

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2289

Wednesday, October 17, 2001, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Bayles	Carnes	Beach	Romig, Legal
Harmon	Hill	Bruce	
Horner	Ledford	Dunlap	
Jackson	Selph	Huntsinger	
Midget		Matthews	
Pace		Stump	
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, October 15, 2001 at 9:00 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 1:36 p.m.

Minutes:

Approval of the minutes of October 3, 2001, Meeting No. 2288

On **MOTION** of **HORNER**, the TMAPC voted 6-0-0 (Bayles, Harmon, Horner, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Hill, Jackson, Ledford, Selph "absent") to **APPROVE** the minutes of the meeting of October 3, 2001, Meeting No 2288.

REPORTS:

Chairman's Reports:

Mr. Westervelt reported that the Planning Commission received a letter from the City Council requesting the outdoor advertising amendments to be reviewed again. He requested staff to set this for a worksession as quickly as possible.

Mr. Westervelt reported that there are several changes regarding today's agenda. The changes are as follows:

Mr. Jackson in at 1:38 p.m.

APPLICATION NO.: CZ-288

AG TO CG

Applicant: Paul Dean

(PD-15) (County)

Location: East of the southeast corner of East 115th Street and North Garnett Road

The applicant has withdrawn this item.

APPLICATION NO.: PUD-600-B

MAJOR AMENDMENT

Applicant: Kevin Coutant

(PD-18) (CD-8)

Location: South of southwest corner of East 91st Street and South Toledo

Staff Recommendation:

The Planning Commission received a letter from the applicant requesting a continuance to November 7, 2001.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **7-0-0** (Bayles, Harmon, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Hill, Ledford, Selph "absent") to **CONTINUE** the major amendment for PUD-600-B to November 7, 2001 at 1:30 p.m.

Worksession Reports:

Mr. Stump stating that staff would be sending information out to the Planning Commission for the next worksession scheduled October 24, 2001.

Director's Report:

Mr. Stump reported that there are no Planning Commission items on the City Council agenda Thursday, October 18, 2001.

Amendment to the Tulsa Zoning Code

Review and possible endorsement of an ordinance revising Chapter 2 (Section 213) of Title 42 of Tulsa Revised Ordinances (Zoning Code). This amendment is a result of Commission action related to subdivisions; public hearing (8/22/01).

(Published in the Tulsa Daily Commerce and Legal News,

_____, 2001)

Ordinance No.

AN ORDINANCE AMENDING TITLE 42, TULSA REVISED ORDINANCES, CHAPTER 2, SECTION 213, RELATED TO PLATTING REQUIREMENTS; PROVIDING FOR WAIVER OR MODIFICATION OF THE PLATTING PROCESS BY THE PLANNING COMMISSION; PROVIDING FOR THE ACCELERATED RELEASE OF BUILDING PERMITS IN CERTAIN CIRCUMSTANCES; REPEALING ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY OF TULSA:

Section 1. That Title 42, Chapter 2, Section 213, Tulsa Revised Ordinances, be and the same is hereby amended to read as follows:

SECTION 213. PLATTING REQUIREMENT B EXCEPTIONS

A. Requirement. For the purposes of providing a proper arrangement of streets and assuring the adequacy of open spaces for traffic, utilities, and access of emergency vehicles, commensurate with the intensification of land use customarily incident to a change of zoning, a platting requirement is established. No building permit or zoning clearance permit shall be issued until that portion of a tract on which the permit is sought has been included within a subdivision plat or replat, submitted to and approved by the Planning Commission and filed of record in the office of the County Clerk where the property is situated. This platting requirement shall be applicable to any land which has been as follows:

1. For any land which has been rRezoned to a zoning classification other than AG upon application of a private party; or

2. for any land which has been gGranted a special exception by the Board of Adjustment as enumerated within Use Units 2, 4, 5, 8 and 20, ~~ne~~

~~building permit or zoning clearance permit shall be issued until that portion of the tract on which the permit is sought has been included within a subdivision plat or replat, as the case may be, submitted to and approved by the Planning Commission, and filed of record in the office of the County Clerk where the property is situated.~~

B. Exceptions. Provided that the Planning Commission, pursuant to their exclusive jurisdiction of subdivision plats, may remove the platting requirement upon a determination that the above stated purposes have been achieved by previous platting or could not be achieved by a plat or replat:

1. Waive the platting requirement upon a determination that the purposes have been achieved by previous platting, have or will be achieved by other actions, including any conditions prescribed by the Commission, or could not be achieved by plat or replat;

2. Amend the plat review procedure and authorize the processing of a minor subdivision plat upon the determination that no new streets will be built and that minimal public improvements will be required; or

3. Recommend the accelerated release of a building permit upon approval of a proposed preliminary plat, thereby enabling building permits to be issued prior to the filing of the final plat. Such approval of an accelerated release shall require dedication of public street right of way to conform with the requirements of the Major Street and Highway Plan prior to issuance of a building permit. Prior to such release the Commission shall determine that extraordinary or exceptional circumstances warrant the release and that compliance with the filing of the final plat is reasonably assured. In the exercise of its discretion to recommend any accelerated release of a building permit, the Commission may:

a. Waive the requirement for street dedication as a condition of approval of a building permit being released prior to filing of a final plat. Such waiver may only occur upon a determination that circumstances related to the particular project reasonably preclude the future use/improvement of the area for which dedication would be required;

b. Determine that no final inspection of buildings or structures occur, that no occupancy permit shall be issued and that no building should be occupied until the platting requirement is fully complied with; and

c. Prescribe conditions for accelerated release of a building permit to ensure the filing of the final plat.@

Section 2. REPEAL OF CONFLICTING ORDINANCES. That all ordinances or parts of ordinances in conflict herewith be and the same are now expressly repealed.

Section 3. EMERGENCY CLAUSE. That an emergency is now declared to exist for the preservation of the public peace, health and safety, by reason whereof this ordinance shall take effect immediately from and after its passage, approval and publication.

Staff Recommendation:

Mr. Bruce stated that on August 22, 2001, the Planning Commission reviewed the proposed changes to Section 213 of the City of Tulsa Zoning Code and the Subdivision Regulations. Section 213 talks about the Planning Commission's ability to waive the platting requirements. This section has been refined to allow minor subdivision plats and a recommendation for an accelerated release of a building permit.

Mr. Bruce stated that the ordinance prepared by the Legal Department is before the Planning Commission today. He explained that the ordinance would change Section 213 of Tulsa City Zoning Code. He explained that if the City Council approves the ordinance, then a resolution would be prepared to change the Subdivision Regulations. He indicated that Legal is asking for the Planning Commission's endorsement. Mr. Bruce concluded that staff has reviewed the proposed ordinance and recommends that the Planning Commission endorse this ordinance.

TMAPC Comments:

Mr. Westervelt stated that Dwain Midget is to be complimented for helping get this item smoothed out with Public Works.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, TMAPC voted **7-0-0** (Bayles, Harmon, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Hill, Ledford, Selph "absent") to **ENDORSE** the ordinance revising Chapter 2 (Section 213) of Title 42 of Tulsa Revised Ordinances (Zoning Code) as recommended by staff.

Mr. Westervelt announced that he would be abstaining from the following items.

SUBDIVISIONS

<u>L-19206 – Sack & Associates, Inc. (2592)</u> 4402 South Peoria	(PD-6) (CD-9)
<u>L-19286 – Dennis Hodo (614)</u> 12116 North 113 th East Avenue	(PD-15) (County)
<u>L-19289 – Tulsa Development Authority (2602)</u> 1504 North Boston Avenue	(PD-2) (CD-1)
<u>L-19290 – Sack & Associates, Inc. (2683)</u> Northeast corner of East 111 th Street and Sheridan	(PD-26) (CD-8)
<u>L-19291 – Tulsa Development Authority (3602)</u> 715 North Cheyenne	(PD-2) (CD-1)
<u>L-19292 – Tulsa Development Authority (3602)</u> 701 North Cheyenne	(PD-2) (CD-1)
<u>L-19294 – City of Tulsa (1633)</u> 8820 South Yale	(PD-18) (CD-8)
<u>L-19298 – Carl Rose (1803)</u> West of southwest corner of East 46 th Street North and Lewis	(PD-25) (CD-1)
<u>L-19299 – Sack & Associates, Inc. (2592)</u> 1123 East 45 th Place	(PD-6) (CD-9)
<u>L-19302 – Sack & Associates, Inc. (3094)</u> Southwest corner of East 41 st Street and Garnett	(PD-17) (CD-5)
<u>L-19304 – QuikTrip Corporation (2083)</u> East 96 th Street at Riverside Parkway and Delaware	(PD-18) (CD-2)
<u>L-19305 – Land/Home Co., Inc. (1890)</u> South Coyote Trail, north of West 31 st Street	(PD-23) (County)

Staff Recommendation:

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

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **HORNER**, the TMAPC voted **6-0-1** (Bayles, Harmon, Horner, Jackson, Midget, Pace, "aye"; no "nays"; Westervelt "abstaining"; Midget, Selph "absent") to **RATIFY** these lot-splits given prior approval, finding them in accordance with Subdivision Regulations, as recommended by staff.

FINAL PLAT:

Megami Addition – (PUD 498-B) (784) (PD-18) (CD-8)
Southwest corner of East 73rd Street South and 101st East Avenue

Staff Recommendation:

Location: This plat consists of one lot in one block on 1.25 acres. It will be developed with hotel uses.

All releases are in and the plat is in order with the exception of minor changes to the covenants required by the Legal Department. Staff recommends **APPROVAL** of the final plat subject to Legal Department requirements.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 7 members present:

On **MOTION** of **HORNER**, TMAPC voted **7-0-0** (Bayles, Harmon, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Hill, Ledford, Selph "absent") to **APPROVE** the final plat for Megami Addition subject to changes to the covenants required by Legal as recommended by staff.

Southern Woods Park II – (PUD 355-C) (1683) (PD-18-B) (CD-8)

Location: West of the southwest corner of East 89th Street South and South Yale Avenue

Staff Recommendation:

This plat consists of one lot in one block on 0.53 acres. It is proposed for a maximum of 8,800 SF of office uses under the PUD.

All releases are in and the plat is in order with the exception of changes to the covenants required by the Legal Department. Staff recommends **APPROVAL** of the final plat subject to Legal Department requirements.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, TMAPC voted **7-0-0** (Bayles, Harmon, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Hill, Ledford, Selph "absent") to **APPROVE** the final plat for Southern Woods Park II, subject to changes to the covenants required by Legal as recommended by staff.

PRELIMINARY PLAT:

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

Location: 74th and Memorial, south of the southeast corner

Staff Recommendation:

This plat consists of 80 lots in 10 blocks and nine reserves on 11.6 acres. It will be developed as patio homes.

This item was continued from the last hearing so the applicant could work out an arrangement with Traffic Engineering and an adjacent property owner to construct the required cul-de-sac.

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 74th 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 74th 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 10' of the 15' 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 74th 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 topography 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.

Mr. Beach explained that staff is concerned about vehicles being too close to the curb of the proposed cul-de-sac and destroying landscaping, screening walls, mailboxes, etc. The right-of-way is too close to the cul-de-sac and staff suggests that the right-of-way be expanded to at least five feet beyond the face of the curb. Mr. Beach indicated that prior to the meeting he spoke with the developer and they are asking for approval of the preliminary plat with the right-of-way as shown (40 feet radius) with a condition that there would be a requirement prohibiting structures placed within a certain distance of the face of the curb. The distance would be determined between Planning Commission staff and the Traffic Engineer. He explained that he received the drawing on Tuesday prior to today's meeting and he hasn't had time to respond in any detail. He indicated that he is comfortable with this recommendation, unless Mr. Stump has anything to add.

Mr. Stump stated that if the Planning Commission approves this preliminary plat with the proposed cul-de-sac and requirements mentioned, then he believes that the applicant would need a waiver of the Subdivision Regulations since there is not an endorsement from TAC. Mr. Beach indicated that there is not an endorsement from TAC. Mr. Stump stated that if the Planning Commission would like to approve the proposed layout, since Traffic Engineering has not endorsed this reduced right-of-way, it would require a waiver of the Subdivision Regulations.

TMAPC Comments:

Mr. Horner asked if the preliminary plat could be approved, subject to Traffic Engineering's approval as presented today. In response, Mr. Stump stated that it could, but if the applicant does not concur with the 50-foot right-of-way, then basically TAC would not approve this layout and the applicant would have to come back for a waiver of Subdivision Regulations.

Mr. Midget asked why the Planning Commission is considering this preliminary plat when all of the approvals have not come in. In response, Mr. Stump stated that he has the same question. Mr. Midget stated that he is uncomfortable approving this application conditionally. Mr. Stump commented that staff has not received any feedback from the adjacent property owner nor Traffic Engineering regarding the proposed cul-de-sac. Mr. Stump stated that the lack of feedback doesn't mean that the applicant hasn't met with these people, but staff does not have anything formal to present to the Planning Commission indicating their endorsement of the proposed layout.

Mr. Beach stated that staff's recommendation would be for **APPROVAL** of the preliminary plat, subject to approval of the cul-de-sac by Traffic Engineering, TAC and Planning Commission staff; subject to a waiver of the Subdivision Regulations allowing less than a 50-foot radius right-of-way for the cul-de-sac; subject to the construction of the cul-de-sac as a requirement and subject to a dedication of the ten-foot restricted water line easement along the private streets acceptable to Public Works.

Applicant's Comments:

Dave Sanders, 11502 South 66th East Avenue, Bixby, Oklahoma 74008, stated that he is here today because he agreed to all conditions of the PUD and worked with Engineering staff regarding a turnaround, in lieu of a full radius cul-de-sac. He explained that the sole purpose of the cul-de-sac was to allow for the turning around and exiting of the emergency vehicles and other vehicles. He stated that he designed a turnaround and Traffic Engineering approved it and it went through review (PFPI), which then was approved and signed. He indicated that all of the plans had been signed and he thought he was approved to go forward with the project. He explained that at the TAC committee the preliminary plat reverted to the PUD and it forced Mr. Beach into the position of saying that the

PUD requires a cul-de-sac, which means a circular cul-de-sac. He stated that he knew that it meant a circular cul-de-sac when they stated it, but he negotiated to the point that he had a turnaround. He explained that he is not fighting over this issue, but he doesn't want to lose the four lots. In an attempt to coordinate the two efforts he proposes a ball cul-de-sac, but asks for restrictive right-of-way. If he installs a 50-foot right-of-way as required, then with the setbacks from the right-of-way, he would lose the four lots. If he compromises and gives the standard 38-foot radius paving, but restricts the right-of-way, then with the setbacks he would not lose the four lots. In addition to the right-of-way, he realizes that he would have utility easements around the outside and that can be easily made in the deed of dedication that no structures, fences or other encumbrances may be constructed on or across the easements.

Mr. Sanders indicated that he met with Mr. Brown and it was determined that the paving radius should not be restricted and should be kept at the standard. He commented that he informed Mr. Brown that the cul-de-sac would be 40 foot in radius and Mr. Brown had no problem, but he does not have that statement in writing. He assured the Planning Commission he could obtain the statement in writing if needed. He stated that Mr. Brown did indicate that the 40-foot radius would have to be reviewed by Transportation, which has not been done at this time.

TMAPC Comments:

Mr. Westervelt asked the applicant if he was requesting the Planning Commission to approve the preliminary plat out of sequence and then have all of the approvals be subject to review by everyone who would review during a normal process. Mr. Westervelt further asked the applicant if there is some extraordinary circumstance that this route would be beneficial to him versus continuing this application in order to get the information back from all of the entities. Mr. Westervelt asked Mr. Sanders how approving this application subject to three more reviews would fast-track his project. In response, Mr. Sanders stated that he assumes that there would be a two-week continuance and during that time he would be able to design his cul-de-sac.

Mr. Horner suggested that the application be approved with the conditions stated, and if he passes all of the reviews, then he can move on without returning to the Planning Commission.

Mr. Westervelt asked Mr. Romig if there is any particular preferred route or any problems with what is being requested today. In response, Mr. Romig stated that he has no problem with the request.

Mr. Midget asked staff when the next TAC meeting would be held. In response, Mr. Beach stated that there is a TAC meeting October 18, 2001. Mr. Beach explained that the TAC members are unaware that this application would be coming before them, but he can try to prevail on them to discuss this application.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **HORNER**, the TMAPC voted **7-0-0** (Bayles, Harmon, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Hill, Ledford, Selph "absent") to recommend **APPROVAL** of the preliminary plat for French Creek Patio Homes, subject to TAC, Traffic Engineering, and staff review; subject to a waiver of the Subdivision Regulations to allow a 40-foot radius cul-de-sac; subject to special conditions and standard conditions; subject to language to prohibit material construction within the right-of-way of the cul-de-sac.

Heartland Venture II – (PUD 578-A) (2683) (PD-26) (CD-8)

Location: Northwest of East 111th Street South and South Memorial Drive

Staff Recommendation:

This plat consists of one lot in one block on 1.1 acres. It will be developed with commercial uses under the PUD.

This plat was continued from the last hearing to give time to discuss the requirement to allocate floor area for this parcel.

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

1. Zoning:

Staff: A major amendment to the PUD was approved late in 2000, which triggered a requirement to plat.

Because this plat only covers a portion of the unplatted property in the PUD, an amendment must be processed to establish development standards for this tract. After that, the plat must reflect the PUD standards and may be processed.

2. Streets/access:

Staff: No new streets or dedications to existing. There is a mutual access easement shown connecting properties to the north and the south through this tract.

Public Works Traffic & Transportation: Delete dedication language from covenants; Add "enforceable by City of Tulsa" to LNA language in

covenants.

Applicant: No comments.

3. Sewer:

Staff: No additional information.

Public Works Wastewater: Sewer needs to be extended to subject property at the southwest corner.

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: On-site detention required; easement required from detention to offsite drainage way; overland drainage easement needed to convey offsite.

Applicant: No comments.

6. Utilities:

Staff: No additional information.

Franchise Utilities: 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. Final plat shall not be approved until after a minor amendment to the PUD allocating 7,000 square feet of floor area to this parcel has been approved.

2. Provide on-site detention and all required easements satisfactory to Public Works Department.
3. The existing billboard located on the subject property shall be removed prior to approval of the 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 topography 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.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 7 members present:

On **MOTION** of **HARMON**, the TMAPC voted **7-0-0** (Bayles, Harmon, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Hill, Ledford, Selph "absent") to recommend **APPROVAL** of the preliminary plat for Heartland Venture II, subject to special conditions and standard conditions as recommended by staff.

Osage Center - (3402, 3502)

(PD-11) (CD-1)

Location: Country Club Drive/Osage Drive from Latimer to Haskell Streets

Staff Recommendation:

This plat consists of four lots in three blocks on 17.1 acres. This is a redevelopment project of the Tulsa Housing Authority and will contain multifamily residential uses. Existing multifamily residences will be removed.

This is a resubmittal of a plat that was first reviewed by TAC on May 17, 2001 and approved by the TMAPC on June 27, 2001. The property boundaries and the internal layout were modified.

The following were discussed **October 4, 2001** at the Technical Advisory Committee (TAC) meeting:

1. Zoning:

Staff: The Board of Adjustment approved a special exception to permit Use Unit 8, among others, on this property. This invokes the platting requirement. In addition, the Planning Commission approved a lot-split involving parts of this property on condition that this plat be processed and filed of record.

All underlying plats, rights-of-way, and easements are being vacated.

2. Streets/access:

Staff: Country Club Drive and West Jasper Street are being reconfigured slightly from the earlier plat in order to slow the flow of traffic.

Public Works Traffic & Transportation: Concerned that if buildings were built to the ten-foot building line along north side of Jasper, sight distance would be compromised; also noted that the utility easement is 15' in the same location, which would limit building setbacks; requested return radius on Country Club Drive at south side of Jasper be increased to 25'.

(Previous comments: Concerned that no collector streets are shown but would concede to a waiver of Subdivision Regulations considering the surrounding area and the nature of this development; change covenants to

say Osage County instead of Tulsa County; use standard street dedication language; show pedestrian easement to pedestrian bridge; show limits of no access at Tisdale Expressway and add LNA language in covenants; provide at least two physical breaks in Country Club Drive.)

Applicant: Not sure 25' radius can be achieved but will study.

3. Sewer:

Staff: No additional information.

Public Works Waste Water: No additional comments.

(Previous comments: Any ten-foot utility easement with sewer needs to be 15'; delete ten-foot building line in larger utility easement to avoid miscommunication.)

Applicant: No comments.

4. Water:

Staff: No additional information.

Public Works Water: No significant comments.

(Previous comments: Proposed a ten-foot utility easement at Haskell needs to be 15'; delete 15' restricted water line easement in Lot 1, Block 3.)

Applicant: No comments.

5. Storm Drainage:

Staff: No additional information.

Public Works Stormwater: If detention is combined for both developments, it should be made clear which part of detention is assigned to which development.

(Previous comments: Put all storm sewer in 15' easements; none are to be located under buildings; overland drainage easement will be required; detention will be required for all drainage flowing west.)

Applicant: No comments.

6. Utilities:

Staff: No additional information.

Franchise Utilities: Increase utility easements along streets in Lot 1, Block 3 from 15' to 17.5'.

Applicant: No comments.

Staff recommends **APPROVAL** of the waiver of the subdivision regulations based on the limited traffic volume in the surrounding area and the nature of this development, and **APPROVAL** of the preliminary plat subject to the standard conditions below.

Waivers of Subdivision Regulations:

1. Section 4.2.1. requires new streets to conform to the Major Street and Highway Plan (MSHP). The streets proposed on this plat are designated residential collectors with a minimum right-of-way of 60'. Applicant wants a waiver to provide 50' of right-of-way.

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 topography 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.

There were no interested parties wishing to speak.

Applicant's Comments:

Russ Fisher, Tulsa Engineering, 8734 East 113th, Tulsa Oklahoma 74136, stated that he is in agreement with the staff recommendation.

TMAPC Action; 7 members present:

On **MOTION** of **HORNER**, the TMAPC voted **7-0-0** (Bayles, Harmon, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Hill, Ledford, Selph "absent") to recommend **APPROVAL** of the preliminary plat for Osage Center, subject to a waiver of the Subdivision Regulations and standard conditions as recommended by staff.

Osage Duplexes – (3402, 3502) (PD-11)(CD-1)

Location: North Osage Drive between Fairview and Jasper Streets

Staff Recommendation:

This plat consists of three lots in three blocks on 11.7 acres. This is a redevelopment project of the Tulsa Housing Authority and will contain duplex residential uses. Existing multifamily residences will be removed.

This is a resubmittal of a plat that was first reviewed by TAC on May 17, 2001 and approved by the TMAPC on June 27, 2001. The property boundaries and the internal layout were modified.

The following were discussed **October 4, 2001** at the Technical Advisory Committee (TAC) meeting:

1. Zoning:

Staff: The Board of Adjustment approved a special exception to permit Use Units 5 & 8, among others, on this property. This invokes the platting requirement. In addition, the Planning Commission approved a lot-split involving parts of this property on condition that this plat be processed and filed of record.

All underlying plats, rights-of-way, and easements are being vacated.

2. Streets/access:

Staff: North Osage Drive is being reconfigured slightly and extended from what was shown on the first plat.

Public Works Traffic & Transportation: Add standard street dedication language.

(Previous comments: Concerned that no collector streets are shown but would concede to a waiver of Subdivision Regulations considering the surrounding area and the nature of this development; change covenants to say Osage County instead of Tulsa County; use standard street dedication language; show pedestrian easement to pedestrian bridge; show limits of no access at Tisdale Expressway and add LNA language in covenants; provide at least two physical breaks in Country Club Drive.)

Applicant: No comments.

3. Sewer:

Staff: No additional information.

Public Works Waste Water: No additional comments.

(Previous comments: Any ten-foot utility easement with sewer needs to be 15'; delete ten-foot building line in larger utility easement to avoid miscommunication.)

Applicant: No comments.

4. Water:

Staff: No additional information.

Public Works Water: No additional comments.

(Previous comments: Proposed ten-foot utility easement at Haskell needs to be 15'; delete 15' restricted waterline easement in Lot 1, Block 3.)

Applicant: No comments.

5. Storm Drainage:

Staff: No additional information.

Public Works Stormwater: No additional comments.

(Previous comments: Put all storm sewer in 15' easements; none are to be located under buildings; overland drainage easement will be required; detention will be required for all drainage flowing west.)

Applicant: No comments.

6. Utilities:

Staff: No additional information.

Franchise Utilities: Eleven-foot utility easement requested along north side Lot 1, Block 2.

Applicant: No comments.

Staff recommends **APPROVAL** of the waiver of the subdivision regulations based on the limited traffic volume in the surrounding area and the nature of this development, and **APPROVAL** of the preliminary plat subject to the standard conditions below.

Waivers of Subdivision Regulations:

1. Section 4.2.1. requires new streets to conform to the Major Street and Highway Plan (MSHP). The streets proposed on this plat are designated residential collectors with a minimum right-of-way of 60'. Applicant wants a waiver to provide 50' of right-of-way.

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 topography 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.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 7 members present:

On **MOTION** of **HORNER**, the TMAPC voted **7-0-0** (Bayles, Harmon, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Hill, Ledford, Selph "absent") to recommend **APPROVAL** of the preliminary plat for Osage Duplexes, subject to a waiver of the Subdivision Regulations and standard conditions as recommended by staff.

RENNAISSANCE ON MEMORIAL - (PUD 523-B) (1383) (PD-18) (CD-8)

Location: East 81st Street South and South Memorial Drive

Staff Recommendation:

This plat consists of one lot in one block on 2.4 acres

The following information was presented at the Technical Advisory Committee (TAC) meeting of October 4, 2001.

GENERAL

The site is located south of the south boundary of St. John's Medical Park. It is abutted on the north by the medical park, on the east by town homes, on the south by 84th Street (private street) with AG land beyond, and on the west by Memorial Drive.

Uses allowed per the PUD include offices, studios, support services, eating establishments other than drive-ins, convenience and shopping goods and services (Use Units 11-14). Certain restrictions per the PUD apply.

The permitted uses will be located in one building per the PUD.

STREETS

The plat shows two access points, one in the southern portion of the site and one being a mutual access with St John's at the north property line. The mutual access is placed at what appears to be an existing median break; the southern access appears to be located in an area adjacent to the southern nose of the median and should be considered for right in/out only. No access will be allowed onto 84th Street unless an easement is granted by the street's owner of record, per the PUD.

SEWER

The utilities plan shows an eight-inch sanitary sewer in an eleven-foot easement along the eastern boundary, in the south side of 84th Place and north of the north boundary in an existing easement.

Is the easement to the east existing (not shown as existing or referenced by book and page)?

WATER

An existing eight-inch water line is shown in the north side of 84th Place South.

STORM DRAIN

The plat indicates existing storm sewer to the north and south.

UTILITIES

The plat shows 20' easement to the west, 17.5' to the north, eleven-foot to the east and ten-foot to the south.

Staff presents the following comments from TAC.

1. Streets/access:

Limits of no access should be shown on 84th Street.

The covenants should address the mutual access at the north boundary.

A left-turn lane will be required for southbound traffic to enter off of Memorial.

Median modification will require a PFPI.

The current median in the south precludes left turns; right only as exists.

2. Sewer:

No comments.

3. Water:

The eight-inch line indicated by the utility plan in 84th Street should be verified.

4. Storm Drainage:

The project is in the Haikey Creek basin – on-site detention may be required; however, storm sewer is currently present on site.

5. Utilities:

PSO requests a 17.5' easement at the south and east perimeters.

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. A Limits of No Access should be shown along 84th Street.
2. The covenants should address the mutual access to the north.
- ~~3. A left turn lane will be required to accommodate left turns off of Memorial.~~
4. On-site detention may be required.

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 lines 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 topography 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.

There were no interested parties wishing to speak.

Applicant's Comments:

Russ Fisher, Tulsa Engineering, 8734 East 113th, Tulsa, Oklahoma 74136, stated that the left-turn lane off of Memorial already exists and is in place.

TMAPC Action; 7 members present:

On **MOTION** of **HORNER**, the TMAPC voted **7-0-0** (Bayles, Harmon, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Hill, Ledford, Selph "absent") to recommend **APPROVAL** of the preliminary plat for Renaissance On Memorial, subject to special conditions and standard conditions as recommended by staff.

PLAT WAIVER:

PUD 215 (1483) (PD 18) (CD 8)

8217 South 76th East Avenue

Trigger: PUD 215, TMAPC 9/27/78, CC pending 11/17/78

The following information was provided at the TAC meeting of 10/04/01.

GENERAL

The subject site is located on the east side of 76th Street, south of Lot 10, Block 1, of the Southfield Estates Addition. The owner of Lot 10 is also the owner of the subject site. The site is currently overlain by a drainage easement. The applicant indicates that the City is currently in the process of vacating the northern portion of the easement.

PURPOSE

The purpose of the request is to allow partitioning of the area to the south of Lot 10. The northern portion of the split would be attached to Lot 10; the southern portion would remain separate and remain in a drainage easement.

It is the Commission's policy that lot-splits are not allowed in a PUD prior to platting without a waiver.

ZONING

The site is currently zoned RS-3 with a PUD overlay.

STREETS

Lot 10 is accessed from 76th East Avenue – no new points of access are planned.

SEWER and Water

Sanitary sewer and water are present on Lot 10 – no new connections are planned.

STORM DRAIN

Significant discussion has occurred regarding the vacation of existing drainage easement and the ownership of the remainder of the easement to the south.

No new construction (other than accessory structures) will be allowed.

UTILITIES

It does not appear that the lot-split and attachment to Lot 10 will impact existing utility easements.

Staff provides the following information from TAC.

STREETS:

Traffic: No comment.

French: No comment.

SEWER:

PW: Can support waiver. In regard to a future lot-split – unless some mechanism is available which prohibits the development of the southern parcel (south part of the unplatted area), a sewer extension will be required.

WATER:

PW: No comment.

STORM DRAIN:

PW: No comment.

FIRE:

Fire: No comment.

UTILITIES:

No comment.

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

Staff would again note that a future lot-split would require an extension of sanitary sewer unless a document acceptable to the City Attorney's Office is filed of record indicating that the southern portion of the split is to be reserved for stormwater drainage purposes and is undevelopable.

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

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

	Yes	NO
1. Has Property previously been platted?		X
2. Are there restrictive covenants contained in a previously filed plat?		X
3. Is property adequately described by surrounding platted properties or street right-of-way?	X	

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

4. Is right-of-way dedication required to comply with major street and highway Plan?		X
5. Will restrictive covenants be filed by separate instrument?	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. X
- 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.? X

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

There were no interested parties wishing to speak.

The applicant was not present.

TMAPC Action; 7 members present:

On **MOTION** of **HORNER**, TMAPC voted **7-0-0** (Bayles, Harmon, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Hill, Ledford, Selph "absent") to **APPROVE** the plat waiver for PUD-215 as recommended by staff.

ZONING PUBLIC HEARING

APPLICATION NO.: Z-6840/PUD-656

CO TO IL/PUD

Applicant: R. L. Reynolds

(PD-18) (CD-8)

Location: South or southeast corner of East 61st Street and South Mingo Road

Staff Recommendation:

RELEVANT ZONING HISTORY:

Z-5773-SP-3 October 1999: Approval was granted for the use of the subject property and existing building from the development of prototype aeronautic simulators and related products as a Scientific Research and Development use to Use Unit 15, Other Trades and Services, for the design, development and fabrication of components of aeronautic simulators. No exterior change to the building was approved.

Z-5773-SP-2 June 1997: A detail corridor site plan was approved for the subject property that changed the existing indoor soccer and recreational facility to a facility for the development of prototype aeronautic simulators and related products. No exterior change was proposed or approved for the building. (See Z-5773-SP-1 – 1983)

Z-6254/Z-6254-SP-1 September 1989: All concurred in approval of rezoning a .4-acre lot located on the northeast corner of East 63rd Street South and South Mingo Road from RS-3 to CO and approval was also granted on a detail corridor site plan, Z-6254-SP-1 on the property for a small appliance business in the existing building.

Z-6122 October 1986: All concurred in approval of a request to rezone a .3-acre tract located on the northeast corner of East 62nd Street South and South Mingo Road from RS-3 to CS.

Z-6086 December 1985: A request to rezone the small .3-acre tract adjoining the subject property on the south, from RS-3 to OL to allow a multi-line insurance sales office was approved.

Z-5908 March 1984: A request to rezone a 3.1-acre tract located on the southeast corner of East 62nd Street South and South Mingo Road and abutting the subject tract on the north, from RS-3 to CO. Staff felt that the requested CO zoning was premature and inappropriate due to the existing single-family dwelling abutting the property and recommended denial. The adjoining property owner advised the Planning Commission that he would be requesting CO zoning. Planning Commission recommended approval of CO zoning and the City Commission concurred in approval.

Z-5903 February 1984: All concurred in approval of a request to rezone an 8.3-acre tract located south of the southeast corner of East 63rd Street and South Mingo Road from RS-3 to CO.

Z-5773/Z-5773-SP-1 January 1983: A request to rezone the subject tract from RS-3 to CO. The City Commission, per staff and Planning Commission's recommendation, approved the request for CO zoning. Approval was also granted for a detail corridor site plan for a 28,672-square foot building for an indoor soccer playfield and accessory recreational uses.

Z-6044 December 1980: A request to rezone a 1.6-acre tract on the west side of Mingo Road approximately 225' south of the southeast corner of East 62nd Street and South Mingo Road from AG to OL; staff recommended denial, the TMAPC recommended approval and the City Commission denied it.

SITE ANALYSIS: The subject property is approximately 2.37 acres in size. The property is flat, non-wooded; contains a manufacturing facility, and is zoned CO.

STREETS:

Exist. Access	MSHP R/W	Exist. No. Lanes
South Mingo Road	100'	2 lanes

The Major Street Plan designates South Mingo Road as a secondary arterial street. The City of Tulsa Traffic Counts 1998 – 1999 indicates 20,700 trips per day on South Mingo Road at East 61st Street South.

UTILITIES: Water and sewer are available to the subject property.

SURROUNDING AREA: The subject tract is abutted north by vacant land, zoned CO; to the southwest by an office and small appliance retail store, zoned OL and CO; to the east and southeast by single-family dwellings, zoned RS-3; and to the west by a vacant land, zoned AG.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Low Intensity – Corridor.

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

STAFF RECOMMENDATION:

Based on the Comprehensive Plan, surrounding uses and zoning patterns, staff cannot support the requested rezoning and therefore recommends **DENIAL** of IL zoning for Z-6840.

Related Item:

Staff Recommendation PUD-656:

The subject tract is zoned CO and consists of approximately 2.27 acres located south of the southeast corner of East 62nd Street and South Mingo Road. A corridor site plan (Z-5773-SP-1) was approved by the City Council in 1983. The permitted uses were an indoor soccer playfield and accessory recreational uses. A second corridor plan (Z-5773-SP-2) was approved on the subject tract in 1997. This plan changed the use of the existing building to allow for the development of prototype aeronautic simulators and related products as included within Use Unit 22. A third corridor site plan was approved on the subject tract in 1999. This plan again changed the permitted use to allow for the design, development and fabrication of components of aeronautic simulators as included within Use Unit 15. There was no exterior change to the building and products shipped by semi-trailer truck were limited to 15 trips per month.

As stated above, the subject tract is zoned CO. The tract is abutted on the north by vacant CO zoned property; on the east by residential uses zoned RS-3; and on the south by office uses zoned OL and residential uses zoned RS-3. There is a vacant AG-zoned property to the west of the tract, across South Mingo Road.

Rezoning application Z-6840 has been filed requesting the subject tract be rezoned from CO to IL. The PUD proposes to allow uses permitted by right and exception in an IL district; excluding Use Unit 12 A. No changes to the exterior of the building are proposed.

The District 18 Plan, a part of the Comprehensive Plan designates the subject tract as Low Intensity/Corridor. The requested zoning and PUD are not in accordance with the plan map.

Staff finds the uses proposed to not be consistent with the Comprehensive Plan or in harmony with the existing and expected development of surrounding areas.

Therefore, staff recommends **DENIAL** of PUD-656.

Mr. Dunlap stated that prior to the meeting, staff received a fax from the applicant deleting Use Unit 26 uses from the PUD approval. He explained that Use Unit 26 is Medium Intensity/Industrial Uses.

TMAPC Comments:

Mr. Harmon asked staff if Nordam is currently using the subject property. In response, Mr. Dunlap answered affirmatively. Mr. Harmon asked what Nordam used the building for. In response, Mr. Dunlap stated that it was approved for design, development and fabrication of components of aeronautical simulators as included within Use Unit 15. Mr. Harmon asked what the applicant is wanting to do that is different than what is presently being done on the subject property

today. In response, Mr. Dunlap stated that he is not sure, but the applicant is requesting to rezone to IL and to allow uses that are permitted in an IL district.

Mr. Dunlap explained that Mr. Johnsen represented Nordam and during the approval, the Planning Commission went to great lengths to ensure that it would not be an industrial type use, traffic would be minimal and the amount of truck traffic would be limited.

Applicant's Comments:

Lou Reynolds, 2727 East 21st Street, Tulsa, Oklahoma 74114, submitted photographs (Exhibit A-1) and stated that he discussed his client's plans with the neighborhood, who had no problems with this proposal. Mr. Reynolds cited the history of the subject property.

Mr. Reynolds stated that he is requesting CO with an additional use, which is IL. He explained that is conditioned on what he has requested in the PUD. The subject building is 100% climate controlled and there would be no outside activity, no outside storage and no truck or trailer container storage. There would be landscaping, screening of the dumpsters and the dumpsters moved to the north side of the property away from the residential property.

Mr. Reynolds stated that his client has leased the subject property to Weatherford Industries and they intend to fabricate gauges and valves. There will be some office space and a sales office in the subject property as well. The proposal needs to be inside a 100 percent climate controlled warehouse because of the delicate nature of the instrumentation. For these reasons, his client has chosen the subject property.

Mr. Reynolds stated that he submitted a PUD in order to ensure compatibility and that is the same goal of CO districts. He commented that this is a minimum to get his client in the subject property. The PUD would protect the residential areas and this is simply a procedural issue dealing with the Zoning Code.

TMAPC Comments:

Mr. Westervelt asked Mr. Reynolds why he didn't apply for Use Units 15 or 22 and state that his client would be doing some light assembly of gauges in the building. In response, Mr. Reynolds stated that he didn't do that because the Zoning Code states that this type of service is allowed in IL. Mr. Reynolds further stated that his client has to sign a representation and warranty, plus a five-year lease, that the subject property is zoned for the purpose and as it stands now, he couldn't do that.

Mr. Horner asked Mr. Reynolds if the proposal would be similar or identical to what Nordam was doing in the same building. In response, Mr. Reynolds stated that it would be very similar because it is a high quality process that needs to be inside of a 100 percent climate controlled building.

Mr. Westervelt asked Mr. Reynolds what difference there would be in the proposed use and the past use with regard to shipping, receiving, truck deliveries, etc. In response, Mr. Reynolds stated that there would be more shipping and receiving because the components are smaller than flight simulators. Mr. Reynolds further stated that the subject property fronts on Mingo with no access to any of the residential streets or any other streets in the subject area. Mr. Reynolds indicated that Mingo Road is in the process of becoming five lanes wide. Mr. Reynolds stated that the subject property is one-half mile from U.S. Highway 169 and one mile from the Broken Arrow Expressway. Mr. Reynolds commented that the shipping and receiving would not upset anyone in the subject area due to the expressways being so close.

Mr. Westervelt asked Mr. Reynolds if he is willing to limit the hours of operation or anything that would be helpful. In response, Mr. Reynolds stated that none has been requested and he did visit with the two residential neighbors to the south and they didn't have any issues regarding hours of operation.

Mr. Stump stated that the applicant is requesting a zoning that would allow storing of garbage trucks, warehousing distribution, beer, wine and distillery beverage distribution (high traffic type of operation). The proposed use is one of thousands that could be allowed in IL zoning. He warned the Planning Commission to not be misled that the proposal is the only use allowed, but in five years he may have a new client with a different use. If this application were approved as requested, then the many other uses would be permitted by right. There would be no restrictions on the number of trucks, deliveries, etc. If the Planning Commission is inclined to go with the underlying zoning and only this type of use, then it would best to refer this back to staff and let staff develop something that reflects the Planning Commission's desires in this regard. Currently, the proposal as it is presented today does not reflect the Planning Commission's desires for the subject area.

Mr. Reynolds stated that nothing has changed in the subject area, except that the neighborhood has become more intense and more ready for IL zoning.

Mr. Dunlap pointed out that there is no IL zoning in the subject area and IL is not consistent with Comprehensive Plan. In response, Mr. Reynolds stated that there is IL a little farther away. Mr. Dunlap stated that farther south or east there is no IL zoning found in the subject area.

Mr. Westervelt asked Mr. Reynolds if he could wait one week and let staff develop some standards. In response, Mr. Reynolds stated that he can wait one week and would be happy to work with staff to settle the issues and allow his client to utilize the subject property.

Mr. Midget expressed concerns regarding protecting the CO district and stated that there needs to be some strong limitations.

Mr. Horner stated that the uses need to be confined to a minimum and if in five years the uses change, the applicant would have to come before the Planning Commission again.

Mr. Westervelt clarified that he understands that the application would still come back with an IL request and a very restrictive PUD.

Mr. Stump stated that the CO district does not allow light manufacturing, Use Unit 25, and that is what Mr. Reynolds' client is proposing. Therefore, the applicant needs some IL zoning in order to obtain this use. The applicant is proposing IL zoning with a PUD. The staff could not go with the underlying zoning and didn't go any farther with the PUD because it is contrary to the plan. If the TMAPC feels that some light industrial zoning in the subject area is appropriate, then staff would be glad to work with the applicant to create a restrictive PUD, which would limit the use to what his client wants today.

Mr. Harmon stated that he lives less than one mile from the subject area, and having seen the changes, he believes that IL zoning would fit in the subject area.

Mr. Westervelt asked staff if the subject property were to be approved for IL zoning the Comprehensive Plan would need to be amended. In response, Mr. Stump stated that staff would recommend a housekeeping amendment or perhaps review at the whole area.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **HORNER**, the TMAPC voted **7-0-0** (Bayles, Harmon, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Hill, Ledford, Selph "absent") to **CONTINUE** Z-6840/PUD-656 to October 24, 2001 at 1:30 p.m.

APPLICATION NO.: Z-6841

Applicant: John W. Moody

Location: East of southeast corner of East 1st Street and South Quincy

RM-2 TO CH OR IL

(PD-4) (CD-4)

Staff Recommendation:

RELEVANT ZONING HISTORY:

Z-6820 May 2001: The Planning Commission and City Council unanimously approved IL zoning for the property at 110 South Rockford (the southwest corner of East First Street and South Rockford Avenue) for a heating and air conditioning business.

Z-6625 April 1998: The Planning Commission voted 8-2 to approve IL zoning east of the southeast corner of East Second Street and Peoria Avenue for warehouse use. The City Council subsequently approved it.

Z-6290 August 1990: IL zoning was approved on the property east of the northeast corner of East Second Street and Rockford Avenue.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 50' x 140' in size. The property is flat, non-wooded; contains an illegal adult entertainment establishment (neighborhood bar) that has apparently been there for some time, and is zoned RM-2.

STREETS:

Exist. Access	MSHP R/W	Exist. No. Lanes
East 1 st Street South	N/A	2 lanes
South Quincy Avenue	N/A	2 lanes

The Major Street Plan designates both streets as minor streets.

UTILITIES: Water and sewer are available to the subject property.

SURROUNDING AREA: The subject tract is abutted on the north by the M. L. King, Jr. Expressway, zoned RS-3; on the west by apartments, zoned RM-2; on the east by vacant land, zoned IL; and on the south by single-family residential uses, zoned RM-2. The general area is one of very mixed uses and conditions of property.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 4 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Special District – Industrial. The requested CH or IL zoning **may be found** in accordance with the Plan Map by virtue of the property's location within a special district.

STAFF RECOMMENDATION:

Based on the Comprehensive Plan, the site's location adjacency to an expressway, trends and existing development in the area, staff can support the

requested IL zoning and recommends **APPROVAL** of IL zoning for Z-6841. Even if the subject tract is rezoned to IL or CH the existing bar will continue to be an illegal use because it violates the provisions of Section 1408.B.3 of the Zoning Code. (Section 1408.B.3. No such use which contains a public entrance door that is within 50 feet of an R district, as set forth in Section 1212a. C. shall continue more than one year from the date this provision first became effective;).

Applicant's Comments:

John W. Moody, 7146 South Canton Avenue, Tulsa, OK 74136-6303, representing Carl White, stated that there is a bar on the subject property, which was built in 1925 and used for commercial purposes. Mr. Moody submitted photographs of the subject area and property (Exhibit B-1). He pointed out the surrounding zoning districts and indicated that the adjacent property on the east side is zoned IL.

Mr. Moody commented that there are a number of industrial uses interspersed throughout the subject area. He stated that the protestants and Councilor Watts are concerned about the operation of the bar and feel that it is inconsistent with the area. He commented that he understands that the neighborhood does not want the bar existing in the neighborhood. He explained that his client has not made a decision regarding what he wishes to do with the subject property. The bar is a nonconforming use and has been in business since the 1940's. Mr. Moody stated that whether or not the bar remains would have to be a decision made by the Board of Adjustment.

Mr. Moody stated that today's application is strictly to decide what the subject property should be zoned. It is not feasible that his client would tear down the existing building in an industrial area and build a new apartment building. He concluded that the only issue before the Planning Commission today is whether the IL zoning is an appropriate zoning classification of this use. It is under the Comprehensive Plan and it is consistent and in harmony with the existing uses, plus all of the zoning that has been occurring in the subject area. Mr. Moody stated that if the Planning Commission decides to recommend denial of this application and if the City Council denies it, then his client is faced with fighting for a nonconforming use and continuing it. The IL zoning would give his client more options and he is not here to argue about whether it would be a bar or not.

TMAPC Comments:

Mr. Stump stated that the applicant is calling this an existing nonconforming use but it is not. It is currently an illegal use. Provisions passed in the early 90's said that a 12a use that had a public entrance within 50 feet of a residentially-zoned property had to be discontinued within one year. This subject property does have a public entrance within 50 feet of a residentially-zoned piece of property. After one year the subject property became an illegal use and if it is zoned IL, it would still be illegal.

Interested Parties Opposing Z-6841:

James Carlson, 1406 East 1st Street, Tulsa, Oklahoma 74120; **Celia Yarbrough**, 1332 East First Street, Tulsa, Oklahoma 74120; **Joseph Chavez**, 1401 East Second Street, Tulsa, Oklahoma 74120; **Marla Massey**, 1406 East First, Tulsa, Oklahoma 74120; **Maria Barnes**, President of Kendall-Whittier Homeowners Association, 2252 East 7th, Tulsa, Oklahoma 74104; **Betty Turner**, Owner of Freeman Building, Route 1, Box 249, Sand Springs, Oklahoma 74063; **April Yule**, 1336 East First Street, Tulsa, Oklahoma 74120.

Interested Parties Opposing Z-6841 Comments:

The bar is an aggravation to the neighborhood; the noise level is unbearable; screening would not help the apartments regarding noise; the environment created by the bar is oppressive; the bar is currently closed and the neighborhood has improved immeasurably; the neighbors are able to enjoy the outdoors with the bar closed; the neighborhood is currently going through a revitalization and renovation effort; if the bar is allowed to reopen it would inhibit the neighborhood's efforts to improve the neighborhood; the zoning has been requested with the intent to have adult entertainment; do not allow the IL zoning and give the applicant the opportunity to request adult entertainment through the Board of Adjustment; the clientele from the bar leaves trash on his property; the neighborhood and retail owners have to call the police numerous times because of the bar and its clientele; the neighbors cited the many activities they feel are associated with the bar and is injurious to their neighborhood: prostitution, panhandling, littering surrounding properties, hypodermic needles, used condoms, public defecation, property stolen, muggings and pornographic material; the neighborhood is like a family; reopening the bar would ruin the neighborhood and interfere with the neighbors' daily lives; the applicant states that he is not sure what he would do with the property and therefore he should not change the zoning until he is sure of the intent; clientele from the bar would urinate on the sidewalks and sleep on the neighboring properties; if the IL zoning is not granted, then the applicant could not reopen the bar.

TMAPC Comments:

Mr. Westervelt explained that IL zoning is not enough zoning to allow the adult entertainment to reestablish. In response, Mr. Carlson stated that he understands that the applicant could go before the Board of Adjustment (BOA) for an exception. Mr. Carlson asked if the Planning Commission could turn down this application with the purpose stated. In response, Mr. Westervelt stated that the Planning Commission could approve the IL zoning and the BOA would make their independent decision based on what the Planning Commission does. The rezoning would not induce the BOA to consider adult entertainment if they find it injurious to the neighborhood.

Midget asked Ms. Yarbrough if she understood that if the IL zoning were to be approved it would have nothing to do with a bar. In response, Ms. Yarbrough stated that if the neighborhood could get the bar out it would be in good shape.

Ms. Yarbrough commented that she does understand the IL zoning does not give the applicant the right to reopen the bar, but it does give him the opportunity to go before the BOA for an exception.

Mr. Horner asked Mr. Chavez how long the bar has been closed. In response, Mr. Chavez stated the bar has been closed approximately four weeks and the neighborhood has seen an unbelievable change for the better.

Mr. Westervelt asked Mr. Chavez if he had a problem with the IL zoning that is proposed. In response, Mr. Chavez stated that he does not want another bar on the subject property. Mr. Chavez stated that he has seen the residential neighbors take an absolute interest and enthusiasm since he has moved in and renovated his property.

Mr. Harmon asked Ms. Massey how long she has lived in the apartments. In response, Ms. Massey stated that she moved in last June. Mr. Harmon asked Ms. Massey if the bar was closed at that time. In response, Ms. Massey stated that the bar was opened at that time. Mr. Harmon asked Ms. Massey what prompted her to move into an apartment house next to a bar. Ms. Massey stated that she loves the building that was built in 1921 and has been renovated. Ms. Massey further stated that she was aware of the bar and stayed inside most of the time because of the bar, but now that it is closed she can sit on her front porch in the evening and not be bothered by the clientele of the bar.

Mr. Horner explained that IL zoning does not preclude a bar. He reminded the interested parties that the Planning Commission is only considering a zoning change today. He commented that he is in complete sympathy with the no-bar situation, but the Planning Commission is not deciding whether there shall be a bar allowed today. Mr. Horner concluded that he agrees that there should not be a bar in the subject neighborhood.

Mr. Westervelt informed Ms. Yule that if the property remained at its current zoning or is zoned IL as requested, the Planning Commission does not have the authority to allow adult entertainment. The applicant would have to go before the BOA. Mr. Westervelt commented that the Planning Commission is not encouraging that the bar be allowed to reopen, but it is the BOA's decision.

Mr. Stump stated that the subject area is planned to be industrial and that would be one of the problems if this application was turned down. The applicant is requesting a zoning that is in conformance with the plan and normally rezoning is done in conformance with the plan. If the property is rezoned to IL it would not allow a bar on the subject property unless the applicant acquires three things: 1) a special exception from the BOA to allow a bar, which would require finding that the bar would not injure the surrounding neighborhood, 2) a variance of the 50-foot spacing for the public entrance from a residential area, which would require a show of hardship, 3) a variance of the parking, which would also require a

show of hardship. By rezoning the subject property to IL it would give the applicant the opportunity to request all of the mentioned relief, but it does not mean it would be granted.

Ms. Pace asked if the subject property remained RM, would the applicant then be able to go before the BOA. In response, Mr. Stump stated that if it remains RM, an adult entertainment establishment use is not permitted and the BOA could not grant one.

Interested Parties Comments:

Councilor Gary Watts, District 4, City Council, expressed his regret for the neighbors who have had to live with a bar that should have been closed seven years ago. He indicated that he had a specific complaint about this situation a year and half ago and thought he had made a very clear request to have it reviewed in light of Use Unit 12a. He commented that he doesn't know where the ball was dropped and apologizes to the neighborhood.

Mr. Watts stated that he is well aware of the challenges the Planning Commission faces and the standards that are supposed to apply. He requested the Planning Commission use their creativity regarding this issue. He stated that in order for the applicant to reopen his bar he needs a zoning change and the IL zoning gives him the opportunity to request relief in order to reopen.

Mr. Watts stated that too often, perhaps when acting on zoning, we rely too much on the BOA and as a result we have neighbors like today who have to go through these processes over and over again. The Zoning Code speaks to public safety, health, etc., and today's application, on its face, is requesting what is presently an illegal use. There is a history of activity associated with the bar that is anything but consistent with the health and safety of the subject neighborhood. When the Comprehensive Plan is applied, it does speak to the subject area being a special district to move toward industrial land use. The Comprehensive Plan is possibly 20 years old and does not recommend that everything should be rezoned to IL. It speaks to a transition and circulation of vehicles throughout the area to not be injurious to the residential areas.

Mr. Watts stated that in the subject area the multifamily use is coming back and the zoning is in place, which has sparked renovations in the immediate area. He requested that the CH zoning be denied and it is not called for by the Comprehensive Plan or the use patterns that exist.

Mr. Watts submitted a Tulsa Police report regarding the existing bar (Exhibit B-2). He explained that the report was prepared in order to determine what type of activity the police have been involved with at the existing bar. When an applicant appears before the Planning Commission and City Council requesting a change in zoning, then there should be some expectation that it is done in good faith. When there is an application for a use, or a continuation of a use, that has been

documented as being illegally operated for over seven years and it can't meet the requirements to be permitted, then it appears to have something less than good faith in the application. If it is truly to rezone toward the industrial transition, then the applicant should have something to indicate that this is the type of use he intends to make of it and not try an end-run around the Zoning Code in direct contradiction to the work done to eliminate this kind of use next to a residential area.

Mr. Watts stated that keeping the subject property zoned as RM does not leave the owner without options. The RM zoning would be an appropriate buffer to the RM uses close to it and the single-family residence that is behind the subject property. He indicated that the applicant could go before the BOA and ask for office use or a parking use to support the adjacent IL use or RM use, as well as the various uses that are allowed by right. The owner of the subject property would not be deprived of any use of his property. Mr. Watts concluded that he realizes that this is not an easy decision for the Planning Commission to reach and asks for their creativity and consideration of the transitions that are occurring in the subject neighborhood. Mr. Watts stated that the Planning Commission should consider if any application should be rubber-stamped, even in bad faith as this one appears, for an IL classification.

Applicant's Rebuttal:

Mr. Moody stated that he takes offense to the suggestion that this application was in bad faith because it is not. His client has looked at the subject property and has not decided what he is going to try to do. He indicated that he advised his client that it would be difficult to obtain the relief needed from the BOA in order to reopen the bar. Looking at the Comprehensive Plan and the surrounding zoning and the fact that it is an existing commercial building that has been on the property since 1925, then commercial or industrial is appropriate use for the subject property.

Mr. Moody stated that he is comfortable with the IL recommendation and requests that the Planning Commission approve this application.

TMAPC Comments:

Ms. Pace asked Mr. Moody what type of industrial use could possibly go into the subject building, and voted the lack of parking has to be considered as well. She commented that she doesn't believe it would be an appropriate zoning as it stands, but if it belonged to the parcel to the east and could be done with a PUD it would make sense. Since the subject property is next to the apartments, it would appear that it is in the proper zoning category currently. In response, Mr. Moody stated that there are a number of uses, such as storage, warehousing, different types of operations, etc. Mr. Moody explained that his client might have to seek some uses for industrial uses if there is a variance required. If the existing building isn't suitable for IL use, then his client could tear it down and still have IL-zoned land. Mr. Moody stated that with Ms. Pace's question regarding

buffering, he is not sure what would be buffered. Mr. Moody pointed out that there is IL adjacent to the subject property, CH across the street and an expressway behind it. Ms. Pace stated that there are several people present who feel they need to be buffered from heavy uses. Mr. Moody stated that an antique shop could be placed in the existing building.

Mr. Stump stated that, on the idea of a buffer, certainly the RM-2 is a medium intensity use and the IL is close to medium. The Planning Commission has a request today for CH or IL zoning and the office districts, such as OM, could be considered if a buffer is desired for the residential area to the west from the industrial to the east.

Mr. Horner stated that he feels very confident with staff's recommendation and explanation that under IL there could be no bar allowed within a 50-foot buffer, because of the door location, the size of the building and the parking. If the applicant did go to the BOA, anything that is injurious to the neighborhood would not be approved. He assured the neighbors that the Planning Commission is doing everything possible to keep the bar out of the neighborhood. He commented that there are many uses in IL that would help the neighborhood.

Mr. Midget stated that he understands the neighborhood's concerns and comments because he is familiar with the number of complaints from the subject bar. He indicated that he is hesitant to approve IL because it would allow the possibility of the applicant going before the BOA to request a special exception for a bar. By denying this application, it would eliminate the possibility of requesting the special exception for a bar. Mr. Midget suggested the applicant should come back with something more definitive.

Mr. Harmon stated that he agrees with Mr. Midget's comments. He further stated that he would prefer to see the applicant return with something like an OL that is less intrusive.

Ms. Pace asked if the IL properties next to the adjacent property have been vacant for a long time. In response, Ms. Matthews stated that the Planning Commission recently rezoned the adjacent property to IL and it has not been vacant for a very long time. The adjacent IL property is on the market.

Motion of HARMON to recommend DENIAL of the CH or IL zoning for Z-6841.

DISCUSSION:

Ms. Pace recognized James Carlson.

James Carlson, 1406 East 1st Street, Tulsa, Oklahoma 74120, stated that the vacant IL lots to the east of the subject property has a new structure on the lot and a large building has been built. He explained that the adjacent property has been split into three 50-foot lots zoned IL.

TMAPC Comments:

Mr. Harmon asked Mr. Carlson if he understands that any of the IL-zoned properties in the subject area could go before the BOA to request a bar use. In response, Mr. Carlson stated that the neighbors would be present to protest if that happens. In response, Mr. Harmon pointed out that protecting one from IL doesn't mean that it would protect the whole neighborhood.

TMAPC Action; 7 members present:

On **MOTION** of **HARMON**, the TMAPC voted **6-1-0** (Bayles, Harmon, Horner, Midget, Pace, Westervelt "aye"; Jackson "nays"; none "abstaining"; Carnes, Hill, Ledford, Selph "absent") to recommend **DENIAL** of the CH or IL zoning for Z-6841.

APPLICATION NO.: Z-6842

OM TO RS-3

Applicant: TMAPC/Terrace Drive Addition

(PD-4) (CD-4)

Location: Northeast corner of East 13th Street and South Terrace Drive

Staff Recommendation:

RELEVANT ZONING HISTORY:

BOA-18844 September 2000: The Board of Adjustment approved a request for a single-family dwelling in an OM-zoned district on property abutting the subject tract on the north.

Z-6635 June 1998: A request to rezone a 4.5-acre area located north of the northeast corner of East 15th Street and South Lewis Avenue from OL and RS-3 to CS for commercial uses, which included a large chain grocery; all concurred in approval of CS zoning.

Z-6605 October 1997: A request to rezone a lot located south of the southwest corner of East 14th Street and South Terrace Drive, located on the south side of the Broken Arrow Expressway and facing the U. S. Post Office, from RS-3 to OL; all concurred in approval of the request.

BOA-13873 January 1986: The Board of Adjustment approved a special exception to allow a single-family dwelling and an accessory garage in an OM-zoned district, on the easternmost lot of the subject tract. The Board approved the use, finding that the area was predominantly single-family dwellings.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately .78 acres in area. The property is flat, non-wooded; contains five single-family dwellings, and is zoned OM.

STREETS:

Exist. Access	MSHP R/W	Exist. No. Lanes
East 13 th Street South	N/A	2 lanes
South Terrace Drive	N/A	2 lanes

The Major Street Plan designates both Terrace Drive and East 13th Street South as minor streets. The City of Tulsa Traffic Counts 1998 – 1999 indicates 17,000 trips per day on South Lewis Avenue at the Broken Arrow Expressway.

UTILITIES: Water and sewer are available to the subject property.

SURROUNDING AREA: The subject tract is abutted on the north by single-family residential uses, zoned RS-3 and on the northeast, fronting South Lewis Avenue, by office uses, zoned OM; on the east by commercial uses, zoned CS; on the south by the Broken Arrow Expressway, zoned RS-3; and on the west by single-family residential uses, zoned RS-3.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 4 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Medium Intensity – No Specific Land Use. According to the Zoning Matrix, the requested RS-3 is in accord with the Plan Map.

STAFF RECOMMENDATION:

Based on the Comprehensive Plan, the existing single-family uses of the properties and the wishes of the property owners, staff can support the requested zoning. Therefore, staff recommends **APPROVAL** of RS-3 zoning for Z-6842.

Mr. Stump explained that the map (Exhibit C-2) indicates that all four property owners consent to the rezoning.

Interested Parties Comments:

Maria Barnes, 1319 South Terrace Drive, Tulsa, Oklahoma 74104, submitted a petition (Exhibit C-1) and requested that the Planning Commission approve the RS-3 zoning as requested. She indicated that all four owners have consented to the rezoning and have been working on this request for a long time. She stated that all four property owners are owners of single family lots and do not plan to rezone to OM.

TMAPC Comments:

Mr. Harmon asked Ms. Barnes if she has visited with all of the neighbors. In response, Ms. Barnes answered affirmatively.

Interested Parties Comments:

Councilor Gary Watts, District 4, City Council, thanked the Planning Commission for sponsoring this application and approves of the downzoning.

TMAPC Action; 7 members present:

On **MOTION** of **HARMON**, the TMAPC voted **7-0-0** (Bayles, Harmon, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Hill, Ledford, Selph "absent") to recommend **APPROVAL** of the RS-3 zoning for Z-6842 as recommended by staff.

Legal Description for Z-6842:

Lots 8, 9, 10, 11, and the South 43.05' of Lot 7, Block 10, Terrace Drive Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, and located on the northeast corner of East 13th Street South and South Terrace Drive, Tulsa, Oklahoma, **From OM (Office Medium Intensity District) To RS-3 (Residential Single-family High Density District).**

Ms. Bayles out at 3:50 p.m.

APPLICATION NO.: PUD-606-1

MINOR AMENDMENT

Applicant: Bruce Bolzle

(PD-8) (CD-2)

Location: South and west of southwest corner of West 71st Street and South Union

Staff Recommendation:

The applicant is requesting an amendment to Planned Unit Development 606 to allow Lots 1 and 5, Block 1, of the Angel Wing Addition to have two dwelling units per lot. Lots 6 through 9, Block 1, currently allow two dwellings on one lot.

The platted subdivision states that, "The use of the lots shall be limited to detached single-family residences, provided however, within Lots 6 through 9, a second detached residence or a second attached residence may be located on a lot, but shall not be in separate ownership."

Staff does not object to the addition of these two large lots allowing two residences per lot. Staff can recommend **APPROVAL** of the amendment to allow Lots 1 and 5 to have two dwelling units per lot with the conditions that only single-family dwellings be permitted, that the second residence not be in

separate ownership, and that the platted covenants be amended to reflect this change.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Comments:

Mr. Harmon asked why the applicant would want to have two homes on one lot. Mr. Harmon further asked if the proposal is for rental property. In response, Mr. Bruce Bolzle, KMO Development Group, 5550 South Lewis, Tulsa, Oklahoma 74105, stated that the purpose for two homes on one lot is to allow a mother-in-law building or guest quarters to be built. He explained that the lots are large lots and the lots are expensive, which would have large homes built on them. He stated that the homes are not built for rental purposes and he would be happy to agree that they would not be allowed for any commercial use, including rental.

Mr. Westervelt asked Mr. Bolzle if he would have a restrictive covenant to prevent the commercial use including rental. In response, Mr. Bolzle answered affirmatively.

TMAPC Action; 6 members present:

On **MOTION** of **HORNER**, TMAPC voted **6-0-0** (Harmon, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Hill, Ledford, Selph "absent") to **APPROVE** the minor amendment for PUD-606-1, subject to conditions as recommended by staff and subject to the applicant preparing a restrictive covenant prohibiting commercial use or rental purposes.

Mr. Midget out at 3:51 p.m.
Ms. Bayles in at 3:52 p.m.

OTHER BUSINESS:

APPLICATION NO.: PUD-600

Applicant: Charles Jackson

Location: 91st Street and South Toledo (Lot 7)

DETAIL SITE PLAN

(PD-18) (CD-8)

Staff Recommendation:

The applicant is requesting detail site plan approval for a new 4,246 square foot office building. The use proposed is in conformance with the adopted Planned Unit Development standards for this site.

Staff has reviewed the site plan and finds conformance to the PUD development standards. There are no medical uses proposed for the office and no separate trash enclosures.

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

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

There were no interested parties wishing to speak.

Applicant was not present.

TMAPC Action; 6 members present:

On **MOTION** of **HORNER**, TMAPC voted **6-0-0** (Bayles, Harmon, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Hill, Ledford, Midget, Selph "absent") to **APPROVE** the detail site plan for PUD-600-A as recommended by staff.

L-19275 - Sydney Allphin (PD-21) (County)

Location: 2700 West 181st Street South

Staff Recommendation:

The applicant applied to split a ten-acre tract into two five-acre tracts. After filing a lot-split application with INCOG, the applicant withdrew his/her application and has now requested a refund.

Staff would recommend **APPROVAL** of a \$35 refund for the \$50 lot-split application cost.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **HARMON**, TMAPC voted **6-0-0** (Bayles, Harmon, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Hill, Ledford, Midget, Selph "absent") to **APPROVE** the refund request for \$35.00 as recommended by staff.

Amendment to the Tulsa Zoning Code

Review and possible endorsement of an Ordinance revising Chapter 2 (Section 213) of Title 42 of Tulsa Revised Ordinances (Zoning Code). This amendment is a result of Commission action related to subdivisions; public hearing (8/22/01)

Interested Parties Comments:

Roy Johnsen, 201 West 5th Street, Suite 501, 74103, stated that he didn't realize that this item was taken at the beginning of the TMAPC meeting. He requested that it be reconsidered because he feels that there is a serious flaw in the language.

TMAPC Action; 6 members present:

On **MOTION** of **WESTERVELT**, TMAPC voted **6-0-0** (Bayles, Harmon, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Hill, Ledford, Midget, Selph "absent") to **RECONSIDER** the amendment to the Tulsa Zoning Code.

Interested Parties Comments:

Mr. Johnsen stated that he thought during the early sessions that the Planning Commission was offering some direction on the plat waiver question. He indicated that he is concerned with the exceptions, B.3. regarding the subject matter about the extension of the time to complete the platting. He stated that in the past a temporary plat waiver had been a problem because the Legal Department was advising the Planning Commission that there is no provision for a temporary plat waiver. He explained that he thought that the Planning Commission had come to the conclusion that there were some instances where a time for complying with the platting requirement could be extended. He further explained that in the past temporary plat waivers were granted so that building permits could be issued and then the property was eventually platted. He commented that he doesn't know of any instances where a temporary plat waiver was granted that didn't ultimately get platted.

Mr. Johnsen stated that the problem with the language is that it is saying that the Planning Commission is recommending the accelerated release. He questioned whom the Planning Commission would be recommending to in this instance. He explained that if an applicant demonstrates to the Planning Commission the circumstances that would warrant additional time for the plat to be completed, the preliminary plat has already been approved and the applicant would like a building permit. The way the language is written today reflects that the only action the Planning Commission would be taking would be recommending the accelerated release to someone. The recommendation would be essentially to the staff of the Building Inspection Department and he is totally surprised with the word "recommend".

Mr. Johnsen explained that, in his opinion, the Planning Commission doesn't recommend the accelerated release, but authorize the accelerated release. The Planning Commission would not be changing the requirements of the building code, but simply changing a Zoning Code requirement that states the property has to be platted. If the Planning Commission doesn't grant a waiver or variance of the platting, then the Building Inspector is not authorized to use the permit. If the Planning Commission waives the platting, then the permit can be issued,

assuming that the applicant complies with all other regulations. The way the new ordinance is written, it would only recommend the waiver, which takes the Planning Commission authority, and delegating it to Building Inspections to determine whether or not to issue the permit. He asked how the Building Inspector would determine whether or not to issue the permit.

TMAPC Comments:

Mr. Westervelt stated that he understood that Public Works wanted to make sure that the Planning Commission understands that they do not tell the Public Works Department what to do. Public Works has their process and that may be where the word "recommend" came from.

Mr. Stump stated that he believes that the word "recommending" came out of discussions with Public Works and feeling that there were many other requirements that have to be satisfied before a building permit could be issued. Public Works didn't want language that stated the Planning Commission "direct the issuance of a building permit" because the Planning Commission doesn't have that type of power. He agreed that it is debatable whether "recommend" is strong enough language to say that the building permit would not be held up for lack of platting. There may be some other way of stating that the Planning Commission could approve the issuance of a building permit if all other things were complied with, or approved not holding up a building permit because of a lack of satisfying the platting requirement. Mr. Stump commented that he believes that the word "recommend" would function the way everyone has intended it function.

Mr. Westervelt recommended that this item be continued in order give staff, Mr. Johnsen and Legal time to discuss this issue. He explained that the amendment to the Subdivision Regulations and the process, as it relates to Public Works, was challenging. He stated that Dwain Midget held a meeting with Public Works and staff in order to make the changes presented today because they were not completely satisfied with what Planning Commission was trying to accomplish.

Mr. Johnsen agreed to a continuance in order to review the language. He commented that he would distance himself from the process if it were appropriate. He stated that he feels the word "recommend" is a fundamental mistake and should be reviewed again. In response, Mr. Westervelt stated that Planning Commission is not asking Mr. Johnsen to distance himself because he has participated in the Subdivision Regulations rewrite.

Mr. Midget in at 4:00 p.m.

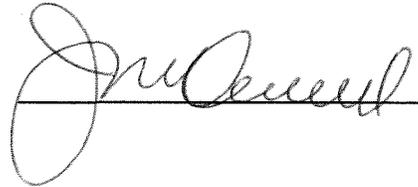
Mr. Harmon stated that the Planning Commission doesn't have the authority to issue a building permit or requiring anyone else to do so, nor recommending waiving the final plat.

TMAPC Action; 7 members present:

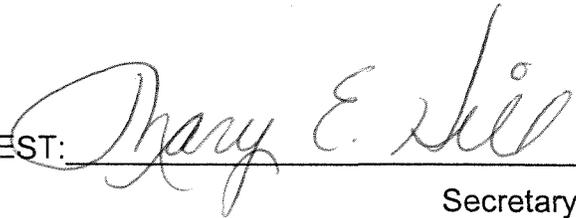
On **MOTION** of **HORNER**, the TMAPC voted **6-0-1** (Bayles, Harmon, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; Midget "abstaining"; Carnes, Hill, Ledford, Selph "absent") to **CONTINUE** the amendment to the Tulsa Zoning Code to October 24, 2001.

There being no further business, the Chairman declared the meeting adjourned at 4:05 p.m.

Date Approved: 10-07-01



Chairman

ATTEST: 

Secretary