

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2313

Wednesday, June 26, 2002, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Bayles	Dick	Dunlap	Romig, Legal
Coutant	Carnes	Fernandez	
Harmon	Horner	Huntsinger	
Hill	Ledford	Stump	
Jackson			
Midget			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Friday, June 21, 2002 at 3:15 p.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 Harmon called the meeting to order at 1:30 p.m.

### Minutes:

#### **Approval of the minutes of June 5, 2002, Meeting No. 2311**

On **MOTION** of **HILL**, the TMAPC voted 5-0-1 (Bayles, Harmon, Hill, Jackson, Westervelt "aye"; no "nays"; Coutant "abstaining"; Carnes, Dick, Horner, Ledford, Midget "absent") to **APPROVE** the minutes of the meeting of June 5, 2002, Meeting No. 2311.

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### **REPORTS:**

#### **Worksession Report:**

Mr. Harmon reported that the Planning Commission attended a worksession earlier today regarding the Brookside Infill Development Design Plan. He further reported that staff and Urban Development would be working together on this project over the next several months.

**Director's Report:**

Mr. Stump reported that the new zoning fees for the County of Tulsa were approved on June 24, 2002. The zoning fees that were sent to the City Council will be on their agenda June 27, 2002, as well as the revised Board of Adjustment fees. There are two PUDs and a resolution amending the Major Street and Highway Plan.

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Mr. Midget in at 1:32 p.m.

**ITEMS TO BE CONTINUED:**

Mr. Harmon stated that Z-6859/PUD-662 – William M. Wiles has been stricken from the agenda.

There were no interested parties wishing to speak.

**STRICKEN.**

Mr. Stump stated that staff is planning to allow the applicant to pay for new advertising fees and re-advertise this item under the same number. The applicant plans to significantly revise his original PUD proposal.

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**SUBDIVISIONS:**

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

L-19384 – Sam Childers (PD-23) (County)

Location: 19215 West Wekiwa Road

**Staff Recommendation:**

The applicant has applied to split an eight-acre parcel into two tracts. Tract A meets the AG bulk and area requirements and Tract B meets the CG bulk and area requirements; however, the required right-of-way has not been given.

Both tracts front 193<sup>rd</sup> West Avenue and Tract B also fronts Wekiwa Road. The Major Street and Highway Plan (MSHP) reflects 193<sup>rd</sup> West Avenue as a secondary arterial with 100 feet of right-of-way required. Wekiwa Road is designated as a collector street with 60 feet of right-of-way required. The existing rights-of-way provided by the subject tract are 24.75 feet on 193<sup>rd</sup> West

Avenue and 25 feet on Wekiwa Road. The applicant requested a waiver of the Subdivision Regulations requiring the additional right-of-way along both roads.

Staff is most concerned with the tract zoned CG for commercial general uses. Because of the zoning on the property, the future development of the parcel to CG zoning potential should necessitate the right-of-way dedication. A part of an existing structure is in the planned right-of-way, and could be allowed to continue with a license agreement through the County for this encroachment. Section 6.5 of the Subdivision Regulations does contain a consideration for an exception after finding that "existing structures lie in the right-of-way proposed by the Street Plan". The Tulsa County Engineers have requested a minimum of 30 feet of right-of-way from the centerline of each road.

Staff recommends **Denial** of the request for the waiver as requested. Staff can support approval of the dedication of five feet of additional right-of-way along Wekiwa Road for a total of 30 feet from the centerline in accordance with the Major Street and Highway Plan, and the dedication of 50 feet from the centerline of 193<sup>rd</sup> West Avenue or an additional 25.25 feet for the lot-split proposed with the south 200 feet (to avoid the existing structures) of Tract B along 193<sup>rd</sup> West Avenue dedicating a minimum of 30 feet of right-of-way from the centerline.

Mrs. Fernandez stated that the applicant is in the audience and he will speak to the Planning Commission, but for health reasons he has asked that members refer to his letter.

**TMAPC Comments:**

Mr. Harmon asked if the road was designated as a residential collector it would meet the right-of-way requirement. In response, Mrs. Fernandez stated that the applicant would have to dedicate 30 feet from the centerline for a 60-foot total (collector status). Mr. Stump stated that this would mean an additional five feet for a residential collector and for a secondary arterial, it would require an additional 25.25 feet. Mr. Stump explained that staff determines the right-of-way according to the Major Street and Highway Plan. Mr. Harmon asked if the Sand Springs plan differs from the adopted Major Street and Highway Plan. In response, Mr. Stump answered affirmatively. Mr. Stump indicated that a revision was recently done in order to get all inconsistencies resolved and these two roads were not mentioned as being inconsistent. Mr. Stump stated that the Sand Springs planner is stating that the two roads are different from the Major Street and Highway Plan. Mr. Harmon asked Mr. Stump when the revisions were done. In response, Mr. Stump stated that the revisions were completed last month.

Mr. Westervelt asked if the carport is the only structure that would be affected by the dedicated right-of-way. Mrs. Fernandez answered affirmatively.

**Applicant's Comments:**

**Sam Childers**, 4301 Rustic Road, Sand Springs, Oklahoma 74063, representing Jerry Childers (nephew), stated that he has some photographs to submit (Exhibit A-1). The additional easement would encroach upon the carport, even with 5 ¼ feet of right-of-way. He explained that the road goes nowhere except 8/10ths of mile to the north, and Sand Springs designates this as a collector street. At the end of the road is a large building and there is a waterline on the north side of Highway 412. There is no reason to change anything along the whole street. He commented that he could live with the 5.5 feet on Tract A. Mr. Childers cites his submitted letter and the Sand Springs planner's letter (Exhibit A-2).

Mr. Childers explained 193<sup>rd</sup> only goes 8/10ths of a mile to the Osage County line and there is no interchange off of Highway 412. There are 15 homes that use the road and with no through-traffic. The stated right-of-way would involve tearing out two overpasses if 193<sup>rd</sup> is widened.

**TMAPC Comments:**

Mr. Stump informed the Planning Commission that staff is requesting 50 feet of easement, but if the Planning Commission is inclined to approve the lot-split, there is a provision in the Subdivision Regulations that would allow the 50 feet to be waived and staff would accept 30 feet. Mr. Stump explained that the 50-foot easement would be to the back of the carport and close to the house.

Mr. Harmon asked staff if their recommendation is to have 50 feet on the north tract and 30 feet on the south tract. In response, Mr. Stump stated that it would be a compromise. Mr. Harmon asked if the carport would have to be torn down if the Planning Commission were to approve this. In response, Mr. Stump stated that the carport would be grandfathered in.

Mr. Westervelt made motion to accept staff's recommendation.

Mr. Midget stated that it does appear that staff tried to work something out for the applicant, but he understands that this is still not acceptable to the applicant. In response, Mr. Stump confirmed Mr. Midget's statement. Mr. Midget asked if the applicant doesn't accept this alternative, would he then have to go back to the 50-foot of right-of-way as requested.

Mr. Harmon stated that staff's compromise is reasonable.

Mr. Midget asked Mr. Childers if he wanted this compromise. In response, Mr. Childers stated that he would take it if that is all that could be done. Mr. Childers further stated that Tract A is zoned AG and not CG as staff indicates.

Mr. Harmon stated that if the street was reclassified, then it would still require 30 feet of right-of-way. In response, Mr. Childers stated that if the subject property were rezoned, then the Planning Commission would have a chance to obtain the easement.

Mr. Stump stated that if the northern tract is zoned AG and it were rezoned, it would become subject to platting, and before building on the subject property, the owner would have to record a subdivision plat.

Mr. Childers asked why he should have to dedicate the easements on 193<sup>rd</sup> until it is ever rezoned.

**TMAPC Action; 7 members present:**

On **MOTION** of **WESTERVELT**, TMAPC voted 7-0-0 (Bayles, Coutant, Harmon, Hill, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Horner, Ledford "absent") to recommend **DENIAL** of the requested waiver and recommends **APPROVAL** of the dedication of five feet of additional right-of-way along Wekiwa Road for a total of 30 feet from the centerline in accordance with the Major Street and Highway Plan, and the dedication of 50 feet from the centerline of 193<sup>rd</sup> West Avenue or an additional 25.25 feet for the lot-split proposed with the south 200 feet (to avoid the existing structures) of Tract B along 193<sup>rd</sup> West Avenue dedicating a minimum of 30 feet of right-of-way from the centerline as recommended by staff.

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Mr. Dunlap informed the Chairman that the detail site plan for PUD-431-B should be heard before the preliminary plat for Git-N-Go 101 Sheridan. He explained that in the PUD approval it was stated that the site plan would set the location of the north/south location of the carwash.

**APPLICATION NO.: PUD-431-B**

**DETAIL SITE PLAN**

**Applicant:** Barry E. Belt

(PD-26) (CD-8)

**Location:** East 101<sup>st</sup> Street and South Sheridan Road

**Staff Recommendation:**

The applicant is requesting approval of a detail site plan for a convenience store. The proposed use is in conformance with PUD-431-B development standards.

Parking, building area, building setbacks and building height comply with development standards. Proposed parking lot lighting meets development standards and Zoning Code requirements. Lighting of the pump canopy exceeds the 15' height maximum required by development standards, but was approved

by Minor Amendment 431-B-1. Access points onto 101<sup>st</sup> Street South have been approved by Traffic Engineering as required by development standards.

Proposed landscaped area exceeds the minimum 10% required. A three-foot high retaining wall and berm are planned for the north boundary as required by development standards, and will require review and approval through detail landscape plan review.

Staff recommends **APPROVAL** of PUD-431-B detail site plan as submitted.

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

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

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

**TMAPC Action; 7 members present:**

On **MOTION** of **WESTERVELT**, TMAPC voted 7-0-0 (Bayles, Coutant, Harmon, Hill, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Horner, Ledford "absent") to **APPROVE** the detail site plan for PUD-431-B as recommended by staff.

**Related Item:**

**PRELIMINARY PLAT:**

**Git-N-Go 101 Sheridan – PUD-431-B (2783) (PD-26) (CD-8)**

**Location:** West of the southwest corner of East 101<sup>st</sup> Street and South Sheridan Road, .8914 acres.

**Staff Recommendation:**

**This plat consists of .8914 acres.**

The following were discussed **April 4, 2002** at the Technical Advisory Committee (TAC) meeting:

**1. Zoning:**

The property is zoned PUD-431-B with underlying zones of CS and RM-1. The PUD allows a convenience store on the subject site. Surrounding uses include a May's Drug Store and general commercial uses.

Surrounding zoning includes CS, RM-1, RD and RS-3 zoning districts.

The PUD requires access to Development Area A to the east of the proposed plat and access to Development Area D to the west of the plat.

A Git-N-Go store and carwash are planned for the site. The PUD requires a 175-foot setback from the centerline of 101<sup>st</sup> Street, but states that the area where the carwash is proposed should have a setback determined at site plan approval.

Therefore, staff is preparing to process both the preliminary plat and the site plan on the same TMAPC agenda.

**2. Streets/access:**

Right-of-way to be dedicated must show book and page numbers. Standard language for dedication by the owner must be used in the Deed-of-Dedication and Restrictive Covenants. The location map needs to be corrected. Access is located as agreed to per the PUD.

**3. Sewer:**

Sewer needs to be properly extended to the property at the proper depth.

**4. Water:**

The number of meters proposed for the use of the carwash and gas station must be determined.

**5. Storm Drainage:**

Standard language for surface water must be used in the Deed of Dedication and Restrictive Covenants. Separate instruments must be filed of record for detention and drainage plans must be approved before Final Plat approval.

**6. Utilities:**

ONG: Site will be served from north side of 101<sup>st</sup> off of a four-inch steel gas main.

**7. Other:**

NA

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. Extension of water and sanitary sewer mains with appropriate easements satisfactory to the Department of Public Works.
2. Right-of-way must be dedicated in conformance with the Major Street and Highway Plan and book and page numbers shown.
3. Standard language for right-of-way dedication and stormwater drainage facilities must be used.
4. Drainage plans must be approved and separate instruments dedicated for detention before final plat approval.

**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.

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

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

**TMAPC Action; 7 members present:**

On **MOTION** of **WESTERVELT**, TMAPC voted 7-0-0 (Bayles, Coutant, Harmon, Hill, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Horner, Ledford "absent") to **APPROVE** the preliminary plat for Git-N-Go 101 Sheridan subject to special conditions and standard conditions as recommended by staff.

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**OTHER BUSINESS:**

**APPLICATION NO.: PUD-652**

**DETAIL SITE PLAN**

**Applicant:** Robert Elliott

(PD-18) (CD-9)

**Location:** 5521 South Peoria

**Staff Recommendation:**

The applicant is requesting approval of a detail site plan for a discount store. The proposed use is in conformance with PUD-652 Development Standards.

The proposed building meets all setback requirements, height restrictions and the minimum 50% masonry requirement, and exceeds minimum requirements for net landscaped area. Screening is provided on the north and east boundaries as required, with wood privacy fencing as permitted by Minor Amendment PUD-652-1. Specific location and design of the screening fence on the east boundary, according to approval language of the Minor Amendment, is to be approved by TMAPC at Detail Site Plan review. Per plan, the fence is set approximately 18" west of the east property line and is to be a typical wood screening fence.

The bulk trash container is screened as required and located 40 feet from the east boundary of the PUD as permitted by Minor Amendment PUD-652-1. The access onto East 55<sup>th</sup> Place is located 130 feet east of the PUD boundary and must be approved by Traffic Engineering as required by TMAPC.

Parking meets requirements with the exception of one space in the site's northeast corner which does not conform to minimum stall length requirements. No parking lot lighting is planned; however, the wall-mounted light facing the east boundary (residential) must not exceed 12 feet in height and must meet

development standards and zoning requirements. Lighting detail has not yet been provided.

Landscape berms are planned for the frontage along East 55<sup>th</sup> Place and South Peoria as required by development standards, and will require review and approval through detail landscape plan review.

Staff recommends **APPROVAL** of PUD-652 Detail Site Plan contingent upon the following: 1) approved detail lighting plan for wall-mounted lighting and verification in writing that no pole-mounted parking lot lighting will be used; 2) compliance with Zoning Code of parking space in site's northeast corner; and 3) Traffic Engineering approval of the site's access point onto East 55<sup>th</sup> Place (verification through qualified signature on Site Plan).

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

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

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

**TMAPC Action; 7 members present:**

On **MOTION** of **MIDGET**, TMAPC voted 7-0-0 (Bayles, Coutant, Harmon, Hill, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Horner, Ledford "absent") to **APPROVE** the detail site plan for PUD-652, subject to conditions as recommended by staff.

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**APPLICATION NO.: AC-064      ALTERNATIVE LANDSCAPE COMPLIANCE**

**Applicant:** Pat Atwood                      (PD-6) (CD-7)

**Location:** 3916 East 31<sup>st</sup> Street

**Staff Recommendation:**

The applicant is requesting approval of an Alternative Landscape Compliance plan, which is related to Board of Adjustment Case BOA-19288.

Through approving several variances, the Board reduced total landscaped area for the site to 146 S. F., 6.5% of the net lot area. The applicant wishes to provide irrigation by soaker hose. All landscaped areas are within 50 feet of the outdoor faucet, although a longer hose would be required to move around obstructions.

Section 1002.D.2.c of the Zoning Code allowed a hose attachment within 100 feet of all landscaped areas if the plan was submitted before June 30, 1996, with all later such plans to receive approval of TMAPC. Alternative compliance can be granted if the proposed plan is equivalent to or better than the requirements of the Landscaping Chapter of the Zoning Code.

Due to the relatively small aggregate landscaped area and proximity to the outdoor faucet, staff recommends **APPROVAL** of AC-064 as submitted.

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

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

**TMAPC Action; 7 members present:**

On **MOTION** of **WESTERVELT**, TMAPC voted 7-0-0 (Bayles, Coutant, Harmon, Hill, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Horner, Ledford "absent") to **APPROVE** the alternative landscape compliance for AC-064 as recommended by staff.

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There being no further business, the Chairman declared the meeting adjourned at 2:00 p.m.

Date Approved:

7-17-02



Chairman

ATTEST:

Mary E. Hill  
Secretary