

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2288

Wednesday, October 3, 2001, 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>
Bayles	Carnes	Beach	Romig, Legal
Harmon	Selph	Huntsinger	
Hill		Matthews	
Horner		Stump	
Jackson			
Ledford			
Midget			
Pace			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, October 1, 2001 at 8:54 a.m., posted in the Office of the City Clerk, 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 September 19, 2001, Meeting No. 2286**

On **MOTION** of **HORNER** the TMAPC voted 8-0-0 (Bayles, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Midget, Selph "absent") to **APPROVE** the minutes of the meeting of September 19, 2001, Meeting No. 2286.

### Minutes:

#### **Approval of the minutes of September 26, 2001, Meeting No. 2287**

On **MOTION** of **LEDFORD** the TMAPC voted 8-0-0 (Bayles, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; Westervelt "abstaining"; Carnes, Midget, Selph "absent") to **APPROVE** the minutes of the meeting of September 26, 2001, Meeting No. 2287.

**Mr. Midget in at 1:33 p.m.**

**REPORTS:**

**Chairman's Reports:**

Mr. Westervelt stated that there is a request for a continuance for the preliminary plat for Heartland Venture II to October 17, 2001 in order for a minor amendment to be processed.

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

**Heartland Venture II (2683)** (PD-26) (CD-8)  
Location: North of the northwest corner of East 111<sup>th</sup> Street and South Memorial Drive

**TMAPC Action; 9 members present:**

On **MOTION** of **HARMON**, the TMAPC voted **9-0-0** (Bayles, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Selph "absent") to **CONTINUE** the preliminary plat for Heartland Venture II to October 17, 2001 at 1:30 p.m.

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**Hunters Hollow - PUD 527 - (3483)** (PD-26) (CD-8)  
Location: 121<sup>st</sup> and South Yale, northeast corner

**STRICKEN FROM THE AGENDA.**

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Mr. Westervelt reported that he attended a meeting with Public Works Officials and worked out the last two debated language issues regarding the Subdivision Regulations.

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**Worksession Reports:**

**Review of Summary Minutes for September 26, 2001**

Mr. Westervelt stated that the summary minutes are very helpful and he approves of the format.

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**Director's Report:**

Mr. Stump reported that there are several zoning items on the City Council agenda for Thursday, October 04, 2001.

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**SUBDIVISIONS**

**Airport Office and Warehouse - (2603)** (PD-16) (CD-3)

**Locations:** 240 feet north of East Virgin Street and North Sheridan Road, east side

**Staff Recommendation:**

This plat consists of one lot in one block on 1.55 acres. It will be developed for office/warehouse use.

The following were discussed **September 20, 2001** at the Technical Advisory Committee (TAC) meeting:

**1. Zoning:**

*Staff:* The zoning is mostly IL with about 150 feet of the south end zoned CS. Records are not exactly clear as to when, but the zoning was changed some time ago and is currently subject to plat.

**2. Streets/access:**

*Staff:* Fifty feet will be dedicated to Sheridan Road.

*Public Works Traffic & Transportation:* No comments.

*Applicant:* No comments.

**3. Sewer:**

*Staff:* No additional information.

*Public Works Waste Water:* No comments.

*Applicant:* No comments.

**4. Water:**

*Staff:* No additional information.

*Public Works Water:* No comments.

*Applicant:* No comments.

**5. Storm Drainage:**

*Staff:* No additional information.

*Public Works Stormwater:* Onsite detention with easement required; stormwater to be piped to public storm sewer; easements needed to right-of-way.

*Applicant:* Consent.

**6. Utilities:**

*Staff:* No additional information.

*Franchise Utilities:* No comments.

**7. Other:**

A 17.5' utility easement needed along Sheridan Road.

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

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

1. None needed.

**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 therefore 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 therefore 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.

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **9-0-0** (Bayles, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Selph "absent") to recommend **APPROVAL** of the preliminary plat for Airport Office and Warehouse, subject to the standard conditions as recommended by staff.

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**Cavalier Park II - (2203)** (PD-16) (CD-3)

**Location:** East 30<sup>th</sup> Street North, west of Sheridan

**Staff Recommendation:**

This plat consists of one lot in one block and three reserves on 20.45 acres. It will be developed as a mobile home park.

The following were discussed **September 20, 2001** at the Technical Advisory Committee (TAC) meeting:

**1. Zoning:**

*Staff:* The property was rezoned to RMH (Residential Mobile Home) in about 1990. This triggered a requirement to plat.

**2. Streets/access:**

*Staff:* Dedication will be made for East 30<sup>th</sup> Street. Internal circulation by a combination access/utility easement.

*Public Works Traffic & Transportation:* Objects to half-street dedication of extension of East 30<sup>th</sup> Street. Would rather delete the dedication or provide full 50' extended only to proposed 50' access.

*Applicant:* Will comply.

**3. Sewer:**

*Staff:* No additional information.

*Public Works Waste Water:* No comments.

*Applicant:* No objections expressed.

**4. Water:**

*Staff:* No additional information.

*Public Works Water:* Extend eight-inch main at 30<sup>th</sup> Street; put in restricted water-line easement if not in public streets; add 20' restricted water line easement for fire hydrant.

*Applicant:* No objections expressed.

**5. Storm Drainage:**

*Staff:* No additional information.

*Public Works Stormwater:* Show limits of 100-year floodplain with 15' maintenance all sides; place floodplain in reserve; no utility easements in reserve; onsite detention will be required; no work may be performed in the floodway.

*Applicant:* No objections expressed.

**6. Utilities:**

Staff: No additional information.

*Franchise Utilities:* Need additional utility easements.

*Applicant:* No objections expressed.

**7. Other:**

No other comments.

Staff recommends **APPROVAL** of the preliminary plat subject to the special and standard conditions below.

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

1. Modification of proposed street dedication satisfactory to Public Works – to be indicated by release letter.
2. Extension of water mains and restricted easements satisfactory to Public Works – to be indicated by release letter.
3. Include limits of floodplain and maintenance easement, placed in reserve, and onsite detention as required by Public Works – to be indicated by release letter.
4. Include additional utility easements satisfactory to meet the needs of the utility companies – to be indicated by release letter.

**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 therefore 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 therefore 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. Westervelt questioned the street and right-of-way condition. In response, Mr. Beach explained Public Works is recommending that the applicant either delete the right-of-way dedication or take out the jog and make it a full 50 feet to align with the existing 50-foot access and utility easement. Mr. Beach stated that the City doesn't want half of a right-of-way because it would be difficult to obtain the other half in the future. Mr. Beach explained that the two streets in question would be offset if the applicant followed through with his proposal.

Mr. Ledford stated that the only problem with not dedicating the 30 feet is it would be more difficult to get the dedication from the abutting property in the future when it is developed.

Mr. Westervelt stated that it appears that the right-of-way issue is all geometry-related. In response, Mr. Beach agreed.

Ms. Pace stated that she couldn't get down the road and turning around was impossible. She commented that an adequate street would need to be in place.

**Applicant's Comments:**

**Richard Cosman**, Horizon Engineering, 1422-D East 71<sup>st</sup> Street, Tulsa, Oklahoma 74136, stated that the plat indicates a 25-foot easement, but what is not shown is that there is a 25-foot easement currently dedicated on the north side. He explained that the easements do not show up on the county maps, but they are filed of record. He indicated that he plans to discuss this with Traffic Engineering to resolve the issue.

**TMAPC Comments:**

Mr. Ledford stated that the applicant should be required to prove that the 25 feet of right-of-way on the north side has been recorded of record and he has dedicated 25 feet of right-of-way on his side, or the applicant should dedicate the full 50 feet of right-of-way if he can't prove the 25 feet of right-of-way dedication to the north.

**TMAPC Action; 9 members present:**

On **MOTION** of **LEDFORD**, the TMAPC voted **9-0-0** (Bayles, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Selph "absent") to recommend **APPROVAL** of the preliminary plat for Cavalier Park II, subject to special conditions and standard conditions, subject to the applicant submitting proof that 25 feet of right-of-way to the north has been filed of record and being required to dedicate 25 feet of right-of-way on the applicant's development, or in the alternative, the applicant dedicate the full 50 feet of right-of-way as modified by TMAPC.

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**French Creek Patio Homes - PUD 643 - (1283)** (PD-18) (CD-7)

**Location:** 74<sup>th</sup> and Memorial, south of the southeast corner

**Staff Recommendation:**

This plat consists of 80 lots in ten blocks and nine reserves on 11.6 acres. It will be developed as patio homes.

The following were discussed **September 20, 2001** at the Technical Advisory Committee (TAC) meeting:

**1. Zoning:**

*Staff:* The property was rezoned to PUD-643 in February of this year. This triggered a requirement to plat. The PUD allows up to 80 townhouse dwellings, one-story, up to 35 feet high.

**2. Streets/access:**

*Staff:* Private streets in 30' right-of-way. Parking access is allowed only at the rear of the lots, not from any streets. Reserve areas are placed for this purpose. Several of these are only 20 feet wide. We question whether this is sufficient to allow convenient maneuvering in and out of driveways.

Mark Brown recommended during the public hearing that East 74<sup>th</sup> Place should remain private with a cul-de-sac located near the west side of the subject tract. The PUD was approved with this condition. The cul-de-sac is not shown on this plat.

Note that a neighboring property owner is adamant in requesting the cul-de-sac be required.

*Public Works Traffic & Transportation:* Reiterated the requirement to provide a public cul-de-sac at the west end of East 74<sup>th</sup> Place, connecting with the remainder of the street out to Memorial Drive.

*Applicant:* Stated he has approved PFPI plans that do not have the cul-de-sac. It is his understanding that this requirement was rescinded. Will likely ask the Planning Commission to waive this requirement.

**3. Sewer:**

*Staff:* No additional information.

*Public Works Waste Water:* No comments.

*Applicant:* No comments.

**4. Water:**

*Staff:* No additional information.

*Public Works Water:* Wants the outer ten feet of the fifteen-foot utility easement along the streets to be restricted for water lines only.

*Applicant:* No objection stated.

**5. Storm Drainage:**

*Staff:* No additional information.

*Public Works Stormwater:* No other utilities or easements permitted in the detention reserve.

*Applicant:* No objection stated.

## 6. Utilities:

Staff: No additional information.

*Franchise Utilities:* No comments.

*Applicant:* No comments.

Staff recommends **APPROVAL** of the preliminary plat subject to the special and standard conditions below.

### Waivers of Subdivision Regulations:

1. None requested.

### Special Conditions:

1. Construction and dedication of a public cul-de-sac at the west end of the property to function with East 74<sup>th</sup> Place, acceptable to Public Works. Acceptance indicated by release of final plat.
2. Dedicate ten-foot restricted water line easement along the private streets, acceptable to Public Works. Acceptance indicated by release of final plat.

### Standard Conditions:

1. All conditions of PUD-550 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.)
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 therefore 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 therefore 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.

**Applicant's Comments:**

**Dave Sanders**, 1502 South 66<sup>th</sup> East Avenue, Bixby Oklahoma 74008, representing Dunlap Properties, stated that his client received a PUD approval with a condition. His client accepted the PUD approval with one condition, which was to design a turnaround that was acceptable to Traffic Engineering, the Fire Marshall and other City offices. He explained that he received a letter in February from Mark Brown, Traffic Operations Manager, allowing private streets and the letter requested a cul-de-sac. Mr. Sanders read the letter from Mr. Brown.

Mr. Sanders stated that in March he started negotiating with Ryan's Steak House regarding the turnaround; however, negotiations fell through. He recognized that trucks are damaging the property to the north when they use their drives to turn around.

Mr. Sanders stated that he submitted his first PFPI and received a response from Traffic Engineering about the proposed turnaround. He indicated that Traffic Engineering asked him to look at the possibility of the need for additional parking to serve the complex. It was determined that additional parking is not needed because there are garages and parking inside. He stated that he submitted the second PFPI submittal and Traffic Engineering and the Fire Marshall indicated that the turnaround would be adequate. The PFPI plans were signed and returned with no additional comments.

**TMAPC Comments:**

Mr. Midget asked Mr. Sanders if the configuration of the turnaround made it easier for the trucks to turn around. In response, Mr. Sanders stated that the proposed turnaround would require a three-point turn in order to get out.

Mr. Stump stated that the letter from Mark Brown (January) was before the Planning Commission had the public hearing on the PUD, and the Planning staff wanted the street connected with a public street through the property. Initially Traffic Engineering agreed with this proposal, but later changed their position and the letter reflects that change. Mr. Stump commented that all of this took place before the public hearing on the PUD and then the recommendation of Traffic Engineering for a cul-de-sac was incorporated into the PUD standards and it has been there ever since. Mr. Stump reminded the Planning Commission that this is the preliminary plat and there have been neither site plan approvals nor preliminary plat approvals, and he is not sure what Privately Financed Public Improvements the applicant was doing because nothing has been approved inside the PUD.

Mr. Ledford stated that the Planning Commission received the original letter from Mark Brown requiring a public street to go east and west. At the meeting there was a letter issued from Mark Brown, which stated that he would allow a private street if a cul-de-sac was built on the public street portion from Memorial to their property. He indicated that several of the Planning Commissioners were against the cul-de-sac and private street. The Planning Commission thought it should be a public street because now there is only one street coming from the center of the section to South Memorial Drive. Now a hammerhead is being discussed and it was not part of the original agreement. Mr. Ledford stated that there should be a letter from Mark Brown stating that he agrees with this or disagrees with this. Mr. Ledford indicated that he requested Mr. Brown to be present and explain how this has happened and whether a hammerhead or cul-de-sac should be accepted.

Mr. Sanders explained that if he builds a cul-de-sac he would lose four lots and it would be a significant loss.

**Mark Brown**, Public Works, 200 Civic Center, Traffic Operations Manager, stated that he did appear before the Planning Commission on February 7<sup>th</sup> and he did rescind his original position that the street stay open and allow 74<sup>th</sup> Place to be closed. He explained that he did impose on the condition that a cul-de-sac should be installed. He implied that the cul-de-sac be a circular turnaround because of the local businesses in the subject area. Circular turnarounds allow trucks to turn around without doing a three-point turnaround. Mr. Brown apologized if there were any misunderstandings.

Mr. Stump asked Mr. Brown if he would have any objections to a one-sided circular turnaround that would continue the south line of the paving and have the entire circular portion going north. In response, Mr. Brown stated that it could be an off-centered or symmetrical turnaround. Mr. Brown suggested that the applicant work with the adjacent businesses and locate half of the circular turn around on the development side and half on the street side.

**Interested Parties Comments:**

**Craig Boos**, 8141 East 74th Place South, Tulsa, Oklahoma 74133, stated that it would be more likely that the trucks would continue to use his property to turnaround if there is a hammerhead rather than a cul-de-sac. He explained that there are 30 to 40 cars a day turning around in his parking lot.

**TMAPC Comments:**

Ms. Pace asked Mr. Boos when he moved into his property. In response, Mr. Boos stated that he moved in last October. Mr. Boos explained that when he purchased his property he understood that 74<sup>th</sup> Place would go through to the subdivision.

Mr. Midget asked Mr. Boos if he had a problem with redesigning the cul-de-sac to minimize impact on development. In response, Mr. Boos stated that he wouldn't have a problem giving up a portion of his property on the east end (farthest east entrance). Mr. Boos stated that eleven acres with 80 lots is a high yield and the applicant made a point that he would lose four lots. Mr. Boos commented that he wouldn't mind giving up too much of his property if it doesn't make an economic hardship on himself.

**Applicant's Rebuttal:**

**John Moody**, 7146 South Canton Avenue, Tulsa, Oklahoma 74136-6303, representing Mr. Sanders and Tully Dunlap, stated that his clients have been discussing the cul-de-sac issue after hearing the interested parties and Mr. Brown. He commented that the concern of his clients is that if a 50' right-of-way radius cul-de-sac well developed on the subject property, it would wipe out four lots. Because of the offer to move the cul-de-sac to the west designed to reduce the right-of-way amount required, his client could still provide utility easements that reduce the right-of-way. He requested a continuance for two weeks in order to redesign the cul-de-sac.

**TMAPC Action; 9 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **9-0-0** (Bayles, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Selph "absent") to **CONTINUE** the preliminary plat for French Creek Patio Homes to October 17, 2001, 1:30 p.m.

\* \* \* \* \*

**Hawthorne Woods - (3483)** (PD-26) (CD-8)  
**Location:** East 121<sup>st</sup> Street South and South Joplin Avenue

**Staff Recommendation:**

This plat consists of 32 lots in three blocks on 10.45 acres. It will be developed as single-family residences. TAC reviewed a preliminary plat that was then approved by TMAPC in December 1998. That approval expired after one year.

The following were discussed **September 20, 2001** at the Technical Advisory Committee (TAC) meeting:

**1. Zoning:**

*Staff:* The property was rezoned to RS-1, which triggered a requirement to plat.

**2. Streets/access:**

*Staff:* Public streets, 50' right-of-way, widened to 70' at entry to subdivision. The first plat was required to have the limits of access include "with median" and a reserve placed to accommodate the median. Also, Mr. Eshelman encouraged sidewalks to be along the west side of Joplin and the south side of 119<sup>th</sup> Place.

*Public Works Traffic & Transportation:* Entry island needs to be placed in a reserve and covenants need to include dedication of reserve and maintenance of island; revise transition from entry to main street to make longer; add street name on middle east/west stub.

*Applicant:* No objections stated.

**3. Sewer:**

*Staff:* No additional information.

*Public Works Waste Water:* Sewer main extension required.

*Applicant:* No objection stated.

**4. Water:**

*Staff:* No additional information.

*Public Works Water:* Water main extension required.

*Applicant:* No objection stated.

**5. Storm Drainage:**

*Staff:* No additional information.

*Public Works Stormwater:* Convey off-site stormwater in overland drainage easement; onsite detention required in a reserve; plot the 100-year floodplain and place in a reserve; public storm sewers must be in easements or in the streets; revise covenant language to include language for the floodplain and detention reserves; PFPI required for off-site storm sewer work.

*Applicant:* No objection stated.

**6. Utilities:**

*Staff:* In the first plat review, PSO requested additional easements and provided a diagram. The easements shown on today's plat are the same as the first.

*Franchise Utilities:* Will work with developer to obtain appropriate easements.

Staff recommends **APPROVAL of the preliminary plat** subject to the special and standard conditions below.

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

1. Add reserve for entry island and modify transition from entry to street satisfactory to Public Works. Acceptance indicated by release of final plat.
2. Add easements for sewer and water main extensions.
3. Meet all requirements of Public Works related to stormwater as described in the TAC meeting comments. Acceptance indicated by release of final plat.
4. Provide additional easements for franchise utilities as needed. Acceptance indicated by release of final plat.

### **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 therefore 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 therefore 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.

**Applicant's Comments:**

**Ted Sack**, 111 South Elgin Avenue, Tulsa Oklahoma 74120, stated that onsite detention would be a requirement unless he can channel the stormwater through a 100-year flood system, which may be Fry Ditch or to the Arkansas River. He explained that if there is onsite detention required it would be Lots 1 and 2 in Block 2, which is not reflected on this plat.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **9-0-0** (Bayles, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Selph "absent") to recommend **APPROVAL** of the preliminary plat for Hawthorne Woods, subject to special conditions and standard conditions, subject to onsite detention if required, or in the alternative, access 100-year flood system as recommended by staff.

\* \* \* \* \*

**Oxford Park - (2694)** (PD-17) (CD-6)  
**Location:** East 47<sup>th</sup> Street South and Lynn Lane Road

**Staff Recommendation:**

This plat consists of 229 lots in 15 blocks with five reserves on 80 acres. It will be developed for single-family residential uses under RS-3 zoning. It was reviewed as a sketch plat August 16, 2001.

The following were discussed **September 20, 2001** at the Technical Advisory Committee (TAC) meeting:

**1. Zoning:**

*Staff:* The Planning Commission recommended approval of a zoning change to RS-3 on September 5, 2001. It's now awaiting final action by the City Council.

**2. Streets/access:**

*Staff:* Improvements were made to the street layout based on comments from TAC at the sketch plat review.

*Public Works Traffic & Transportation:* Islands need to be dimensioned; adequate transition from 60' collector to 50' non-collector needs to be designed and moved west to approximately the east side of the intersection of 48<sup>th</sup> Street and 174<sup>th</sup> East Avenue; street dedication language needs to be included in covenants; corners at intersections of residential streets with arterials need to be 30' radius.

*Applicant:* No comments.

**3. Sewer:**

*Staff:* No additional information.

*Public Works Waste Water:* No comments.

*Applicant:* No comments.

**4. Water:**

*Staff:* No additional information.

*Public Works Water:* Water main extension required. If using Broken Arrow water, must get approval from TMUA.

*Applicant:* No comments.

**5. Storm Drainage:**

*Staff:* No additional information.

*Public Works Stormwater:* All floodplain must be in reserve with 15' around perimeter for maintenance access; reserve A may not contain utility easements; all public storm sewers must be placed in easements; compensatory storage will be required if any work done in floodplain; add standard language for surface runoff and Reserve D.

*Applicant:* No comments.

**6. Utilities:**

*Staff:* No additional information.

*Franchise Utilities:* Will need utility easement along north side of 48<sup>th</sup> street to get across creek; Cox needs numerous additional easements and will discuss with developer.

**7. Other:**

*Staff:* Sliver of land that appears to be a reserve in the southwest corner of the property needs to be labeled.

*TAC:* No comments.

Staff recommends **APPROVAL** of the preliminary plat subject to the special and standard conditions below.

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

1. Modify and relocate transition from collector street to non-collector street satisfactory to Public Works. Acceptance indicated by final plat release.
2. Dedicate additional right-of-way to make 30' radius corners at intersections with arterial street and add dedication language in covenants.
3. Provide water main extension with appropriate easements satisfactory to Public Works. Acceptance indicated by release of final plat.
4. Add floodplain reserve with 15' maintenance easement satisfactory to Public Works. Acceptance indicated by release of final plat.
5. Add easements for public storm sewers satisfactory to Public Works. Acceptance indicated by release of final plat.
6. Add utility easements as needed by franchise utility providers to serve the property. Acceptance indicated by release of final plat.

**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 therefore 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 therefore 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.

**Applicant's Comments:**

**Clayton Morris**, representing Cox and Associates, 7935 East 57<sup>th</sup> Street South, Tulsa, Oklahoma 74145, stated that he agrees with the staff recommendation.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **HARMON**, the TMAPC voted **9-0-0** (Bayles, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Selph "absent") to recommend **APPROVAL** of the preliminary plat for Oxford Park, subject to special conditions and standard conditions as recommended by staff.

\*\*\*\*\*

**PLAT WAIVER:**

**BOA-19143 - (3403)**

(PD-16) (CD-3)

**Location:** Southeast corner of East Latimer and North Yale

**Staff Recommendation:**

In July 2001, the Board of Adjustment approved a Special Exception to allow an assisted living facility under Use Unit 8. This action invokes the platting requirement.

**The following information was provided at the TAC meeting September 20, 2001.**

**ZONING:**

Staff: No comments.

**STREETS:**

Public Works, Transportation: No comments.

Public Works, Traffic: No comments.

**SEWER:**

Public Works, Wastewater: No comments.

**WATER:**

Public Works, Water: No comments.

**STORM DRAIN:**

Public Works, Stormwater: No comments.

**FIRE:**

Public Works, Fire: No comments.

**UTILITIES:**

Franchise Utilities: No comments.

Based solely on the checklist below, staff would typically recommend denial of a plat waiver for this property. However, there is more to this situation than the checklist can tell.

This will be an assisted living facility with several funding sources that have strict criteria under which the funds are made available. The applicant advises staff that if a plat were required before construction could begin, even with the fastest possible plat processing, time would run out on the funding and it would no longer be available. These developers have completed several of these projects successfully in the Tulsa area.

If the plat were waived, three separate instruments would be necessary to accomplish part of what a plat would accomplish: 1. Additional right-of-way to make a radius at the corner of Latimer and Yale; 2. An easement for the onsite detention facility; 3. Access controls.

Based on the special circumstances and the limited number and scope of separate instruments that would be required, staff recommends **APPROVAL** of the request for a plat waiver.

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

	<b>Yes</b>	<b>NO</b>
1. Has Property previously been platted?	X	
2. Are there restrictive covenants contained in a previously filed plat?	X	
3. Is property adequately described by surrounding platted properties or street R/W?	X	

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

	YES	NO
4. Is right-of-way dedication required to comply with major street and highway Plan?	X	
5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived?	X	
6. Infrastructure requirements:		
a) Water		
i. Is a main line water extension required?		X
ii. Is an internal system or fire line required?		X
iii. Are additional easements required?		X
b) Sanitary Sewer		
i. Is a main line extension required?		X
ii. Is an internal system required?		X
iii. Are additional easements required?		X
c) Storm Sewer		
i. Is a P.F.P.I. required?	X	
ii. Is an Overland Drainage Easement required?		X
iii. Is on site detention required?	X	
iv. Are additional easements required?	X	
7. Floodplain		
a) Does the property contain a City of Tulsa (Regulatory) Floodplain?		X
b) Does the property contain a F.E.M.A. (Federal) Floodplain?		X
8. Change of Access		
a) Are revisions to existing access locations necessary?	X	
9. Is the property in a P.U.D.?		X
a) If yes, was plat recorded for the original P.U.D.		NA
10. Is this a Major Amendment to a P.U.D.?		X
a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.?		NA

Mr. Beach stated that normally staff would recommend denial with this type of checklist; however, due to a timing issue for grant funding and the previous success of this particular developer, staff is recommending approval of the plat waiver, understanding that the applicant would plat the subject property in the near future.

**TMAPC Comments:**

Mr. Ledford stated that if the platting is waived, there should be a condition that a recorded plat be filed of record at a later date.

Mr. Romig stated that if the Planning Commission approves the plat waiver, then it is waived and the Planning Commission can't come back at a later date and require it to be platted. Mr. Romig indicated that the Planning Commission could try to grant the plat waiver upon the condition that it be platted at a later date.

Mr. Harmon asked what is unique about an assisted living center that the plat waiver should be granted. In response, Mr. Stump stated that this particular company has developed a number of assisted living facilities or elderly housing facilities for low and moderate income through the tax credit assistance. Mr. Stump explained that the timeline is very tight and the developer has done a good job in the past providing this type of housing. Mr. Harmon asked why the developer didn't know what the platting requirement would be before pursuing the tax advantages. In response, Mr. Stump stated that he couldn't comment on that, but understands the funding deadlines are difficult for the developer.

**Applicant's Comments:**

**Dave Sanders**, 1502 South 66<sup>th</sup> East Avenue, Bixby, Oklahoma 74008, stated that this project is a part of the low-income housing tax credit program. The applicant competes for these sites and part of the process is that all due-diligence efforts, including zoning, platting, etc., need to be completed within a certain length of time before the application can be turned in for subsequent funding. The timeline that is given to accomplish all of the above-mentioned requirements is shorter than the timeline allowed for platting of property. Given the timeframe allotted, the only alternative is to ask for a plat waiver in order for the project and process to go through so the application can be completed and funding considered. The developer is taking a chance by spending his money up front and being awarded the funding.

Mr. Sanders explained that if the applicant had time to plat the property, he would do so. All of the conditions required to complete this project would be a normal part of the plat and he would advise his client to plat the subject property.

**Bill Major**, Vintage Housing, 5950 East 31<sup>st</sup>, Tulsa, Oklahoma 74135, stated that given the information that he has at this time, he would plat the subject property as Mr. Sanders mentioned.

**TMAPC Comments:**

Mr. Ledford stated that there should be a time limit that the plat be recorded prior to the occupancy permit is issued.

Mr. Westervelt explained that the Planning Commission is considering waiving the plat with a voluntary offer to come back and plat before certificate of occupancy.

Mr. Beach stated that the staff's recommendation for the approval of the plat waiver is subject to the conditions or requirements of the checklist.

**TMAPC Action; 9 members present:**

On **MOTION** of **HILL**, the TMAPC voted **9-0-0** (Bayles, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Selph "absent") to recommend **APPROVAL** of the plat waiver for BOA-19143, subject to the voluntary offer to plat the subject property prior to the certificate of occupancy.

\* \* \* \* \*

**CHANGE OF ACCESS ON FINAL PLAT:**

**Part of Lot 2, Block 1, 4100 Garnett Center (3094)**

**Location:** West of the southwest corner East 41<sup>st</sup> Street and South Garnett Road

**Staff Recommendation:**

This application is made to accommodate the location of a new drive-in common with an adjacent parcel common drive and a relocation of an existing platted access.

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.**

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

**TMAPC Action; 9 members present:**

On **MOTION** of **HORNER**, TMAPC voted **9-0-0** (Bayles, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Selph "absent") to **APPROVE** the change of access on recorded plat for Part of Lot 2, Block 1, 4100 Garnett Center as recommended by staff.

\* \* \* \* \*

**CONTINUED ZONING PUBLIC HEARING**

**APPLICATION NO.: CZ-288**

**AG TO CG**

**Applicant:** Paul Dean

(PD-15) (County)

**Location:** East of the southeast corner of East 116<sup>th</sup> Street and North Garnett Road

**Staff Recommendation:**

**RELEVANT ZONING HISTORY:**

**CZ-216 December 1994:** A request to rezone a 110-acre tract located north and west of the northwest corner of 116<sup>th</sup> Street North and North Garnett Road from AG to RS for residential development. TMAPC recommended approval of RS zoning for the area south of 120<sup>th</sup> Place North and recommended approval of RE zoning for that portion of the tract that is north of 120<sup>th</sup> Place North.

**CZ-191 August 1991:** A request to rezone a half-acre tract located south of the southeast corner of East 116<sup>th</sup> Street North and North Garnett Road from AG to CG for an existing flea market. The application was recommended for denial of CG and approval of CS zoning. The County Commission concurred with the recommendation and approved CS zoning on the tract.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 15 acres in size and is located east of the southeast corner of East 116<sup>th</sup> Street North and North Garnett Road. The property is gently sloping, non-wooded, vacant and zoned AG.

**STREETS:**

<b>Exist Access</b>	<b>MSHP R/W</b>	<b>Exist. No. Lanes</b>
East 116 <sup>th</sup> Street North	120'	2 lanes
North Garnett Road	100'	2 lanes

The Major Street and Highway Plan designates East 116<sup>th</sup> Street North as a primary arterial street and North Garnett Road as a secondary arterial street. The nearest traffic counts available from the City of Tulsa Traffic Counts 2000 indicate 6,495 trips per day on East 116<sup>th</sup> Street North between North Garnett Road and North 129<sup>th</sup> East Avenue.

**UTILITIES:** Water is served to the subject tract by a rural water district and sewer is by septic systems or lagoon.

**SURROUNDING AREA:** The subject tract is surrounded on all sides by scattered single-family dwellings, zoned AG.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 15 Plan, a part of the Comprehensive Plan for Owasso, designates the subject property as Public Land Use on the northern two-thirds and Low Density Residential/Low Intensity on the southern third.

According to the Plan, the requested CG zoning **is not** in accordance with the Plan Map.

**STAFF RECOMMENDATION:**

The existing commercial zoning in the area is stripped along North Garnett Road, some distance from the subject property. Based on the existing zoning patterns and the lack of existing similar-intensity development in the area, staff cannot support the requested the CG zoning. This appears to be a case of "leapfrog" development. Staff recommends **DENIAL** of CG zoning on the subject property.

**TMAPC Comments:**

Mr. Westervelt stated that the letter from the City of Owasso states that this request is consistent with their Comprehensive Plan. In response, Ms. Matthews stated that staff had difficulty reading the Owasso Comprehensive Plan, as did the planner in Owasso. Ms. Matthews stated that staff feels that their interpretation is correct and that the northern two-thirds is designated as public land use and low density residential/low intensity is on the southern third, which would not be in accord with the Comprehensive Plan.

**Applicant's Comments:**

**Robert Summers**, 12014 East 116<sup>th</sup> Street North, Owasso, Oklahoma 74055, stated that he owns fifteen acres due south of the subject property. He explained that he currently has the subject property under contract and should have closed prior to today's meeting. He indicated that there are some title problems. He commented that he is representing Dr. Paul Dean.

Mr. Summers stated that his request is to rezone the five acres in front and not rezone the ten acres in the back. He indicated that he would like to have mini-storage on the front five acres in order to pay for the purchase of the fifteen acres. He expressed concerns that if the fifteen acres were sold, it would turn into a residential subdivision.

**TMAPC Comments:**

Mr. Westervelt asked Mr. Summers if he would have purchased the subject property as is if there hadn't been a title problem. In response, Mr. Summers answered affirmatively.

Mr. Midget asked Mr. Summers if he had considered RE zoning. In response, Mr. Summers explained that he owns the property behind the subject property and several interested parties own the property surrounding the subject property. Mr. Summers indicated that the largest concern was about a high-density subdivision going in. Mr. Summers stated that after meeting with the neighbors, he determined that CG would be the better of the two.

Mr. Westervelt suggested that the applicant request a continuance in order for the applicant to redesign his request. Mr. Westervelt informed Mr. Summers that the continuance does not guarantee that he would get the requested zoning. In response, Mr. Summers agreed.

Ms. Pace requested a map with the true zoning indicated before the next meeting.

After a lengthy discussion it was determined that this application should be continued for two weeks in order for the applicant to redesign his request.

**TMAPC Action; 9 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **9-0-0** (Bayles, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Selph "absent") to **CONTINUE** CZ-288 to October 17, 2001 at 1:30 p.m.

\*\*\*\*\*

**ZONING PUBLIC HEARING**

**APPLICATION NO.: CZ-292**

**Applicant:** Kyle Smalygo

**Location:** East of the northeast corner of East 156<sup>th</sup> Street and North Mingo Road

**AG TO RE**

(PD-14) (County)

**Staff Recommendation:**

**RELEVANT ZONING HISTORY:**

None

**SITE ANALYSIS:** The subject property is approximately 25 acres in size and is located east of the northeast corner of East 156<sup>th</sup> Street North and North Mingo Road. The property is gently sloping, partially wooded, vacant and zoned AG.

**STREETS:**

<b>Exist Access</b>	<b>MSHP R/W</b>	<b>Exist. No. Lanes</b>
East 156 <sup>th</sup> Street North	100'	2 lanes
North Mingo Road	100'	2 lanes

The Major Street and Highway Plan designates East 156<sup>th</sup> Street North and North Mingo Road as secondary arterial streets.

**UTILITIES:** Water is available from the City of Collinsville and sewer must be by septic or lagoon.

**SURROUNDING AREA:** The subject tract is abutted on all sides by vacant land and large-lot single-family residential uses, zoned AG to the east, west and south and RE to the southeast.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 14 Plan, a part of the Collinsville Comprehensive Plan, designates the subject tract as Low Intensity-Residential. The requested RE zoning is in accord with the Plan Map.

**STAFF RECOMMENDATION:**

Based on the Comprehensive Plan and existing development, staff recommends **APPROVAL** of RE zoning for CZ-292.

**Applicant's Comments:**

**Kyle Smalygo**, 623 West Broadway, Collinsville Oklahoma, 74021, indicated that he agrees with the staff recommendation.

**Interested Parties Comments:**

**Jeff Still**, 16001 North 97<sup>th</sup> East Avenue, Collinsville, Oklahoma 74021, stated that the subject property is in a floodplain and is concerned that the applicant would build the property up too much and increase the flooding problems already existing. He indicated that his property floods when there is an abundant amount of rain and the subject property would dump onto his land.

**TMAPC Comments:**

Mr. Ledford stated that the subject property is in the County and the applicant would have to meet the County Engineering specifications. He indicated that the County does have onsite detention policies.

Mr. Westervelt stated that the applicant couldn't add to the existing flooding. Mr. Westervelt commented that when a new development occurs and the County gets involved by requiring detention, usually there is an improvement in the existing condition and does not go the other way.

Mr. Still asked how many houses could be built on the subject property if the zoning were approved. Ms. Matthews stated that RE zoning requires approximately ½ acre per lot. Mr. Stump stated that it would depend on how much property is lost to the floodplain, but could be as many as 20 to 25 homes.

**Interested Parties Comments:**

**Elizabeth Young**, 9919 159<sup>th</sup> Street North, Collinsville, Oklahoma 74021, stated that her concern is that the majority of the acreage does flood. She explained that the subject land is a relief for her land and if the land is developed it would cause flooding onto her land. She indicated that there are two creeks on the property and once it is developed there would not be deer in the area. She commented that she purchased her property to be in the country and this project would change the area.

Ms. Young expressed concerns regarding septic tanks, wetlands being destroyed, and traffic increased on the one lane road.

**TMAPC Comments:**

Mr. Westervelt reiterated that the applicant can't add to the existing flooding problems and the County Engineer would require that the applicant take on the floodwater and detain it. He stated that the Planning Commission does not deal with flooding issues and it would be dealt with through the County. He explained that the comment that the existing property owners moved to their current property to be in the country couldn't be criterion for the Planning Commission's decision because it is the right of the owner to develop his property.

Mr. Ledford stated that all of the concerns Ms. Young expressed would be dealt with during the platting process. He explained that if there are wetlands, they would have to be set aside. The FEMA floodplains would have to be set aside and it can't be developed; however, if it is regulatory floodplain, the applicant may be able to utilize the some of the property. If there is true wetland, and if the Army Corp of Engineers has deemed it so, then it can't be developed.

Mr. Ledford reminded the interested parties that they are allowed to attend the public hearings when the subject property is platted. Mr. Westervelt stated that during the platting process would be the appropriate time to discuss these issues.

Ms. Hill asked staff if DEQ would be involved in the septic tank approval. In response, Mr. Stump stated that there are other methods available to the applicant if the septic tanks are not utilized. If the applicant chooses to use septic tanks, then it would have to meet the DEQ's percolation test standards for the lot size or there would not be a building permit released.

**Interested Parties Comments:**

**Deborah Still**, 16001 North 97<sup>th</sup> East Avenue, Collinsville, Oklahoma 74021, requested to be notified when the subject property is platted.

Mr. Stump indicated that Ms. Still is an abutting property owner and would be notified.

**Connie Moody**, 10101 East 156<sup>th</sup> Street North, Collinsville, Oklahoma 74021, mailing address is Post Office Box 555, stated she is concerned that the value of her property would decrease if the subject property is developed, but she realizes that change happens. She requested that she be notified of the platting hearing for the subject property.

Ms. Pace recommended that the interested parties contact their County Commissioner, Wilbert Collins, regarding the flooding issues. Ms. Pace stated that she read in the paper where Tulsa County had received funding for floodplain study.

Ms. Matthews stated that she attended the County Commission meeting on Monday, October 1, 2001 and the same issue came up on a different piece of property in the same district. She indicated that Commissioner Collins was very adamant that there is funding available for a study in the northern part of Tulsa County and he is anxious for it to begin. Ms. Matthews concluded that Commissioner Collins assured everyone attending the meeting that this would be one of his top priorities.

Ms. Pace recognized Mr. Still. Mr. Still asked if the new development would be allowed to affect the hunting in the subject area. Mr. Still explained that he hunts deer and coyotes. Mr. Westervelt stated that the Planning Commission couldn't take the hunting situation into consideration.

Mr. Stump reminded the interested parties that the Planning Commission is a recommending body to the County Commissioners.

Mr. Westervelt stated that the Planning Commission makes a recommendation to the County Commissioners and the County Commissioners will be the final decision makers.

Ms. Pace stated that she feels more comfortable, when there is a proposal with a large amount of floodplain, in the City of Tulsa because she knows how carefully the flood problems have been worked out with Stormwater Management. Ms. Pace asked if the Planning Commission could advise the applicant that they would have a better chance if they applied for a PUD. Ms. Matthews stated that the applicant is offered the option to file a PUD as an alternative; however, it is not a requirement and is voluntary. Mr. Westervelt stated that a PUD or straight zoning has no impact on the platting or stormwater requirements.

Mr. Ledford informed Ms. Pace that the subject property is already mapped by FEMA.

**TMAPC Action; 9 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **9-0-0** (Bayles, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Selph "absent") to recommend **APPROVAL** RE zoning for CZ-292 as recommended by staff.

**Legal Description for CZ-292:**

The SW/4, NE/4, SW/4 and the W/2, SE/4, SW/4, less the E/2, E/2, W/2, SE/4, SW/4 of Section 18, T-22-N, R-14-E of the IBM, Tulsa County, according to the U. S. Government survey thereof, and located east of the northeast corner of East 156<sup>th</sup> Street North and North Mingo Road, Tulsa, Oklahoma, **From AG (Agriculture District) To RE (Residential Single-family - Estate District).**

Mr. Midget out at 3:10 p.m.

Mr. Horner out at 3:11 p.m.

\* \* \* \* \*

**APPLICATION NO.: CZ-290**

**Applicant:** Morris Pearce

**Location:** 25103 West Coyote Trail

**AG TO IL**

(PD-23) (County)

**Staff Recommendation:**

**RELEVANT ZONING HISTORY:**

None.

**SITE ANALYSIS:** The subject property is approximately 5.6 acres in size and is located on the north side of West Coyote Trail (West 41<sup>st</sup> Street South) between South 249<sup>th</sup> West Avenue and South 252<sup>nd</sup> West Avenue. The property is flat, non-wooded, contains a non-conforming machine shop and a manufactured home, and is zoned AG.

**STREETS:**

<b>Exist Access</b>	<b>MSHP R/W</b>	<b>Exist. No. Lanes</b>
West Coyote Trail	100'	2 lanes

The Major Street and Highway Plan designates West Coyote Trail as a secondary arterial street.

**UTILITIES:** Subject property is served by Sand Springs Municipal Water service and sewer is by septic or lagoon systems.

**SURROUNDING AREA:** The subject tract is abutted on the north by vacant land, zoned AG; to the south and west by single-family dwellings, zoned AG and AG-R and to the east by single-family dwellings, zoned CS. Farther to the west across South 255<sup>th</sup> West Avenue is a fire station, zoned AG-R; and farther to the southeast is a church, also zoned AG-R.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 23 Plan, a part of the Comprehensive Plan for the City of Sand Springs Area, designates the subject tract as Low Intensity – Residential.

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

**STAFF RECOMMENDATION:**

The overall character of the area is one of large-lot single-family residential uses. The requested IL is not compatible with that and the existing use is clearly an intrusion into the area. Therefore, based on these facts and the Comprehensive Plan, staff recommends **DENIAL** of IL zoning for CZ-290.

**Applicant's Comments:**

**Morris Gene Pearce**, 5149 South Creek Nation Drive, Sand Springs, Oklahoma 74063, stated that he is the owner of the subject property and there reason for the request is to bring it into compliance. He explained that he thought the subject property was currently zoned for commercial use. He explained that he purchased the business from his partner in 1997.

Mr. Pearce stated that the subject facility is currently used for a machine shop. He explained that the original business on the subject property was built in the mid 1940s. He indicated that the large facility existed prior to zoning.

Mr. Pearce indicated that the rezoning is necessary in order for him to borrow money to improve the facility. He explained that it was at this time that he discovered that the subject property was not zoned correctly. He stated that the IL is the least restrictive zoning he could request and accommodate the machine shop.

**Interested Parties Comments:**

**Jack Santee**, Attorney at Law, 320 South Boston, Suite 920, Tulsa, Oklahoma 74103, stated that he represents the estate of H. M. Thralls, who owns most of Section 20. He indicated that the estate includes Rimrock Estate, which is a fairly nice residential development to the west of the subject property. He commented that the Thralls Estate also owns 40 acres in Section 19. His client opposes the requested zoning because it would affect the property values for

Rimrock Estates. Mr. Santee submitted a map indicating his client's properties (Exhibit A-1).

**TMAPC Comments:**

Mr. Westervelt asked Mr. Pearce how many he employs. In response, Mr. Pearce stated that he employs eight fulltime employees and four part-time employees at this time.

Mr. Harmon asked Mr. Pearce when he purchased the subject property. In response, Mr. Pearce stated that he purchased subject property in 1997 and the original owner owned the facility since 1978 before zoning.

Mr. Harmon asked if the buildings have been enlarged or new buildings added since 1997. In response, Mr. Pearce answered negatively.

Mr. Westervelt asked staff if the applicant could have gone to the County Board of Adjustment to resolve this issue in another way other than zoning. Mr. Westervelt asked Mr. Santee if the applicant were able to go to the CBOA and resolve this issue and continue business if it would have impacted his clients. In response, Mr. Santee stated that the estate is very splintered and it would be difficult to obtain a unanimous opinion out of all of the heirs.

Mr. Stump stated that the applicant is contending that this is an existing nonconforming use and therefore could continue. The applicant would not be able to expand the use with the current zoning. He commented that he wouldn't know what the hardship would be for a use variance, but it is possible to become in conformity by granting a use variance. In likelihood, the CBOA would advise the applicant to seek a rezoning application if the use is appropriate. If the use is not appropriate, then it should remain an existing nonconforming use that can't be expanded.

Mr. Pearce stated that he wanted to improve the subject facility and he hasn't been able to get the building permits that are required nor the financing. Mr. Pearce explained that he is not expanding the facility.

Mr. Stump suggested the Planning Commission explain the appeal process to the applicant.

Mr. Westervelt suggested that the applicant obtain a real estate attorney to help him with his financing situation if this application is not successful today.

**TMAPC Action; 7 members present:**

On **MOTION** of **HARMON**, the TMAPC voted **7-0-0** (Bayles, Harmon, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Horner, Midget, Selph "absent") to recommend **DENIAL** of the IL zoning for CZ-290 as recommended by staff.

Mr. Westervelt informed the applicant that he could appeal this decision to the County Board of Commissioners.

\* \* \* \* \*

**APPLICATION NO.: PUD-599-C-1**

**MINOR AMENDMENT**

**Applicant:** John W. Moody

(PD-18) (CD-8)

**Location:** Southwest corner of East 61<sup>st</sup> Street and South 104<sup>th</sup> East Avenue

**Staff Recommendation:**

The applicant is requesting an amendment to Planned Unit Development requirements that "the architectural style of the buildings in PUD-599-C shall be similar to that which is described in the applicant's submittal and shall be subject to approval by TMAPC at the time of site plan review".

The applicant had described the proposed building as being "like a lodge", and an architectural elevation had been submitted to staff which was eventually withdrawn that detailed a building very different from the present proposal.

Staff does not object to the new building per the architectural elevation submitted. It is not incompatible with other commercial businesses in the area. It is not, however, "like a lodge" and does not have any special features that would make it stand out architecturally or aesthetically if that was the original intent for the Planned Unit Development.

Staff can recommend **APPROVAL** of the minor amendment with the realization that this structure is designed to be similar to those in the immediate area with no exceptional architectural features.

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

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

**TMAPC Action; 7 members present:**

On **MOTION** of **HARMON**, TMAPC voted **7-0-0** (Bayles, Harmon, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Horner, Midget, Selph "absent") to **APPROVE** the minor amendment for PUD-599-C-1 as recommended by staff.

\* \* \* \* \*

**OTHER BUSINESS:**

**APPLICATION NO.:** PUD-599-C

**DETAIL SITE PLAN**

**Applicant:** Clint Herman/John W. Moody

(PD-18) (CD-8)

**Location:** Southwest corner of East 61<sup>st</sup> Street and South 104<sup>th</sup> East Avenue

**Staff Recommendation:**

The applicant is requesting a detail site plan approval for a new automobile body shop and coffee shop. The body shop and office will be 19,160 square feet. The coffee shop will be 1,110 square feet.

The site plan as submitted meets the development standards for the Planned Unit Development in which it is located with one exception. The PUD anticipated a building that looks "like a lodge". The submitted building elevations show a metal building with some brickwork surrounding the lower half of the structure.

Staff can recommend **APPROVAL** of the site plan as submitted, because of its conformance to the PUD standards, if the minor amendment concerning the architectural style of the building is approved through a separate item on this agenda.

*Note: Detail site plan approval does not constitute sign or landscape plan approval.*

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

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

**TMAPC Action; 7 members present:**

On **MOTION** of **HARMON**, TMAPC voted **7-0-0** (Bayles, Harmon, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Horner, Midget, Selph "absent") to **APPROVE** the detail site plan for PUD-599-C as recommended by staff.

\*\*\*\*\*

**APPLICATION NO.:** PUD-567-C

**DETAIL SITE PLAN**

**Applicant:** Steve Powell/Stephen Schuller

(PD-18) (CD-8)

**Location:** West of southwest corner of East 71<sup>st</sup> Street and South Garnett

**Staff Recommendation:**

The applicant is requesting a detail site plan approval for a new 3,640 square foot Wendy's restaurant. The use proposed is in conformance with the Planned Unit Development in which it is located.

The proposed site plan meets the development standards for the PUD for the property.

Staff recommends **APPROVAL** of the detail site plan as submitted.

Note: Detail site plan approval does not constitute landscape or sign plan approval.

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

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

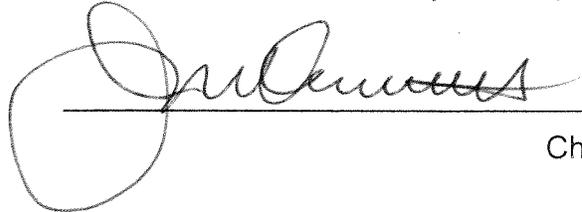
**TMAPC Action; 7 members present:**

On **MOTION** of **HARMON**, TMAPC voted **7-0-0** (Bayles, Harmon, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Horner, Midget, Selph "absent") to **APPROVE** the detail site plan for PUD-567-C as recommended by staff.

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There being no further business, the Chairman declared the meeting adjourned at 3:30 p.m.

Date Approved: 16-17-01

  
\_\_\_\_\_  
Chairman

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