

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2352

Wednesday, August 6, 2003, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, August, 4, 2003 at 8:24 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 Jackson called the meeting to order at 1:30 p.m.

Minutes:

Approval of the minutes of July, 16, 2003, Meeting No. 2350

On **MOTION** of **HARMON** the TMAPC voted 6-0-1 (Carnes, Collins, Coutant, Harmon, Horner, Jackson "aye"; no "nays"; Hill "abstain"; Bayles, Ledford, Midget, Westervelt "absent") to **APPROVE** the minutes of the meeting of July 16, 2003, Meeting No. 2350.

REPORTS:

Director's Report:

Mr. Stump reported that there is one item on the City Council agenda Thursday, August 7, 2003.

ITEMS TO BE CONTINUED:

Application No.: Z-6893

RS-1 to OL/PUD

Applicant: Rick Robinson

(PD-17) (CD-6)

Location: 13131 East 11th Street

Applicant was not present.

There were no interested parties wishing to speak.

STAFF RECOMMENDATION:

Mr. Stump reminded the Planning Commission that they had requested the applicant to return with a PUD. The applicant has not filed the PUD and staff has been unable to contact the applicant. Staff recommends to either deny the zoning request or a continuance.

TMAPC COMMENTS:

Mr. Jackson suggested continuing the application to September 17, 2003.

Ms. Hill asked if there was any reason to continue this application if the applicant hasn't kept in touch with staff. In response, Mr. Jackson stated that the applicant could be out of town.

TMAPC Action; 7 members present:

On **MOTION** of **HILL**, TMAPC voted 7-0-0 (Carnes, Collins, Coutant, Harmon, Hill, Horner, Jackson "aye"; no "nays"; none "abstaining"; Bayles, Ledford, Midget, Westervelt "absent") to **CONTINUE** Z-6893 to September 17, 2003 at 1:30 p.m.

Application No.: PUD-573-2

MINOR AMENDMENT

Applicant: Jeffrey Levinson

(PD-18) (CD-8)

Location: 7712 South Yale

STAFF RECOMMENDATION:

Staff recommends a continuance to August 20, 2003 in order to allow time to review the site plan.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **HARMON**, TMAPC voted 7-0-0 (Carnes, Collins, Coutant, Harmon, Hill, Horner, Jackson "aye"; no "nays"; none "abstaining"; Bayles, Ledford, Midget, Westervelt "absent") to **CONTINUE** the minor amendment for PUD-573-2 to August 20, 2003 at 1:30 p.m.

Application No.: Z-6902/PUD-687

RS-1 to OL/PUD

Applicant: Roy D. Johnsen

(PD-18) (CD-2)

Location: Southwest corner of East 71st Street and South Harvard

STAFF RECOMMENDATION:

An interested party has requested a continuance to August 20, 2003.

Applicant's Comments:

Roy D. Johnsen, 201 West 5th, Suite 501, Tulsa, Oklahoma 74103, representing F&M Bank, stated that Kay Bridger-Riley, (Attorney for interested parties) requested a continuance to August 20, 2003 due to a scheduling conflict. He indicated that he did discuss this request with Ms. Bridger-Riley and he has no objection to a continuance, but would prefer a three-week continuance to fit his schedule and possible conflicts. He informed the Planning Commission that he discussed this request with Mr. Steve Schuller, representing interested parties from Briarwoods, and he had no problem with the continuance.

INTERESTED PARTIES:

E.B. Miller, 7211 S. Gary Place, Tulsa, Oklahoma 74136, stated that he is present in relation to the letter that Kay Bridger-Riley submitted requesting a continuance. He explained that Ms. Bridger-Riley was brought into this case at a late date and hasn't had time to gather all the information needed due to scheduling conflicts. He requested that the Planning Commission continue this application as requested by Kay Bridger-Riley.

Mr. Jackson asked for a show of hands from the interested parties who are in favor of continuing this application. **Majority of hands were raised.**

TMAPC COMMENTS:

Mr. Carnes stated that there has been a precedent set that the Planning Commission grants a continuance to either party at least one time. Both parties are present and agree to the continuation for three weeks.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted 7-0-0 (Carnes, Collins, Coutant, Harmon, Hill, Horner, Jackson "aye"; no "nays"; none "abstaining"; Bayles, Ledford, Midget, Westervelt "absent") to **CONTINUE** Z-6902/PUD-687 to August 27, 2003 at 1:30 p.m.

Application No.: CZ-328

AG to CS

Applicant: David C. Charney

(PD-15) (County)

Location: Northeast corner of East 106th Street and Highway 75 North

STAFF RECOMMENDATION:

Mr. Stump stated that staff received a fax this morning from the applicant requesting a continuance of three weeks (August 27, 2003) in order to gather additional background information.

INTERESTED PARTIES:

Sandra Farney, 9611 North Yale, Route 1, Box 615, Sperry, Oklahoma 74073, stated that it would be difficult for some of the interested parties to return on the 27th.

Mr. Jackson recommended that the interested parties who are not able to attend the next meeting could mail or fax a letter to the Planning Commission.

TMAPC Action; 7 members present:

On **MOTION** of **HILL**, TMAPC voted 7-0-0 (Carnes, Collins, Coutant, Harmon, Hill, Horner, Jackson "aye"; no "nays"; none "abstaining"; Bayles, Ledford, Midget, Westervelt "absent") to **CONTINUE** CZ-238 to August 27, 2003 at 1:30 p.m.

Application No.: CZ-329

AG to CS

Applicant: Don A. West

(PD-15) (County)

Location: Northeast corner of East 96th Street and Highway 75 North

TMAPC COMMENTS:

Mr. Jackson stated that the applicant has requested a continuance to August 27, 2003.

The same interested party for CZ-328 was present for CZ-329.

Applicant was not present

TMAPC Action; 7 members present:

On **MOTION** of HILL, TMAPC voted 7-0-0 (Carnes, Collins, Coutant, Harmon, Hill, Horner, Jackson "aye"; no "nays"; none "abstaining"; Bayles, Ledford, Midget, Westervelt "absent") to **CONTINUE** CZ-329 to August 27, 2003 at 1:30 p.m.

Application No.: PUD-688

AG to RS-3/OL/PUD

Applicant: Robert Nichols

(PD-18) (CD-8)

Location: South of southeast corner of East 76th Street and South Sheridan Road

STAFF RECOMMENDATION:

Mr. Stump stated that this was originally a rezoning case and PUD. The Planning Commission recommended RS-3 zoning and the PUD was dropped. A new PUD has been filed with office and residential uses, and therefore the zoning application is being re-advertised for office zoning. The PUD and the zoning case should be heard together, which would be September 17, 2003.

The applicant indicated his agreement with staff's recommendation.

INTERESTED PARTIES:

Don Wyatt, 7605 South Sheridan, Tulsa, Oklahoma 74137, which is north of the subject property, stated his property is AG and he would like to keep it AG zoned. He explained that Mr. Nichols' client is his mother-in-law and his property was included without his knowledge.

TMAPC COMMENTS:

Mr. Jackson reminded Mr. Wyatt that the Planning Commission was only considering the continuance request. In response, Mr. Wyatt wanted to cite history regarding the subject property. Mr. Jackson asked Mr. Wyatt if he could return on September 17, 2003 and present his concerns. In response, Mr. Wyatt stated that he would have to take another day off from work. Mr. Jackson informed Mr. Wyatt that he could write a letter to the Planning Commission expressing his concerns if he is unable to attend the next meeting.

TMAPC Action; 7 members present:

On **MOTION** of **HILL**, TMAPC voted 7-0-0 (Carnes, Collins, Coutant, Harmon, Hill, Horner, Jackson "aye"; no "nays"; none "abstaining"; Bayles, Ledford, Midget, Westervelt "absent") to **CONTINUE** PUD-688 to September 17, 2003 at 1:30 p.m.

Application No.: Z-6904

RS-3 to IL

Applicant: Desire' Geesing

(PD-16) (CD-3)

Location: 3504 North Sheridan Road

STAFF RECOMMENDATION:

Mr. Stump stated that staff received a letter today requesting a continuance to August 20, 2003 in order to allow the applicant to obtain more information about the subject area.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **HARMON**, TMAPC voted 7-0-0 (Carnes, Collins, Coutant, Harmon, Hill, Horner, Jackson "aye"; no "nays"; none "abstaining"; Bayles, Ledford, Midget, Westervelt "absent") to **CONTINUE** Z-6904 to August 20, 2003 at 1:30 p.m.

SUBDIVISIONS:

LOT-SPLITS FOR WAIVER OF SUBDIVISION REGULATIONS:

L-19511 – Joe Coleman (9229)

(PD 9) (County)

205' east of northeast corner of 43rd Street South and 59th West Avenue

STAFF RECOMMENDATION:

The applicant has applied to split 1.08 acres (Tract 2) off a 5.2-acre tract. Both tracts meet the RS bulk and area requirements; however, Tract 2 does not have street frontage. On May 20, 2003, the County Board of Adjustment approved a variance of the 30' street frontage for Tract 2.

During the initial review, the applicant was informed that the water main line was required to be extended. He then forwarded a letter requesting a waiver of this requirement. Also, the resulting configuration of Tract 1 has more than the allowed three side-lot lines. Therefore, the applicant is also seeking a waiver of Section 4.5.1 of the Subdivision Regulations.

Upon further review of this application, it was noted that West 43rd Street is a neighborhood street that is required to provide a logical extension, whether a turn-around or a stubbed street. According to O.S.863.9, this would require that the property be platted:

“For the purpose of this act, a subdivision is defined as any division of land into five or more lots, parcels, tracts, or areas, or any division of land involving the right-of-way or alignment of an existing or proposed street or highway.”

With no proof of water service to each tract and the abovementioned finding, this property is not eligible for a lot-split. Therefore, staff recommends **DENIAL** of the requested waivers of Subdivision Regulations and of the lot-split.

Ms. Chronister stated that no additional sewer and water taps are being allowed at this time due to a lawsuit. She indicated that she discussed this with Public Works prior to today's meeting and they confirmed that the City is not allowing any additional waterlines south of 41st and only providing water to existing additions.

Applicant's Comments:

Joe Coleman, 2645 East 21st Street, Tulsa, Oklahoma 74114, cited history of Tracts 1 and 2. He explained that there are no designated uses at this time. When the bottom portion of the subject tract was sold, he was not required do a lot-split at the time, but perhaps it was a requirement.

Mr. Coleman stated that there is sanitary sewer available and he has been advised by the City that there have been agreements made to sell water to the Rural Water District. He indicated that there are sewers that tie into a lift station on the east side of the Gilcrease Expressway. He commented that he was advised that not extending the street might be acceptable because it dead-ends and water is available at the end of 43rd Street.

Mr. Coleman proposed to have a 30-foot access easement in order to have access to both properties from 43rd Street. He concluded that this proposal does comply with the Subdivision Regulations.

TMAPC COMMENTS:

Mr. Harmon asked Mr. Coleman if he was proposing to extend 43rd Street to give access to both tracts. In response, Mr. Coleman stated that he is not proposing to extend 43rd Street.

Mr. Harmon asked Mr. Coleman what he is proposing to do regarding access. In response, Mr. Coleman stated that property has already been sold and the buyer owns all of the property north of the subject property. There is no proposal by the seller or the purchaser to extend the street. Mr. Coleman stated that the Board of Adjustment granted a variance of the frontage from 30' to 0'.

Ms. Coutant asked Mr. Coleman if he was proposing to grant an easement into the subject properties. In response, Mr. Coleman stated that he is proposing to grant an access easement in order to give both parties access. Mr. Coleman demonstrated access points to the two parties' previously-owned property, which connects to the two tracts in question.

Mr. Harmon explained to Mr. Coleman that the Planning Commission has to consider accessing the subject property in the future and cannot consider that the subject property owners do not have immediate plans to develop.

Mr. Harmon stated that if a 30-foot access easement was granted then it would cut off the water main to the north tract. In response, Mr. Coleman stated that the water could be extended across the property.

Mr. Harmon suggested that before TMAPC's approving this application, the easements should be drawn to show the placement of the access and where the water main would be extended in order to supply water to the north tract.

Mr. Jackson asked Mr. Coleman if the 4.5-acre tract is owned by the same person who owns the contiguous property around it. In response, Mr. Coleman stated that it is sold to the same buyer who wants to purchase Tract 1.

Mr. Jackson asked Mr. Coleman who owns the property below Tract 2. In response, Mr. Coleman stated that it is owned by Mr. Butch Drake and he purchased Tract 2 in 1998.

In response to Mr. Jackson, Mr. Stump stated that the State Law indicates that the sale of Tract 2 to Mr. Drake is void because they did not obtain a required lot-split. The main problem is that there is a dead-end street that is three lots deep and is proposed to be four lots deep. The proposal doesn't provide a continuation to the south, which may not be necessary, but it also does not provide for a turnaround or a standard cul-de-sac. If the applicant would provide a cul-de-sac or turnaround, then he would meet the Subdivision Regulations. If he doesn't provide the turnaround or cul-de-sac, then he would be in violation of the Subdivision Regulations. When new streets are built there is a requirement

to plat the property. Subdivision Regulations require the provision of logical extension of streets or provision of cul-de-sacs on dead-end streets.

Mr. Jackson asked staff how Mr. Coleman could obtain what he is requesting. In response, Mr. Stump stated that it would require a cul-de-sac that meets City standards at the end of 43rd Street and platting the property.

Mr. Coleman stated that he was advised by Mr. Hallman, due to the fact that 43rd Street would never have an outlet and it is a dead-end, and there would not be a requirement for sewer and water since there is adjacent sewer available, that it would meet the requirements of the Subdivision Regulations. In response, Mr. Stump stated that the proposal does not meet the Subdivision Regulations because it does not provide a turnaround at 43rd Street. In response, Mr. Coleman stated that he didn't know that was a requirement. In response, Mr. Stump stated that the turnaround requirement is in the Subdivision Regulations.

There were no interested parties wishing to speak.

Mr. Harmon stated that this application appears to be piecemeal and denial is the only position he could support at this time.

TMAPC Action; 7 members present:

On **MOTION** of **HARMON** TMAPC voted 7-0-0 (Carnes, Collins, Coutant, Harmon, Hill, Horner, Jackson, "aye"; no "nays"; none "abstaining"; Bayles, Midget, Ledford, Westervelt "absent") to **DENY** the requested waivers of Subdivision Regulations and lot-split L-19511 as recommended by staff.

* * * * *

LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

- | | |
|--|------------------|
| <u>L-19550 – Marjorie Harrell</u> (2314)
7311 East 156 th Street North | (PD 14) (County) |
| <u>L-19563 – Don Lang</u> (2323)
8024 East 156 th Street North | (PD 14) (County) |
| <u>L-19564 – Jeffrey Levinson</u> (0334)
5803 East Easton | (PD 16) (CD 3) |
| <u>L-19569 – Douglas Waugh</u> (1405)
12603 East 120 th Street North | (PD 15) (County) |
| <u>L-19574 – Sisemore Weisz & Associates</u> (9432)
Southwest corner of East 52 nd Street and 125 th East Avenue | (PD 18) (CD 5) |

STAFF RECOMMENDATION:

Ms. Chronister stated that these lot-split applications all meet the zoning and Subdivision Regulation requirements and staff recommends **APPROVAL** of ratification.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **HARMON**, the TMAPC voted **7-0-0** (Carnes, Collins, Coutant, Harmon, Hill, Horner, Jackson "aye"; no "nays"; none "abstaining"; Bayles, Midget, Westervelt "absent") to **RATIFY** these lot-splits given prior approval, finding them in accordance with Subdivision Regulations as recommended by staff.

PLAT WAIVER:

LS 19556,19557,19558 – RS-3 (9426) (PD-17) (CD-6)

West Lynn Lane Road at South 176th East Avenue, Lots 1-7 and Reserves B and D, Block 4, Oxford Park

STAFF RECOMMENDATION:

The applicant is splitting off a sliver of property behind lots in the platted Oxford Park Addition. Because there will be technically more than four lot-splits, the platting requirement is triggered. Staff recommends **APPROVAL** of the plat waiver.

Staff provides the following information from TAC at their July 17, 2003 meeting:

ZONING:

TMAPC staff: The lot-split and plat waiver requirement were explained.

STREETS:

N/A

SEWER:

N/A

WATER:

N/A

STORM DRAIN:

N/A

FIRE:

N/A

UTILITIES:

N/A

Staff can recommend **APPROVAL** of the plat waiver requested.

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 R/W?	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. Would restrictive covenants be required to be filed by separate instrument if the plat were waived?		X
6. Infrastructure requirements:		
a) Water		
i. Is a main line water extension required?		X
ii. Is an internal system or fire line required?		X
iii. Are additional easements required?		X
b) Sanitary Sewer		
i. Is a main line extension required?		X
ii. Is an internal system required?		X
lii 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.
- 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.?
- 11. Are mutual access easements needed to assure adequate access to the site? X
- 12. Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations? X

Applicant was not present.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **HARMON** TMAPC voted 7-0-0 (Carnes, Collins, Coutant, Harmon, Hill, Horner, Jackson, "aye"; no "nays"; none "abstaining"; Bayles, Midget, Ledford, Westervelt "absent") to **APPROVE** the plat waiver for Lot-Splits 19556, 19557 and 19558 per staff recommendation.

PRELIMINARY PLAT:

Victory Christian Center – AG,OL,OM, RM-1 (8307) (PD-18-A) (CD-2)
7700 South Lewis Avenue

STAFF RECOMMENDATION:

This plat consists of one lot, one block, with one reserve, on 75 acres.

The following issues were discussed July 17, 2003 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned AG, OL, OM, and RM-1 (formerly under PUD 217 A).
2. **Streets:** Dedicate street right-of-way in covenants. In section I.F. we need enforcement language for LNA. A new signal needs a traffic signal easement. Include Avignon in the location map. Correct legal description. Show all existing adjacent easements. Provide right-of-way recording references for South Wheeling Avenue and the center 24.75 feet of South Lewis Avenue. Correct typos. Use a common scale.
3. **Sewer:** Show sanitary sewer size on concept plans. If the sanitary sewer connection shown on the plan is for an eight-inch diameter pipe, then another manhole will be required at the bend just outside the building and an SSID project will be required. If smaller than eight inches, then connect directly to the main line and not the manhole. Add eleven-foot easement around the Avignon property line and the north property line adjacent to Block 10. Also show the easement bordering Hillcrest and South Lewis property. Show easements on plat related to notes 5 and 9. Show easements clearly and correctly.
4. **Water:** In the northeast corner of the plat, list the book and page for 25-foot water line easement. In the conceptual plan show the 12-inch water line around the cul-de-sac at South Wheeling. Gate valves are required for fire hydrant isolation during repairs. Explain the area near the end of South Wheeling and east of the fire hydrant. Explain a 4'x8' building being built over a 12-inch water line stub-out.
5. **Storm Drainage:** Show and label FEMA floodplain for Fred Creek with required maintenance access areas per COT standard 58. On face of plan, explain what is under the 20-foot easement that overlaps at the proposed storm sewer. Is Reserve A already a City easement? The conceptual plan needs to cover the entire area. Show and label creek on location map. Limit the number of pipes into the channel and add contours.
6. **Utilities: ONG:** Clean up the easements. Easements should not overlap. A 17.5-foot easement is needed along Lewis. Covenants need standard language. **COX:** Plat is acceptable.
7. **Other: INCOG Transportation:** It is suggested that a pedestrian path be established to the building.

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. The concerns of the Public Works Department staff must be taken care of to their satisfaction.

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 therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. The method of water supply and plans therefor shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.
19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final plat.
23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.
24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

Mrs. Fernandez stated that the Transportation Department at INCOG would like to see a pedestrian path being established to the buildings. This comment will be seen more, especially in PUDs; however, it is only a suggestion at this point. To her knowledge a general pedestrian path plan is not objectionable to the engineer.

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 **HORNER** TMAPC voted 7-0-0 (Carnes, Collins, Coutant, Harmon, Hill, Horner, Jackson, "aye"; no "nays"; none "abstaining"; Bayles, Midget, Ledford, Westervelt "absent") to **APPROVE** the preliminary plat for Victory Christian Center subject to the special and standard conditions per staff recommendation.

Woodberry Farms – AG (2304)

(PD-13) (County)

Southeast corner of 186th Street North and Harvard Avenue

STAFF RECOMMENDATION:

This plat consists of 40 lots, four blocks, on 100 acres.

The following issues were discussed July 17, 2003 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned AG. A sketch plat was approved on June 4, 2003 on the property.
2. **Streets:** Addresses must conform to the E-911 system. Typos need to be corrected (see 3 R). The Fire Department will require a 96-foot cul-de-sac (this needs Skiatook's input as they will service the subdivision).
3. **Sewer:** No comment from City (too far from their system).
4. **Water:** Washington County Rural Water District # 3 is working with the applicant on the water system.
5. **Storm Drainage:** A reserve is recommended for the floodplain. Will the pond be reserved for detention?

6. **Utilities:** No comment.

7. **Other:** N/A

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. The concerns of the County Engineer must be taken care of to his satisfaction.

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 therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. The method of water supply and plans therefor shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.
19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.

22. All other Subdivision Regulations shall be met prior to release of final plat.
23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.
24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

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 **HORNER** TMAPC voted 7-0-0 (Carnes, Collins, Coutant, Harmon, Hill, Horner, Jackson, "aye"; no "nays"; none "abstaining"; Bayles, Midget, Ledford, Westervelt "absent") to **APPROVE** preliminary plat for Woodberry Farms, subject to the special and standard conditions per staff recommendation.

CHANGE OF ACCESS ON RECORDED PLAT:

Holiday Hills Center Resub. Of Reserve A, Lot 1, Block 1 – CS (PD-18-B) (CD-7)
(3393)

West of South Yale and North of 61st Street

STAFF RECOMMENDATION:

This application is made to allow a change of access along East 61st Street South. The property is zoned CS.

Staff recommends approval of the change of access. The Traffic Engineer has reviewed and approved the request. Staff recommends **APPROVAL** of the change of access 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 **HARMON** TMAPC voted 7-0-0 (Carnes, Collins, Coutant, Harmon, Hill, Horner, Jackson, "aye"; no "nays"; none "abstaining"; Bayles, Midget, Ledford, Westervelt "absent") to **APPROVE** the change of access on recorded plat for Holiday Hills Center Resubdivision of Reserve A, Lot 1, Block 1, per staff recommendation.

ZONING PUBLIC HEARING

Application No.: Z-6901

RS-3/RS-1/CS/IL to IM

Applicant: Brent Kitchen

(PD-16) (CD-6 & 3)

Location: South Port Road and North Memorial Drive

STAFF RECOMMENDATION:

Z-6596 July 1997: Approval was granted for a request to rezone a 7.5-acre tract located on the southwest corner of East 46th Street North and North Mingo Road from RS-3 to IL for a proposed commercial recreation facility for musical entertainment, bingo, and other activities.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is flat, non-wooded, contains airport runways, maintenance hangars, repair facilities, some former single-family residential sites purchased some twenty years ago by Tulsa International Airport and now vacant, and is zoned RS-1, RS-3, CS and IL.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
Port Road North	Primary arterial	120'	2 lanes
North Memorial Drive	Minor street	N/A	2 lanes

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA: The site is abutted on the north by Mohawk Park and Zoo, zoned RS-3; and on the east, west and south by Tulsa International Airport, zoned IL.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The District 16 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates this area Special District 1 – Tulsa International Airport. Plan policies (section 3.1)

call for aviation and related uses to be located in this high-intensity district. Previous Tulsa International Airport Master Plans have indicated that industrial zoning is among the most compatible with airport uses.

According to the Zoning Matrix, the requested IM zoning **may be found** in accord with the Plan by virtue of its location within a Special District.

STAFF RECOMMENDATION: Based on the Comprehensive Plan, existing uses and trends in the area, staff can support the requested IM zoning and therefore recommends **APPROVAL** of IM zoning for Z-6901.

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 **HORNER**, TMAPC voted 7-0-0 (Carnes, Collins, Coutant, Harmon, Hill, Horner, Jackson "aye"; no "nays"; none "abstaining"; Bayles, Ledford, Midget, Westervelt "absent") to recommend **APPROVAL** of IM zoning for Z-6901 per staff recommendation.

Legal Description for Z-6901:

A tract of land lying in Section 13, 14, 23, and 24, all in T-20-N, R-13-E, Tulsa County, State of Oklahoma, commencing at the Northwest corner of said Section 24, thence S 89°53'37" E along the North line of said Section 24 a distance of 660.48' to the Northeast corner of the W/2, W/2 of NW/4 of said Section 24, said point also being the Point of Beginning, thence continuing S 89°53'37" E along the North line of said Section 24 a distance of 1,981.50' to the Northeast corner of the NW/4 of said Section 24, thence S 00°01'17" W along the East line of the NW/4 of said Section 24 a distance of 1,320.03' to the Southeast corner of the N/2 NW/4 of said Section 24, thence N 89°53'00" W along the South line of the N/2, NW/4 of said Section 24 a distance of 2,643.51' to the Southwest corner of the N/2, NW/4 of said Section 24, thence S 00°05'13" W along the West line of said Section 24 a distance of 1,789.43' to a point 729.50' from the centerline of runway 8-26, thence S 89°25'24" W and parallel with and 729.50' from the centerline of runway 8-26 a distance of 1,276.72', thence N 00°35'16" W a distance of 209.74' to the Southeast corner of the Hangar 29 lease tract, thence N 00°35'16" W along the East line of the Hangar 29 lease tract a distance of 493.74' to the Northeast corner of the Hangar 29 lease tract, thence S 89°24'57" W along the North line of the Hangar 29 lease tract a distance of 363.15' to the Northwest corner of the Hangar 29 lease tract, thence S 89°24'57" W along the North line of the Hangar 30 lease tract a distance of 110.34', thence continuing along the North line of the Hangar 30 lease tract on a curve to the right having a radius of 300.00' a central angle of 39°57'35" and an arc distance of 209.23', said curve having a chord bearing of N 70°36'29" W and a chord distance of 205.01'

to the Northwest corner of the Hangar 30 lease tract, thence S 17°11'22" W along the West line of the Hangar 30 lease tract a distance of 29.51' to the Northeast corner of the Military Ramp tract, thence N 52°18'31" W along the North line of the Military Ramp tract a distance of 294.18' to the Northwest corner of the Military Ramp tract, thence S 58°01'41" W along the West line of the Military Ramp tract a distance of 12.57' to the Northeast corner of the Hangar 28 lease tract, thence N 07°52'40" W along the North line of the Hangar 28 lease tract a distance of 132.02' to a point of intersection, thence N 36°33'29" W along the North line of the Hangar 28 lease tract a distance of 372.07' to the Northwest corner of the North line of the Hangar 28 lease tract, thence along the North lines of the Hangar 23 and 25 lease tracts on a non-tangent curve to the right having a radius of 460.50' a central angle of 39°18'35" and an arc distance of 315.94', said curve having a chord bearing of N 16°50'43" W and a chord distance of 309.78', thence N 02°53'02" E along the North line of the Hangar 25 lease tract a distance of 116.02' to the Northeast corner of the Hangar 25 lease tract, thence S 87°47'39" E a distance of 22.76' to a point 50.00' West of the centerline of an existing entrance road, thence N 02°53'02" E along a line 50.00' West of the centerline of an existing entrance road a distance of 2,018.43', thence continuing along a line 50.00' West of the centerline of an existing entrance road on a curve to the left having a radius of 359.26' a central angle 18°50'11" and an arc distance of 118.11', said curve having a chord bearing of N 06°32'03" W and a chord distance of 117.58', to a point on the South right-of-way line of Port Road, thence along the South right-of-way line of Port Road on a curve to the left having a radius of 2,241.82' a central angle of 22°11'28" and an arc distance of 868.27', said curve having a chord bearing of N 56°50'06" E and a chord distance of 862.86', thence N 45°44'22" E along the South right-of-way line of Port Road a distance of 785.89', thence N 40°03'26" E along the South right-of-way line of Port Road a distance of 190.74', thence continuing along the South right-of-way line of Port Road on a curve to the right having a radius of 3,155.00' a central angle of 04°44'44" and an arc distance of 261.31', said curve having a chord bearing of N 44°46'15" E and a chord distance of 261.24', thence S 45°51'23" E a distance of 60.63', thence S 73°05'27" E a distance of 224.03', thence S 87°26'04" E a distance of 580.95' to a point on the West line of said Section 13, thence N 00°00'23" W along the West line of said Section 13 a distance of 647.99' to the Northwest corner of the SW/4 of said Section 13, thence S 89°51'16" E along the North line of the Southwest corner of said Section 13 a distance of 660.40' to the Northeast corner of the W/2, W/2, SW/4 of said Section 13, thence S 00°00'31" E along the East line of the W/2, W/2, SW/4 of said Section 13 a distance of 2,639.18' to the Northeast corner of the W/2, W/2, NW/4 of said Section 24, said point also being Point of Beginning, containing 362.28 acres more or less, and located south of Port Road and west of North Memorial Drive, Tulsa, Oklahoma, **From: RS-3, RS-1, CS & IL (Residential Single-family High Density District, Residential Single-family Low Density District, Commercial Shopping Center District and Industrial Light District) To: IM (Industrial Moderate District).**

Application No.: Z-6903/PUD-689

OM to OM/CS/PUD

Applicant: John W. Moody

(PD-17) (CD-5)

Location: Southwest corner of East 21st Street and South 109th East Avenue

STAFF RECOMMENDATION FOR Z-6903:

BOA-17575 November 1996: The Board of Adjustment approved a request for a special exception to allow a mini-storage facility on the tract abutting the subject tract on the west, subject to approval of a site plan by the Board prior to issuance of a building permit.

There has been no rezoning activity in this area.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is flat, non-wooded, vacant and zoned OM.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
East 21 st Street South	Primary arterial street	120'	4 lanes
South 109 th East Avenue	Residential street	50'	2 lanes

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA: The site is abutted on the north across East 21st Street by single-family dwellings, zoned RS-3; to the south by a childcare facility, zoned OM and apartments, zoned RM-1; to the east by a convenience store and carwash, zoned CS; and to the west by vacant land and beyond that are single-family dwellings, zoned RS-3.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates this area Medium Intensity-Office land use.

According to the Zoning Matrix, the requested CS zoning **is not** in accord with the Plan.

STAFF RECOMMENDATION: Although not in accord with the Comprehensive Plan, the proposed use does not appear to present a conflict with the existing land uses. Therefore, staff recommends **APPROVAL** of CS for Z-6903, provided that TMAPC deems the accompanying PUD-689 or some version of it appropriate.

If the TMAPC is inclined to also recommend approval, they should direct staff to prepare appropriate amendments to the District Plan.

RELATED ITEM:

STAFF RECOMMENDATION FOR PUD-689:

The PUD proposes a computer sales and repair store and an "internet coffee shop" on approximately 1.15 acres located at the southwest corner of East 21st Street and South 109th East Avenue.

The subject tract is zoned OM. Concurrently, an application (Z-6903) has been filed to rezone a portion of the tract to CS. The tract is abutted on the west by vacant property zoned OM; and on the south by a daycare center zoned OM and RM-1. To the east of the tract, across South 109th East Avenue are commercial uses zoned CS. There are single-family residential uses to the north across East 21st Street zoned RS-3, which back to 21st Street.

If Z-6903 is approved as recommended by staff, staff finds the uses and intensities of development proposed and as modified by staff to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds PUD-689 as modified by staff, to be: (1) consistent with the Comprehensive Plan if amended as recommended by staff; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD-689 subject to the following conditions:

1. The applicant's Outline Development Plan and Text be made a condition of approval, unless modified herein.

2. **Development Standards:**

Net Lot Area: 1.15 acres.

Permitted Uses:

Computer and computer accessories sales and repair as included within Use Unit 14 and internet coffee shop only as included within Use Unit 12.

Maximum Building Floor Area: 8,325 SF

Maximum Building Floor Area Ratio: .166

Maximum Building Height:

One Story, shall have a pitched roof not to exceed 20 26 feet

Minimum Building Setbacks:

From the centerline of East 21st Street 110 FT

From the centerline of South 109th East Avenue 55 FT

From the west boundary of the PUD 50 FT

From the south boundary of the PUD 100 FT

Minimum Off-Street Parking:

As required by the applicable Use Unit of the Tulsa Zoning Code.

Minimum Landscaped Area: 15% of net lot area.

Maximum Number of Lots: One

Signs:

One ground sign shall be permitted. The sign shall not exceed 15 feet in height unless it is set back from the abutting street two feet for each foot of height exceeding 15 feet. In no event shall the sign exceed 25 feet in height. The maximum display surface area of the ground sign shall not exceed 100 square feet.

Wall signs shall be permitted not to exceed one square feet of display surface per lineal foot of building wall to which attached. The length of the wall sign shall not exceed 75% of the frontage of the tenant space.

3. No zoning clearance permit shall be issued for a lot within the PUD until a detail site plan for the lot, which includes all buildings, parking screening fences and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.

4. A detail landscape plan for the lot shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved landscape plan for the lot, prior to issuance of an occupancy permit. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.
5. No sign permits shall be issued for erection of a sign on a lot within the PUD until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
6. Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement shall be prohibited.
7. All trash, mechanical and equipment areas, including building mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.
8. Lighting used to illuminate the subject tract shall be so arranged as to shield and direct the light away from adjacent residential areas. Shielding of such light shall be designed so as to prevent the light-producing element or reflector of the light fixture from being visible to a person standing in the adjacent residential areas or street right-of-way. No light standard nor building-mounted light shall exceed 15 feet in height.
9. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.
10. No building permit shall be issued until the requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.
11. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.

12. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.
13. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, nor shall trucks or truck trailers be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers shall not be used for storage.
14. Pedestrian access shall be reviewed during detail site plan review.
15. There shall be no development in the regulatory floodplain.

NOTE: Comments from July 17, 2003 TAC Meeting:

PUD-689 – Southwest corner of East 21st Street and 109th East Avenue

General Comment: Please expand text write-up for Section IV – Utilities in the applicant's outline development plan.

Water – No water comments.

Stormwater – Detention required. Need reserve for floodplain.

Wastewater – Sewer is available to the current configuration. Future lot-splits may require a mainline extension.

Transportation – Please provide legal description and plot/plan/utility exhibits.

Traffic – No comment.

Applicant's Comments:

John W. Moody, 1924 South Utica, Suite 700, Tulsa, Oklahoma 74104, stated that he is representing Mr. Chris Stevens. His client is proposing a pitched roof and would like to amend the building height to 26 feet. He explained that it would be compatible with the surrounding properties.

TMAPC COMMENTS:

Mr. Jackson asked staff if there would be a problem with the building height being 26 feet. In response, Mr. Stump stated that staff could agree to the 26 feet if the pitched roof were a requirement.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **HARMON**, TMAPC voted 7-0-0 (Carnes, Collins, Coutant, Harmon, Hill, Horner, Jackson "aye"; no "nays"; none "abstaining"; Bayles, Ledford, Midget, Westervelt "absent") to recommend **APPROVAL** of the CS zoning for Z-6903 and **APPROVAL** of PUD-689 as amended, subject to the conditions per staff recommendation.

Legal Description for Z-6903:

The East 85' of the North 200' of Lot 1, Block 3, Tiffany Park Addition, an addition to the City Tulsa, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, and located on the southwest corner of East 21st Street South and South 109th East Avenue, Tulsa, Oklahoma, **From OM (Office Medium Intensity District) To: CS (Commercial Shopping Center District)**

Legal Description for PUD-689:

Lot 1, Block 3, less and except the South 50' thereof, Tiffany Park Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, and located on the southwest corner of East 21st Street South and South 109th East Avenue, Tulsa, Oklahoma, **From OM (Office Medium Intensity District) To OM/CS/PUD (Office Medium Intensity District/Commercial Shopping Center District/Planned Unit Development [PUD-689]).**

OTHER BUSINESS:

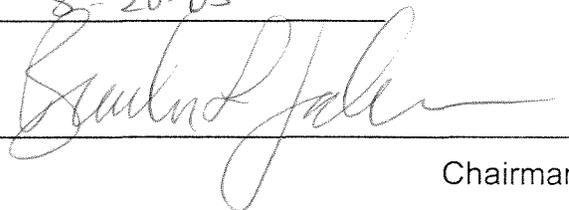
Mr. Jerry Lasker, Director of INCOG, announced that Jay Stump, Manager of Land Development Services, will be retiring at the end of September 2003. He stated that INCOG will be going through the process of interviewing replacements. He indicated that he has discussed with Chairman Brandon Jackson that INCOG would like to include members of the TMAPC on any interviews with prospective replacements.

Mr. Lasker stated that he would be sending Chairman Jackson the advertisement that would be in the newspapers and will be advertising nationally for the position.

There being no further business, the Chair declared the meeting adjourned at 2:15 p.m.

Date Approved:

8-20-03



Chairman

ATTEST: *Dell Anna Contant*

Secretary

