should the parcel to the south develop in such a way as to not require additional width of the access way.

Staff understands the proposed roadway configuration to be a 26' paved travel way immediately east of the east property line. Future expansion of the travel way would be to the west onto Lot 1 of Shelter Place.

The current submittal indicates a "Special Easement" on the eastern portion of Lot 1. This "Special Easement" is described in the covenants and cites conditions required for the easement condition to remain in force past 15 years.

The submittal also indicates a 17.5' utility easement immediately adjacent to the eastern border of the site. If the utility companies were to utilize the easement and the area were to be paved, street repair due to utility relocation/repair would be at the expense of the utilities. Staff conversations with utility providers indicate that this arrangement not acceptable.

**Given the above, STAFF RECOMMENDS APPROVAL** of the preliminary plat subject to the following:

**WAIVERS OF SUBDIVISION REGULATIONS:**

1. None needed.

**SPECIAL CONDITIONS:**

1. Easement to satisfaction of Public Works for sanitary sewer extension to the south.
2. ~~Labeling of the 30' easement in the eastern portion of Lot 1 as a "Public Roadway Easement". Right of use should be perpetual and vacation should be at the discretion of TMAPC.~~
3. Filing of a 30' "Public Roadway Easement" for the 30' outside Lot 1.
4. Relocation of the easterly 17.5' utility easement to the satisfaction of Public Works and the utility providers.
5. Dedications, restrictions and covenants in accordance with Section 805 E of the Zoning Code.

**STANDARD CONDITIONS:**

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.

10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the Public Works Department.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. 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.)
13. 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.
14. 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.)
15. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
16. The key or location map shall be complete.
17. 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.)
18. 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.)
19. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
20. If the owner is a Limited Liability Corporation (L.L.C.), a letter from an attorney stating that the L.L.C. is properly organized to do business in Oklahoma is required.
21. All other Subdivision Regulations shall be met prior to release of final plat.

Mr. Bruce stated that additional information was submitted prior to the beginning of the meeting, which indicates that there was additional written information that called for a special easement with a fifteen-year time limit on the easement. The language and the covenants are consistent with what was presented to the City Council. The discussion in the staff recommendation regarding the special easement and 15-year time limit issues has been resolved.

Mr. Bruce stated that the location 17.5' utility easement on the east side of Lot 1 does need to be discussed. He indicated that there is discussion currently ensuing with the utility providers. The issue that would need to be clear to everyone involved is that if in fact the utilities are in the 17.5' easement, there may be paved roadway in the subject area in the future. Staff wants to make sure that everyone involved knows that if the utilities are in this area that they will be responsible for repairing the street.

Mr. Bruce stated that the City Council made a requirement that the private easement to the east, on the outside of Lot 1, should have a 60' public roadway easement. He indicated that it is not totally clear whether the subject plat has any effect on the area to the east.

**TMAPC Comments:**

Mr. Westervelt asked what precipitated the discussion of the 60' easement at the City Council. In response, Mr. Bruce stated that originally it was 60' of private easement and after discussion at the City Council it was changed to 60' of public easement. Mr. Stump stated that the City Council action was to reflect the recommendation of the Planning Commission.

Mr. Horner stated that he does not understand the 15-year time limit. In response, Mr. Bruce stated that prior to today's meeting he received the written information that was presented to City Council. Mr. Stump stated that the attorney that was employed by the owners of the subject property, after it came before the Planning Commission, felt that it would be appropriate if the 30' easement was never needed and there was never a need for a public street in the subject area that ultimately it would go back to the property owners so that they could utilize the 30' easement. Mr. Stump indicated that staff felt that 15 years was a reasonable time limit.

Mr. Boulden stated that from a legal prospective he is disturbed by the 15-year limitation. It needs to be dedicated as a public street or not. In response, Mr. Stump stated that this is part of the City Council's approval of the Corridor Site Plan. In response, Mr. Boulden stated that he is concerned with the language "public roadway easement" should be a dedicated public right-of-way. In response, Mr. Bruce stated he discussed this issue with Public Works and their interpretation is that it is fairly typical to have the easement rather than the full dedication and they are comfortable with the language.

**Applicant's Comments:**

**Ted Sack**, 111 South Elgin Avenue, Tulsa Oklahoma 74120, Sack and Associates, stated that Bill Jones added the 15-year limitation regarding the 30' easement. He explained that there is a caveat that if the property to the south were to develop prior to the 15-year limitation, then the potential public road would go away. He stated that the 30' easement is being set aside in case there is a roadway needed of 36' in width. He commented that this is a special easement.

Mr. Boulden stated that this is a preliminary plat and at this point it would not hurt to approve this subject to satisfaction to Legal and Public Works.

**TMAPC Action; 10 members present:**

On **MOTION** of ~~BOYLE~~ TMAPC voted **10-0-0** (Boyle, Carnes, Collins, Harmon, Hill, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ledford "absent") to **APPROVE** the preliminary plat for Shelter Place subject to conditions as recommended by staff. (Language in the staff recommendation that was deleted by TMAPC is shown as strikeout; language added or substituted by TMAPC is underlined.)

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**CONTINUED ZONING PUBLIC HEARING**

**APPLICATION NO.:** Z-6467-SP-4a/PUD-628-1 MINOR CORRIDOR SITE PLAN

**Applicant:** Gary Larson (PD-18) (CD-8)

**Location:** 9343 South Mingo Road

**Ms. Hill announced that she would be abstaining from this item.**

**Staff Recommendation:**

The applicant is requesting an amendment to allow a larger sign than currently permitted for the offices located in Lot 5, Block 1, of Cedar Ridge Park. The sign proposed will face Mingo Valley Road and will be 25 feet high and have surface area of 176 square feet. The existing Corridor Site Plan/Planned Unit Development allows one ground sign not exceeding 12 feet in height and 32 square feet in display surface area for each lot.

The Planned Unit Development to the southwest (PUD-597) allows no ground sign greater than 50 square feet and no taller than six feet in height for lots facing the Mingo Valley Expressway. Another PUD (PUD-298) to the west of the subject site allows ground signs no greater than 150 square feet with a 20-foot maximum height.

Staff has concern about the size of sign proposed and the precedence this would set for the other five lots in the PUD. The existing Planned Unit Development allows a single ground sign per lot of an appropriate size for the office uses permitted on site. Staff recommends **DENIAL** of the sign as proposed because it is not consistent with the types of signs permitted in nearby Planned Unit Developments containing similar land uses.

**Applicant's Comments:**

**Gary Larson**, 533 South Rockford, Tulsa, Oklahoma 74120, stated that he would yield to Jason Smith, who is representing the owner of the subject property.

**Interested Parties Comments:**

**Jason Smith**, 7405 South 93<sup>rd</sup> East Avenue, Tulsa, Oklahoma 74133, stated that he has no problem with the proposed sign.

**TMAPC Comments:**

Mr. Boyle informed Mr. Smith that staff recommends denial for the proposed sign. Mr. Boyle stated that the Planning Commission thought the proposed sign was inappropriate as well. Mr. Boyle asked Mr. Smith if he could tell the Planning Commission why this is a good proposal. In response, Mr. Smith stated that the developer has no problem with the proposed sign and would like to see his tenant be approved for his sign. Mr. Smith further stated that if the Planning Commission doesn't think it is the right type of proposal there is nothing he can do about that.

**Applicant's Rebuttal:**

Mr. Larson stated that originally the subject property was zoned Corridor at the time Dr. Carl Fisher and the developer decided to make a deal and move the sign. Subsequently, the subject property became a PUD with limited signage.

Mr. Larson stated that the developer granted his tenant a certain type of signage and then took it away when he filed a PUD. This created a hardship for the tenant because he has a sign that will not fit within the parameters of the PUD.

**TMAPC Comments:**

Mr. Boyle asked Mr. Larson if the tenant has already bought the sign. In response, Mr. Larson stated that the sign is at its current location.

Mr. Boyle asked Mr. Larson where the current sign is located. In response, Mr. Larson stated that the sign is currently located on 31<sup>st</sup> Street and Memorial.

**TMAPC Action; 10 members present:**

On **MOTION** of **HARMON** TMAPC voted **9-0-1** (Boyle, Carnes, Collins, Harmon, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; Hill "abstaining"; Ledford "absent") to **DENY** the minor corridor site plan and PUD amendment as recommended by staff.

**ZONING PUBLIC HEARING**

**APPLICATION NO.: Z-6797**

**IL TO RMH**

**Applicant:** Steve Coder

**(PD-5) (CD-6)**

**Location:** South side of I-244 between North Garnett and North 129<sup>th</sup> East Avenue

**Staff Recommendation:**

Mr. Dunlap stated that the applicant has requested a continuance in order to submit a PUD with this application.

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

**TMAPC Action; 10 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **10-0-0** (Boyle, Carnes, Collins, Harmon, Hill, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ledford "absent") to **CONTINUE** Z-6797 to January 24, 2001 at 1:30 p.m.

**TMAPC Comments:**

Mr. Carnes stated that he informed the applicant prior to the hearing that the fees could be applied toward the PUD. In response, Mr. Stump stated that the subject property would still need the rezoning; and unfortunately, there will be additional PUD fees.

Mr. Stump stated that under the current zoning, with a PUD, there is a possibility to have a mobile home park. If the applicant wants to retain the current zoning and file a PUD, then the zoning fees could be applied toward the PUD application.

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**APPLICATION NO.: PUD-596-1**

**MINOR AMENDMENT**

**Applicant:** Mark Nelson

**(PD-26) (CD-8)**

**Location:** 11621 South Hudson Court

**Staff Recommendation:**

The applicant is requesting an amendment for Lot 5, Block 1, Frenchman's Creek Addition, to allow a rear yard setback requirement of 11 feet 5 inches from the rear property line to facilitate the construction of a new residence. The existing PUD calls for a 25-foot rear yard setback requirement.

The lot in question is the smallest lot located on the corner of the collector street for the addition. It is on the eyebrow cul-de-sac near the entrance into the development. The proposed structure will abut an existing 11-foot utility

easement along the rear property line and an existing 15-foot utility easement and building line along the western side property line.

In comparison to surrounding lots the proposed construction will allow the structure to be closer to the property lines with less traditional yard space and more building area on the lot. The property to the south, Lot 6, Block 1, will be the neighbor who could be affected by the design of the proposed structure, but it contains an 11-foot utility easement on the north property line which abuts the 11-foot easement on the subject site. This creates a 22-foot separation of structures per the plat for the addition. Staff can recommend **APPROVAL** of the minor amendment per the submitted site plan.

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

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

**TMAPC Action; 10 members present:**

On **MOTION** of **HORNER** TMAPC voted **10-0-0** (Boyle, Carnes, Collins, Harmon, Hill, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ledford "absent") to **APPROVE** the minor amendment for PUD-596-1 as recommended by staff.

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**PUBLIC HEARING RELATING TO POLITICAL CAMPAIGN SIGNS**  
**CONSIDER PROPOSED AMENDMENTS TO THE CITY OF TULSA ZONING**  
**CODE RELATING TO POLITICAL SIGNS.**

**Staff Recommendation:**

Mr. Stump stated that staff's opinion regarding placing campaign signs in the right-of-way is not an appropriate proposal. There is a memorandum from the Legal Department regarding the concerns of creating a forum for freedom of speech in the public rights-of-way for certain types of speech and the inability to regulate those types of speech. Staff recommends denial of political signs being allowed in the streets rights-of-way and in the alternative recommends a minor amendment to the Zoning Code to eliminate any ambiguity, but does not change the intent of the ordinance.

**TMAPC Comments:**

Mr. Boyle stated that the Rules and Regulations Committee considered this proposal several weeks ago and concurred with staff that the political signs should not be allowed in the street rights-of-way. He further stated that the Committee concurs with the staff on the one housekeeping amendment.

Mr. Boyle stated that he received a letter from Mayor Susan Savage agreeing with staff and the Committee (Exhibit A-1).

**Interested Parties Comments:**

**Joseph Romine**, 4212 East 26<sup>th</sup> Street, Tulsa, Oklahoma 74114, stated that he agrees with staff's recommendation. He is opposed to allowing political signs on the street rights-of-way. He stated that the signs are unsightly and a safety hazard. He indicated that he would like to see the ordinance enforced and violators should be fined when the City has to pick up their signs.

Mr. Westervelt read the last paragraph of the Mayor's letter stating that she is willing to adopt a "no-tolerance policy" for signs in the rights-of-way with the support of the City Council.

**David Cox**, 7107 South Yale, Tulsa, Oklahoma 74136, stated that he is in support of the staff recommendation. Mr. Cox read and submitted an article from the Shawnee News-Star Online newspaper (Exhibit A-2).

**TMAPC Comments:**

Mr. Boyle stated that the Council consensus that was sent to the Planning Commission directed the Commission to transmit within 30 days after holding the required public hearing a report and recommendation.

**TMAPC Action; 10 members present:**

On **MOTION** of **BOYLE** TMAPC voted **10-0-0** (Boyle, Carnes, Collins, Harmon, Hill, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ledford "absent") to **ADOPT AND REPORT** the following: 1) recommend that the ordinance forwarded by City Council not be adopted; 2) recommend that staff's housekeeping amendment to Section 1221.C.4.h. be adopted so that this section reads as follows: "Election campaign signs that meet the requirements of Section 1201.C.1 if erected not more than 45 days prior to an election and removed within seven days following the election", (new language recommended is underlined) to eliminate the ambiguity between Section 1221.C.4.h. and Section 1201.C.1.; and 3) concur with the Mayor's offer to adopt a "no-tolerance policy" for signs in the street rights-of-way.

**TMAPC Comments:**

Mr. Westervelt stated that Mr. Hardt would like notification of the City Council meeting when the Council addresses this item.

\* \* \* \* \*

There being no further business, the Chairman declared the meeting adjourned at 2:20 p.m.

Date approved: 1/17/01

  
\_\_\_\_\_  
Chairman

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