TULSA METROPOLITAN AREA PLANNING COMMISSION MINUTES of Meeting No. 1547 Wednesday, March 20, 1985, 1:30 p.m. City Commission Room, Plaza Level, Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Carnes Draughon Harris Higgins, 2nd Vice- Chairman Paddock VanFossen Wilson, 1st Vice- Chairman Woodard	Connery Kempe Young	Frank Gardner Lasker Phillips	Linker, Legal Department

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, March 19, 1985, at 12:14 p.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, First Vice-Chairman Marilyn Wilson called the meeting to order at 1:40 p.m.

Minutes:

On MOTION of PADDOCK, the Planning Commission voted 7-0-0 (Carnes, Draughon, Higgins, Paddock, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Connery, Harris, Kempe, Young, "absent") to APPROVE the Minutes of March 6, 1985 (No. 1545).

Report of Receipts and Deposits:

On MOTION of WOODARD, the Planning Commission voted 7-0-0 (Carnes, Draughon, Higgins, Paddock, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Connery, Harris, Kempe, Young, "absent") to APPROVE the Report of Receipts and Deposits for the month ended February 28, 1985.

Chairman's Report:

Ms. Wilson informed that the Planning Commission had requested information from the City Hydrology Department pertaining to on-site detention or fee-in-lieu of payment and noted that Mr. Ruben Haye, Chief Hydrologist for the City of Tulsa, was present to discuss this issue. Mr. Paddock, Secretary of the Commission, read the letter from Chairman Cherry Kempe, which requested the following information: (1) who determines whether on-site detention is required or whether a fee will be required; (2) how is the determination made, i.e., what criteria is used; and (3) who is responsible if the City receives a fee-in-lieu of detention but does not have a regional detention facility constructed and

the increased rate of water runoff from the new development causes drainage problems for downstream development.

Mr. Haye informed that the City Hydrology Dept. determines if fee-in-lieu of, or onsite detention (item 1) is required. He informed that item (3) is a legal question and should be referred to the legal department.

In regard to item (2), he informed there are areas of the City in which onsite detention is required; i.e., Frederick Drainage Basin and Joe Creek north of East 51st Street. Since there are few developable sites left in these areas, on-site detention will be required. The Hydrology Dept. looks at the surrounding area conditions in other areas and looks at what water would be going downstream to see if the new development would cause adverse effects. He noted that most requests filed through the Planning Commission allow the developer to decide whether to pay the fee-in-lieu of detention, or provide onsite detention. Another consideration is whether or not a detention pond is proposed.

Mr. Haye noted that several items are marked on the Floodplain Determination form included in the agenda packet on each case. If the developer is permitted to decide whether he wants to pay a fee-in-lieu of detention or provide onsite detention, a Drainage Plan is usually required. If a development is larger than 5 acres, a Grading Plan is required and if an area is located in a floodplain area, a Floodplain Permit is required.

Mr. Paddock advised that he felt the payment of the fee-in-lieu of detention is not adequate to fund a detention facility. Mr. Haye informed that the fees are placed in the General Fund until such time as enough money is available for the project. Mr. Haye informed that consideration of an adjustment in the fees is supposed to come up soon and he would be submitting a report to Commissioner Metcalfe in this regard. The fees have been set according to what it would cost to build a detention facility in the past; however, these fees did not increase as had been expected due to the slowdown of the economy in Tulsa. He advised that the City of Tulsa would probably always have to add money to the fund to build the regional detention ponds and noted that the City is using tax money to add funds to those detention facilities already proposed.

Mr. Haye showed a topographical map of the Tulsa area and informed it depicts the floodplains within the City of Tulsa. He noted areas on the map which are designated floodplains, creek basins, proposed detention facilities and an area in which a detention pond (Bishop Detention Facility) was recently completed. He informed that this facility was completed prior to the flood of May 27, 1984 and held the water for 24 hours, resulting in no water going into nearby homes. He also noted that there is a detention pond near 31st and 145th Streets and several channelization projects are in the planning stages.

Chairman's Report (cont'd)

Mr. Haye advised that there may be areas where there may be some flooding problems and onsite detention is required; i.e., areas around 11th Street. Most of the Mingo Creek Basin has a Master Drainage Plan north of the Crosstown Expressway and south of the Broken Arrow Expressway. There is also a Master Drainage Plan nearing completion for the north part of town. It will define the places where onsite detention is most needed. He advised that the Hydrology Department is aware of these problems and is looking into them. He also advised that there has been a Master Drainage Plan adopted for Vensel Creek and a regional detention facility is under construction for the southwest corner of 81st and Yale.

Mr. Haye also advised that a developer recently completed a channelization project on the lower part of Vensel Creek, which resulted in opening additional areas for development, and would require a 100-year storm sewer. He further advised that the Engineering Dept. is working on developing Master Drainage Plans for the southwest, northwest and southeast parts of the City.

Mr. Haye noted that on-site detention is still required in some areas of the City. In any area which might become sensitive to flooding, on-site detention would be required. Areas located in the Haikey Creek basin would be required to provide onsite detention.

Mr. Paddock questioned Mr. Haye regarding PUD #391 in which the Staff traced the history of the subject tract in the Southbrooke Addition. The Floodplain Determination, signed by Stan Bolding, allowed the developer to determine whether he wanted to pay the fee-in-lieu of detention or provide onsite detention and the Staff Recommendation informed that the subject tract was determined as drainage area for the development. Mr. Paddock questioned how thoroughly these proposals are examined and whether or not this recommendation was "rubber stamped". He also questioned if only a cursory review had been made in this instance and advised that this type situation concerns the Commission. He further questioned how detailed a review is made of a case prior to making recommendations.

Mr. Haye informed that the review of these cases was probably not as thorough as people would think necessary; however, these cases are looked at and an overall scheme is developed. You can spend a small amount of time on a case, but still have a good understanding of the overall area. He also advised that there was not enough manpower to make a detailed study of each case and that the department depends a lot on experience. He informed he was familiar with the area in question because this area was proposed several years ago and onsite detention was required at 61st and Garnett. He also informed that a detention pond was called for, but wasn't built because the developer wasn't ready to develop until a PUD was filed. In the total scheme of things, the developer was permitted to pay the fee-in-lieu of and was required to provide for drainage. He further advised that the Department had spent quite a bit of time on this case.

Mr. VanFossen advised that the Commission recognizes the tremendous load the Engineering/Hydrology Dept. has had to deal with and noted that the recent flooding has brought everyone's attention to this problem. He advised that the Commission was unsure what the City's policy is on floodplain determination and suggested that the Hydrology Dept. provide a sentence at the bottom of the Floodplain Determination sheet which would provide the City's intent. He advised that when the City takes fee-in-lieu of detention, the water flow is still being increased downstream.

Mr. Haye advised that the Technical Advisory Committee provides relief from some of these problems. He further advised that there are other controls within the design guidelines (the velocity of the storm sewer system into the natural ravines, draws or creekbeds, etc.) so that the Department tries to minimize the amount of erosion that takes place. The overall combined effects will move downstream to a detention facility.

Mr. VanFossen informed that he was aware that new developments increase water upstream and and there will be more water runoff until the regional facilities are built, but he asked what was being done in the meantime since the regional detention facilities were not yet built.

Mr. Haye informed that some funds are available for the detention facility at 81st and Yale, but he was not sure if that corner was designated for development with funds from the \$.01 sales tax. He advised that these projects are in the Master Improvement Funding Program and his section is working on a design for the detention facilities at that corner which would be completed sometime this summer. He further advised that this project is in the stages of being funded, but that is all the information he had.

Mr. VanFossen noted that it might be 20 years before any of the projects in the Master Plan are considered.

Mr. Haye informed that there is a Master Drainage Plan for the Vensel Creek Basin, that he did not know when it would be built but it would not be built until funds are available.

Mr. VanFossen informed he agrees with the general principle of regional vs. onsite detention; however, he did not know if he was in agreement with what is currently being done. He informed that this question might not be answerable under the City's policy and noted the policy statement would have to come from the City Commissioners.

Mr. Carnes advised that it appeared that this question would require an answer by the Legal Department as to what authority the Planning Commission has pertaining to flooding. Mr. Linker informed that without backup from an engineer, the Commission should not make a determination regarding whether onsite detention or payment in lieu of detention should be required because if it is tested in court, the City has to have engineering backup. If the Planning Commission makes a determination, the Commission should be sure it is supported by engineering advice because an engineering problem could develop where it was not intended.

Chairman's Report (cont'd)

Mr. Paddock informed that the Planning Commission has concerns about drainage problems because citizens come before the Commission with problems and he felt the Commission should be in a position to respond to their concerns and give a definitive answer. He advised that the Commission is sometimes hardpressed to answer a protestant or concerned citizen in regard to the question of on-site detention or payment of the fee-in-lieu of detention.

Ms. Wilson asked if, on each zoning case, the water runoff into its individual basin is analyzed. Mr. Haye informed that the engineers try to depend on their expertise, but in some areas, a more detailed analysis is made.

Ms. Wilson asked what control mechanisms the City Hydrology Department has later down the line to make sure something is being done about the drainage problems. Mr. Haye informed a Grading and Drainage Plan and Soil Erosion Control Plan are required, but a development of less than five acres that is not in the floodplain is not required to have an Erosion Control Plan. The Drainage Plan must be received prior to release of the plat. He advised that most developments require a Drainage Plan and the Department makes a Site Review prior to the construction phase.

Ms. Wilson cited a case located at 71st and Memorial which had recently been heard by the Commission. The property had no flooding safeguards for property owners and the Planning Commission placed a restriction on the property requiring the developer to prove to the City Engineer that there would be no adverse affects. Mr. Haye informed that these types of things sometimes get by and advised that in this area the control mechanisms were required and the project manager stated in the hearing that he would provide detention, but the Hydrology Department doesn't always know there is a promise made for detention. When the project managers come to Hydrology, they are required to do what is recommended by the City Commission.

Mr. VanFossen asked Mr. Haye if Hydrology could provide some comments on the Floodplain Determination sheet as to why a recommendation is made and Mr. Haye informed that the Department might not be able to meet the deadlines, but they would try to make some comment.

Ms. Higgins asked if onsite inspections were ever conducted and Mr. Haye informed there are occasions when the hydrologists are unable to recall the land features with a look at the topography map and they go out and make a site inspection.

Ms. Higgins informed that the Planning Commission feels badly when it tells people they won't be damaged and they return later with problems. Mr. Haye informed that they try to make the proper determinations and review topographical maps to see what developments are being proposed. He further informed that the developer is told he can make the determination as to whether he wants onsite detention or pay the fee-in-lieu of, but occasionally, there are cases which require onsite detention. There are some occasions in which onsite detention or 100-year storm sewer is required.

Chairman's Report (cont'd)

Mr. Carnes advised that it is usually two years from the time the Commission hears a case until it is approved by the hydrologist and the Building Permit is issued. The hydrologist can not see what will happen downstream in this one to two-year period.

Mr. Draughon informed he is personally involved in a flooding problem which was caused by upstream development and advised he felt the fund for fee-in-lieu of detention had not built up fast enough and that this is the problem in preventing future flooding. He asked if the City had considered diverting the water flow of Mingo Creek to the south and Mr. Haye informed it had been proposed several times, but the water would have to travel too far before it could be drained elsewhere, which would create an entirely new set of problems.

Mr. Haye informed, in closing, that the City Commission is very aware of problems which the City of Tulsa faces and Commissioner Metcalfe is well on his way toward solutions for a long-term flood management program which may result in increases in the fee-in-lieu of detention, etc.

Election of Officers:

Ms. Wilson informed that the Planning Commission would be electing officers at the next TMAPC meeting on Wednesday, March 27, 1985.

- (2) Covenants should contain a section outlining the Corridor District conditions as approved in the Site Plan Review.

 (Format shall be similar to PUD plats.) Include the "Corridor District Site Plan Review" file number on face of plat and references thereto in covenants. Also include "streets" in dedication with utility easements.
- (3) Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required (17 1/2' on the west).
- (4) Water plans shall be approved by the Water and Sewer Department prior to release of final plat (off-site main extension required).
- (5) Pavement or landscape repair within restricted water line, sewer line or utility easements as a result of water or sewer line repairs due to breaks and failures, shall be borne by the owner of the lot(s).
- (6) This property is located within the area served by the Haikey Creek Sewage Treatment Plant and will require a statement concerning sewer availability within the covenants.
- (7) A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer (if required). (On-Site detention or fee required.)
- (8) Paving and/or drainage plans shall be approved by the <u>City Engineer</u>, including storm drainage and detention design (and Earth Change Permit where applicable), subject to criteria approved by the City Commission.
- (9) Limits of Access shall be shown on the plat as approved by City and/or Traffic Engineer. Include applicable language in covenants. (Traffic Engineer recommends only one access point on area being platted. Suggest that the east part of the loop drive be tied to the existing driveway to the garage).
- (10) 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.

SUBDIVISIONS:

Preliminary Approval:

Stringer Nursery and Gardens (1984) 10020 E. 91st St.

(CO)

The applicant was present.

This plat covers only about 1/2 acre of a total ownership of about 5 acres. The only part that is "subject to a plat" is the area shown on the plat, with the remainder to be "AG", not requiring a plat. This was a situation brought about by both zoning and storm water requirements. The existing building on the part being platted will be for retail nursery sales, permitted in the CO District. The remaining part of the ownership is AG and will be used for greenhouses, etc., a use permitted by right in an agricultural district, without platting. The site plan furnished with the plat shows the whole area as a matter of information ONLY.

Staff advised that correspondence had been received from the Highway Department regarding the interchange of the Mingo Valley Expressway and 91st Street. A copy was furnished to the applicant. A portion of the property may evenutally be needed for part of the The area marked on the maps is all between the interchange. building line and the property line, so this will be free of structures. However, in keeping with the policy of the Planning Commission regarding expressway right-of-way, the following note should be placed on the face of the plat: "Notice: A freeway is shown on the Tulsa City-County Major Street and Highway Plan as passing through or adjacent to property in this subdivision. Further information as to the status of this planned freeway may be obtained from the Tulsa Metropolitan Area Planning Commission". Staff noted that the required street right-of-way is being dedicated on 91st, and the area in question would have to be purchased when the expressway is built. Staff and TAC recommended preliminary approval of the plat subject to conditions.

On MOTION of HIGGINS, the Planning Commission voted 7-0-1 (Carnes, Draughon, Harris, Higgins, VanFossen, Wilson, Woodard, "aye"; no "nays"; Paddock, "abstaining"; Connery, Kempe, Young, "absent") to APPROVE the preliminary plat of Stringer Nursery & Gardens (1984) subject to the following conditions:

1. An application for "Corridor District Site Plan Review" shall be filed and approved prior to release of final plat. (Applicant is advised that this is a separate application, requiring notice, fees, etc., in accordance with Section 850 of the Zoning Code.)

LOT SPLITS:

Lot Splits for Ratification of Prior Approval:

L-16381 (1293) R. Shepard L-16393 (383) Anderson Prop. L-16388 (3492) J. McCormick L-16394 (3092) J&G Construction L-16390 (1890) G. Pritchard L-16395 (292) L. Mickle

L-16391 (383) Canyon Creek Ltd.

Mr. Wilmoth informed that all of the above lot splits meet zoning and subdivision requirements and Staff recommended approval.

On MOTION of HIGGINS, the Planning Commission voted 8-0-0 (Carnes, Draughon, Harris, Higgins, Paddock, VanFossen, Wilson, Woodard, "aye": no "nays"; no, "abstentions"; Connery, Kempe, Young, "absent") to RATIFY the above lot splits.

LOT SPLITS FOR DISCUSSION:

L-16389 A. Burleson (3093) 4133 S. Victor Court

(RS-1)

Applicant was present.

In the opinion of the Staff, the lot split listed below meets the subdivision and zoning regulations, but since the lot(s) may be irregular in shape, notice has been given to the abutting owners so that property owners in the area may be aware of the application (Auth: PC Meeting #1505, page 1; 5/9/84). Staff recommended approval.

Interested Parties:

Mrs. Jack Jones Address: 1855 E. 47th Street Mrs. James Lake 4217 S. Wheeling

Mrs. Jones informed she and other property owners had purchased homes in Bolewood because of the exceptionally large lots and that she would oppose any type of variance requested. Staff informed that a variance would not be required since this lot split meets the subdivision requirements. She informed that she did not feel there was enough room to put a house on the new lot without a variance. Mr. Wilmoth advised that there is a 50' building line on the plat, but it is a private building line and Restrictive Covenant. A 35' building line would be required under the Zoning Code and the Building Inspector would probably allow that on this plat.

Mrs. Lake informed she was concerned about additional water drainage to property located downstream from the development. She read a note from another neighbor, Mrs. Barnard, who was also concerned about the water drainage.

- (11) The method of sewage disposal and plans, therefore, shall be approved by the City/County Health Department.
- (12) The owner or owners 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 may be included in the Restrictive Covenants.)
- (13) A Corporation Commission letter (or Certificate of Non-Development) shall be submitted 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.)
- (14) All (other) Subdivision Regulations shall be met prior to release of final plat.

FINAL APPROVAL AND RELEASE:

Woodhill Heights (1583) 91st and South Lakewood Avenue

(RS-2)

Mr. Wilmoth informed that all release letters have been received and Staff and TAC are recommending approval and release of the final plat.

On MOTION of HIGGINS, the Planning Commission voted 8-0-0 (Carnes, Draughon, Harris, Higgins, Paddock, VanFossen, Wilson, Woodard, "aye"; no "nays"; no, "abstentions"; Connery, Kempe, Young, "absent") to APPROVE the final plat of Woodhill Heights (1583) and release same as having met all conditions of approval.

CHANGE OF ACCESS:

Crossbow Center Addition (1993) W. of NW/c of E. 41st & S. Garnett Rd. (CS)

Mr. Wilmoth informed this was a routine Traffic Engineering item, which was adding one point of egress. It was approved by Traffic Engineering and Staff and TAC recommended approval.

On MOTION of VANFOSSEN, the Planning Commission voted 8-0-0 (Carnes, Draughon, Harris, Higgins, Paddock, VanFossen, Wilson, Woodard, "aye"; no "nays"; no, "abstentions"; Connery, Kempe, Young, "absent") to APPROVE the change of access for Crossbow Center Addition (1993), as recommended by Staff and TAC.

L-16389 A. Burleson (3093)

Applicant Comments:

Mr. Burleson informed that one of his tracts has its own storm drain which runs off to Victor Street and the other tract would have a natural runoff to 42nd Street. He informed that he was requesting the lot split for estate planning on the advice of his attorney.

TMAPC Action: 8 members present

On MOTION of VANFOSSEN, the Planning Commission voted 7-0-1 (Draughon, Harris, Higgins, Paddock, VanFossen, Wilson, Woodard, "aye"; no "nays"; Carnes, "abstaining"; Connery, Kempe, Young, "absent") to APPROVE L-16389 A. Burleson (3093).

L-16392 Albert Equipment (2693) NW/c of 42nd Pl. & S. Memorial Dr. (IL)

In the opinion of the Staff, the lot split listed below meet the subdivision and zoning regulations, but since the lot(s) may be irregular in shape, notice has been given to the abutting owners so that property owners in the area may be aware of the application (Auth: PC Meeting #1505, page 1; 5/9/84). Mr. Wilmoth informed that a retail store would be erected on the site, which would require Board of Adjustment approval and noted that any change in access would have to be reviewed by the Traffic Engineering Dept. and returned to the Planning Commission for its review. Staff and TAC recommended approval.

TMAPC Action: 8 members present

On MOTION of WOODARD, the Planning Commission voted 8-0-0 (Carnes, Draughon, Harris, Higgins, Paddock, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Connery, Kempe, Young, "absent") to APPROVE L-16392.

LOT SPLITS FOR WAIVER:

L-16374 B. Hecht (3102) N/side W. Edison at N. 72nd W. Ave. (AG) (Osage Co.)

This is a request to split three 135' x 392' lots from a 3.6 acre tract in an AG District. The three proposed lots are under the minimum 2 acres allowed by AG zoning. Applicant has indicated that he also owns the 70 acres to the north and that this may be used for additional access. Applicant has also consented to meet the Major Street and Highway Plan requirements on W. Edison (25' from centerline). Approval will be subject to Board of Adjustment approval of lot width and area, Health Dept. approval of percolation tests, extension of utilities, including water services and including any necessary easements and grading and drainage plans if required for development. (Note that this is in Osage County, but is in the City Limits of Tulsa.)

The applicant was present at the meeting.

Staff informed that the City Engineer had advised that an earth change permit would be required for development. Care should be made not to impede flow of water across the area.

L-16374 B. Hecht (3102)

The Technical Advisory Committee and Staff recommended approval subject to conditions.

TMAPC Action: 8 members present

On MOTION of HIGGINS, the Planning Commission voted 8-0-0 (Carnes, Draughon, Harris, Higgins, Paddock, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Connery, Kempe, Young, "absent") to APPROVE L-16374 (3102), subject to the following conditions:

- (a) Board of Adjustment approval of lot width and area;
- (b) Health Dept. approval of percolation tests for sewage disposal;
- (c) Water line extensionn required;
- (d) 17 1/2' perimeter utility easement required; and
- (e) Earth change and grading plan approval of City Engineer.

L-16380 P. Walter (1793) NE/corner E. 27th Pl. and S. Birmingham Pl. (RS-1)

This is a request to modify a lot line on a previous split on Lot 3, Block 4, Woodycrest Subdivision. Approximately 9.5' is being taken from one lot and added to the next lot to the west. In order to maintain the proper setbacks between buildings, in this case a minimum of 5' from the property line, the new lot line results in a reduction of lot area to 12,887 sq. ft.; whereas, 13,500 sq. ft. is required in the RS-1 District. The overall total area of the tract is more than enough to accommodate two dwelling units in the RS-1 District, so the density is not being increased. Staff had no objection, subject to approval of the Board of Adjustment as to lot area.

The applicant was present. The Technical Advisory Committee and Staff recommended approval subject to Board of Adjustment approval as to lot area.

TMAPC Action: 8 members present

On MOTION of VANFOSSEN, the Planning Commission voted 8-0-0 (Carnes, Draughon, Harris, Higgins, Paddock, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Connery, Kempe, Young, "absent") to APPROVE L-16380 (1793), subject to Board of Adjustment approval of lot area.

<u>L-16264 S. Smith (2093)</u> SE/c East 34th Street & S. Atlanta Pl. (RS-1)

Staff advised that the only waiver requested was "lot width". A plot plan was provided to the TAC for its review. Applicant was present. Staff and Technical Advisory Committee recommended approval subject to one condition.

Comments:

Mr. VanFossen asked if there is water drainage across the property and the applicant, Steve Smith, informed there is no drainage problem.

L-16264 S. Smith (2093) (cont'd)

TMAPC Action: 8 members present

On MOTION of VANFOSSEN, the Planning Commission voted 8-0-0 (Carnes, Draughon, Harris, Higgins, Paddock, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Connery, Kempe, Young, "absent") to APPROVE L-16264 (2093), subject to Board of Adjustment approval of lot width.

There being no further business, First Vice-Chairman Wilson declared the meeting adjourned at 3:06 p.m.

Date Approved

Chairmán

ATTEST:

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