

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting 1905 November 4, 1992, 1:30 p.m.
City Council Room, Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Broussard Secretary	Ballard Selph	Gardner Hester Matthews Peters Stump Wilmoth	Linker, Legal Counsel
Buerge 2nd Vice Chairman			
Carnes			
Doherty, Chairman			
Horner			
Midget, Mayor's Designee			
Neely			
Parmeale, 1st Vice Chairman			
Wilson			

The notice and agenda of said meeting were posted in the Office of the City Clerk on Tuesday, November 3, 1992 at 11:50 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Doherty called the meeting to order at 1:36 p.m.

REPORTS:

Chairman's Report:

Chairman Doherty advised the City Council took action on the sign ordinance. Chairman Doherty advised that since November 11 is Veterans' Day, there will be no Planning Commission meeting.

Comprehensive Plan Committee

Mr. Neely announced that the Comprehensive Plan Committee recommends that the Planning Commission receive and accept a study entitled, "Tulsa Metropolitan Area Planning Commission Conceptual Outer Loop Study" and refer it to TMATS for for testing and modeling of recommended alternatives to be included in the Long-Range Transportation Plan.

TMAPC Action; 8 members present:

On **MOTION** of **NEELY**, the TMAPC voted **8-0-0** Broussard, Buerge, Carnes, Doherty, Horner, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Midget, Selph "absent") to **RECEIVE** and **ACCEPT** the "Tulsa Metropolitan Area Planning Commission Conceptual Outer Loop Study" and refer it to TMATS for testing and modeling of recommended alternatives to be included in the Long-Range Transportation Plan.

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Ms. Matthews reported that after review by the Comprehensive Plan Committee the Annual Amendments to the TDA Plan were found to be in accord with the Comprehensive Plan.

TMAPC Action; 8 members present:

On MOTION of NEELY, the TMAPC voted 8-0-0 Broussard, Buerge, Carnes, Doherty, Horner, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Midget, Selph "absent") to APPROVE the Resolution from Tulsa Development Authority finding the plan amendments to be in accord with the Comprehensive Plan.

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Rules and Regulations Committee

Mr. Parmele announced the Rules and Regulations Committee met today to review the Adult Entertainment Study and recommends that the Planning Commission adopt the proposed amendments to the Zoning Code as it pertains to Adult Entertainment as amended. Mr. Parmele reported the Committee also reviewed Subdivision Regulations and there are three areas where opinions differ among Staff, the development community, and various City Departments. There will be another Committee meeting in an attempt to resolve these issues.

Director's Report:

Ms. Matthews reported Resolution No. 1904:733 is the resolution amending the District 4 Plan Map and Text, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, to reflect results of the 11th Street Corridor Study (Phase I), which the Planning Commission approved October 28, 1992.

TMAPC Action; 8 members present:

On MOTION of NEELY, the TMAPC voted 8-0-0 (Broussard, Buerge, Carnes, Doherty, Horner, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Midget, Selph "absent") to APPROVE Resolution No. 1904:733 amending the District 4 Plan Map and Text a part of the Comprehensive Plan for the Tulsa Metropolitan Area.

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PUBLIC HEARING:

Chairman Doherty announced the purpose of this public hearing is to bring the Major Street and Highway Plan (MSHP) in accordance with previously-adopted amendments to the Comprehensive Plan as approved by the City Council. He advised the only issue being considered today is aligning those two plans and are not commenting on the substance or merit of that extension.

Ms. Peters reported meeting with the Comprehensive Plan Committee on October 28, 1992 and reviewed the following amendments:

- (a) Extend South Harvard Avenue as a residential collector street from 96th Street South to 101st Street South.
- (b) Remove interchange shown at South Sheridan and the Creek Turnpike.
- (c) Realign Broken Arrow Outer Loop from its connection to the Mingo Valley Expressway to the Tulsa/Wagoner County line.

Ms. Peters advised the Comprehensive Plan Committee recommended approving the above-listed amendments.

There were no interested parties present.

TMAPC Action; 9 members present:

On MOTION of PARMELE, the TMAPC voted 9-0-0 (Broussard, Buerge, Carnes, Doherty, Horner, Neely, Midget, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Selph "absent") to APPROVE amending the Major Street and Highway Plan for the following:

- (a) Extend South Harvard Avenue as a residential collector street from 96th Street South to 101st Street South.
- (b) Remove interchange shown at South Sheridan and the Creek Turnpike.
- (c) Broken Arrow Outer Loop from its connection to the Mingo Valley Expressway to the Tulsa/Wagoner County line.

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SUBDIVISIONS:

PRELIMINARY APPROVAL:

Royal Oaks (PUD 493) (1993) (PD-6) (CD-9)
1957 East 41st Street

RS-1

Staff Comments

This plat was reviewed as a "PUD Review" by the TAC on 8/11/92. Recommendations made by the TAC at that time are included in the conditions outlined below. The Planning Commission (with concurring approval of City Council) made some changes in their approval of the PUD. The plat and covenants as submitted reflect those changes as well as the previous comments made by TAC unless noted otherwise.

The Staff presented the plat with the applicant represented by Charles Norman, Clayton Morris, and Jack Arnold.

Fire Department emphasized the need for "no parking" on the private street and urged the Developer to include language in covenants so

that this could be enforced. The 20' street as provided in the PUD approval must be a clear 20' with no parking. If parking is permitted 26' paving is recommended.

On MOTION of HILL, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the PRELIMINARY plat of Royal Oaks, subject to the following conditions:

1. Even though the street is private, it exceeds the 500' maximum length of a cul-de-sac. (Scales about 750') Due to the low density and PUD restrictions, this does not appear to be a problem as long as adequate turning radii are provided for the cul-de-sac and street width is adequate for fire protection.
2. All conditions of PUD 493 shall be met prior to release of final plat, including any applicable provisions in the covenants or on the face of the plat. Include PUD approval date and references to Section 1100-1107 of the Zoning Code, in the covenants. (Show 35' building line on 41st Street.)
3. 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 should be tied to or related to property lines and/or lot lines.
4. Water plans shall be approved by the Department of Public Works (Water and Sewer) prior to release of final plat. Include language for Water and Sewer facilities in covenants. (Show easement as a 20' restricted water line easement.)
5. 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 owners(s) of the lot(s).
6. A request for creation of a Sewer Improvement District shall be submitted to the Department of Public Works (Water and Sewer) prior to release of final plat.
7. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater Management and/or Engineering), including storm drainage, detention design and Watershed Development Permit application subject to criteria approved by the City of Tulsa.
8. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering Division).
9. All curve data, including corner radii, shall be shown on final plat as applicable.

10. Show access point as "Access with Median".
11. All lots, streets, building lines easements, etc., shall be completely dimensioned.
12. The key or location map shall be complete.
13. A "Letter of Assurance" regarding installation of improvements shall be submitted prior to release of final plat, including documents required under Section 3.6-5 of Subdivision Regulations.
14. All (other) Subdivision Regulations shall be met prior to release of final plat.

NOTE: The PUD approval required the following:

The TMAPC required 20' for two-way roads and 18' for one-way loop roads with a minimum right-of-way width of 24 feet. Plat conforms with PUD as approved by TMAPC and City Council

TMAPC and City Council approved the PUD with minimum setback of gatehouse to be 65' and the gate at 80' from centerline of 41st Street. Reserved right to apply for minor amendment to PUD to move gate closer to 41st Street should the design not work.

Tree removal within 41st Street right-of-way was deleted by TMAPC and PUD was also approved without this condition at the City Council.

Mr. Wilmoth commented the cul-de-sac exceeds maximum length and requires waiver of Subdivision Regulations to permit it as shown.

TMAPC Action; 9 members present:

On MOTION of PARMELE, the TMAPC voted 9-0-0 (Broussard, Buerge, Carnes, Doherty, Horner, Neely, Midget, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Selph "absent") to APPROVE the Preliminary Plat of Royal Oaks and WAIVE the Subdivision Regulations to permit the over-length cul-de-sac per Staff recommendation.

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FINAL APPROVAL AND RELEASE:

Southern Pointe Fourth (1583) (PD-18) (CD-8)
East 88th street and S. Yale Avenue

RS-3

Staff Comments

Mr. Wilmoth advised that all releases have been received and Staff was recommending approval subject to the final review of covenants as to format by the Legal Department.

TMAPC Action; 9 members present:

On MOTION of MIDGET, the TMAPC voted 9-0-0 (Broussard, Buerge, Carnes, Doherty, Horner, Neely, Midget, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Selph "absent") to APPROVE the Final Plat of Southern Pointe Fourth and RELEASE same as having met all conditions of approval and subject to the final review of covenants as to format by the Legal Department as recommended by Staff.

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Oaktree Pointe Estates (PUD 189-1)(2702) (PD-11)(CD-1)
NW/corner W. Tecumseh St. & N. Yukon Ave.

RM-1

Staff Comments

Mr. Wilmoth advised that all releases have been received and Staff was recommending approval subject to the final review of covenants as to format by the Legal Department.

TMAPC Action; 9 members present:

On MOTION of MIDGET, the TMAPC voted 9-0-0 (Broussard, Buerge, Carnes, Doherty, Horner, Neely, Midget, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Selph "absent") to APPROVE the Final Plat of Oaktree Pointe Estates and RELEASE same as having met all conditions of approval and subject to the final review of covenants as to format by the Legal Department as recommended by Staff.

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WAIVER REQUEST: SECTION 213

Z-5673 Conservation Acres (3003) (PD-2)(CD-3)
1810 North Lewis Avenue

OL, RS-3

Staff Comments

This is a request to waive plat on the south half of Lot 2, Block 5 of the above captioned subdivision. The tract was zoned OL/RS-3 in 1982, but no building permit or zoning clearance had been sought so a waiver request had not been processed.

A lot-split is in progress (#17610) to split this tract into the north and south halves and join to properties that front on Lewis. There is no access to E. Seminole Street, since the TMAPC restricted same by leaving a 5-foot strip of RS-3 along the west side of the tract.

This split will provide an OL tract behind the two businesses on North Lewis for parking. Tie provisions will be a part of the lot-

split approval to insure that the rear parcels are not "land-locked".

Since the property is already platted, Staff recommends **APPROVAL** of the Waiver of Plat. (The Lot-split will be a "prior approval" since no waivers of the Subdivision Regulations or zoning are required.) The following conditions shall apply:

1. Applicant shall provide sufficient data to the Staff to insure that adequate parking is provided for the remaining parcel owned by the Bricklayer's Union. (Plot plan with building and parking lot layout will be adequate.)
2. Grading and/or drainage plan approval by Department of Public Works through the permit process (Stormwater)

The applicant was represented by Tom Birmingham at the TAC meeting.

On MOTION of EDWARDS, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the waiver of plat on Z-5673, subject to the conditions above.

There were no interested parties present.

TMAPC Action; 9 members present:

On MOTION of NEELY, the TMAPC voted 9-0-0 (Broussard, Buerge, Carnes, Doherty, Horner, Neely, Midget, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Selph "absent") to **APPROVE** the WAIVER REQUEST for Z-5673 as subject to the conditions as recommended by Staff.

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LOT SPLIT FOR WAIVER: Subdivision Regulations 4.11.2

L-17594 Ballard (2892) (PD9) (County)
4629, 4639, 4649 W. 43rd St.

RS

Staff Comments

The lot split meets zoning requirements and the Health Department has approved a waiver of Subdivision Regulations, Section 4.11.2 requirement for minimum lot size for septic systems.

TMAPC Action; 9 members present:

On MOTION of PARMELE, the TMAPC voted 9-0-0 (Broussard, Buerge, Carnes, Doherty, Horner, Neely, Midget, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Selph "absent") to **WAIVE** Subdivision Regulations 4.11.2 for Lot Split L-17594 as recommended by the Health Department and Staff.

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LOT SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

<u>L-17601</u>	(1990)	Sharp	(PD-23) (County)		AG
		NW/c of 41st St. & 257th W. Ave.			
<u>L-17603</u>	(393)	Haney	(PD-5) (CD-4)	4943 E. 4th St.	RS-3
<u>L-17610</u>	(3003)	Bricklayers	(PD-2) (CD-3)	1810 N. Lewis Ave	OL, RS-3
<u>L-17615</u>	(803)	White	(PD25) (CD1)	2521 E. 51st St. N.	AG
<u>L-17616</u>	(864)	Cannon	(PD-20) (County)		AG
		Champ Johnson Road, south of Bixby			
<u>L-17617</u>	(864)	Keim	(PD-20) (County)		AG
		Champ Johnson Road, south of Bixby			
<u>L-17618</u>	(3574)	Willingham	(PD-20) (County)		AG
		17619 S. 161st E. Ave.			
<u>L-17620</u>	(102)	Tulsa County	(PD-24) (CD-1)		AG
		56th St. North, East of Cincinnati			

Staff Comments

Mr. Wilmoth advised that Staff has found the above-listed lot splits to be in conformance with the lot split requirements.

TMAPC Action; 9 members present:

On MOTION of NEELY, the TMAPC voted 9-0-0 (Broussard, Buerge, Carnes, Doherty, Horner, Neely, Midget, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Selph "absent") to RATIFY the above-listed lot splits having received prior approval.

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ZONING PUBLIC HEARING:

ZONING PUBLIC HEARING

Application No.:	CZ-201	Present Zoning:	RS
Applicant:	Joe W. Fisher	Proposed Zoning:	IH
Location:	312 Broad, Sand Springs		
Date of Hearing:	November 4, 1992		

Relationship to the Comprehensive Plan:

The District 23 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Special District #6 -- Medium Industrial.

According to the Zoning Matrix the requested IH District is not found in accordance with the Plan Map.

Staff Recommendation:

Site Analysis: The subject tract is approximately 9 acres in size and is located at the northwest corner of 21st Street South and Broad Street. It is partially wooded, flat, contains an auto salvage operation and is zoned RS.

Surrounding Area Analysis: The tract is abutted on the north by a salvage business and single-family dwelling zoned RS, on the east by vacant property zoned IL, on the south by heavy industry zoned IH, and on the west by a scrap metal operation zoned IL and IH. A church is surrounded on three sides by the subject tract near its southeast corner and is zoned RS.

Zoning and BOA Historical Summary: The surrounding uses to the south and west are heavy industrial and are zoned accordingly. A residential area is approximately 250' north of the subject tract. This may account for the subject tract's RS zoning, even though there has been an auto salvage operation on it for quite a number of years.

Conclusion: The applicant has submitted two conflicting legal descriptions of the tract. The Sand Springs Regional Planning Commission has requested a continuance to November 4, 1992 to resolve the legal description problem and give them time to make a recommendation. Staff believes IH is too high an intensity, and this tract should be used to begin a transition to the residential to the north.

Therefore, Staff recommends DENIAL of IH and APPROVAL of IM.

TMAPC Action; 9 members present:

On MOTION of MIDGET, the TMAPC voted 9-0-0 (Broussard, Buerge, Carnes, Doherty, Horner, Neely, Midget, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Selph "absent") to DENY IH and APPROVE CZ-201 for IM zoning as recommended by Staff.

LEGAL DESCRIPTION

That part of the SW/4 of the SE/4 of the SE/4 of Section 10, Township 19 North, Range 11 East of the Indian Base and Meridian in Tulsa County, Oklahoma, described as follows: Beginning at the Southeast corner of said SW/4, SE/4, SE/4 of Section 10 (Point of Beginning), thence North 0° 11' West for a distance of 142'; thence West for a distance of 115'; thence North for a distance of 142'; thence North 89° 56' East for a distance of 115'; thence North 0° 11' west for a distance of 213'; thence South 89° 56' West for a distance of 612.7'; thence North for a distance of 100'; thence West for a distance of 47.3'; thence south for a distance of 597' to a point on the South line of the SW/4 SE/4 SE/4; thence East along said South line for a distance of 660' to the point of beginning, containing 7.26 acres, more or less.

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OTHER BUSINESS:

PUD 261-A: Revised Detail Sign Plan for wall signs on Wal-Mart,
1439 East 71st Street South

Wal-Mart is replacing existing wall signs for their automotive area. Staff has reviewed the proposed sign and finds that they comply with the PUD development standards. Therefore, Staff recommends **APPROVAL**.

TMAPC Action; 9 members present:

On **MOTION** of **BUERGE**, the TMAPC voted **9-0-0** (Broussard, Buerge, Carnes, Doherty, Horner, Neely, Midget, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Selph "absent") to **APPROVE** the Revised Detail Sign Plan for PUD 261.

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PUD 473: Determine if changes in approved Detail Site Plan for Area A are significant enough to require a new review and approval, 2640 S. Boston Avenue

On February 26, 1992 the TMAPC approved a Detail Site Plan for Areas "A" and "B" in PUD 473 for two single-family dwellings. The plans submitted for a building permit by the builder differed from the TMAPC approved site plan in the following areas:

1. One front window was eliminated and another was reduced in size;
2. a railing on the front porch was eliminated;
3. windows on both sides of the house were reduced in size and one window on the left side of the house was eliminated; and
4. a dormer with double window as added to the second story of the house on the rear side.

The PUD conditions provide that..."Minor adjustments or variances to the footprint, exterior elevations and design elements shall be permitted, so long as the plans maintain an overall consistency with the plans and drawings submitted to the Planning Commission." Staff is asking TMAPC if these changes fall within the "Minor adjustments and variances" permitted.

Interested Parties:

Rebecca Hitzman

32 E. 26th Place 74114

Ms. Hitzman divulged that notice of change in elevations was not received by area residents until October 30, 1992. Ms. Hitzman explained that after meeting with residents; they expressed concern over significant departure in window plans, resulting in a poor effect on the design of the house. Ms. Hitzman declared her main concern was over a window added in the back of house which looks directly into the side windows of her home, where her bedroom is located, which was not part of the original design. Residents' main concern was not being able to review plans with the builder before construction was begun, which they believed was to be done before a building permit was issued, according to the PUD. Ms. Hitzman advised that residents have requested to meet with the builder to have an opportunity to review reasons for changes made. Because of conditions stated in the original PUD, residents believed they would be given a complete set of plans for inspection prior to any construction.

Margaret Pray

105 E. 26th Place 74114

Ms. Pray echoed Ms. Hitzman's concerns over changes made to the structure. Ms. Pray stressed the residents' desire to meet with the builder as they did with the home constructed to the south of this property. Ms. Pray advised that, in residents' viewpoint, they find the changes made aesthetically displeasing. Ms. Pray pointed out this lot split was originally denied by the City Council and Board of Adjustment. Mr. Weiss, the builder, requested of residents that it be made into a PUD so it could come before the Planning Commission for approval. Residents supported the PUD for those conditions and in so doing were led to believe that any plans would be given to them for review before any construction would begin.

Applicant's Comments

Jon Moody, attorney representing Liberty Construction Company, detailed involvement with the neighborhood in terms of attempting to satisfy the minor elements mentioned by the interested parties. Mr. Moody reviewed the process that initially led the applicant to file the PUD. Mr. Moody declared a full set of plans was delivered to Ms. Hitzman. Mr. Moody asserted exterior elevations, site plan, and landscape plan were delivered to the residents' attorney, Vicki J. Vaniman prior to January 29, 1992. Mr. Moody presented the Planning Commission with a copy of the letter from Ms. Vaniman acknowledging receipt of the above-mentioned plans and expressing approval of the footprint. Mr. Moody advised the footprint has not been changed and changes were only made were to the architectural exterior elevations. Mr. Moody gave a lengthy explanation of the changes made and reasons for those changes. Mr. Moody concluded that the changes made are minor, comply with the approval of conditions of the PUD, are consistent with the traditional design of the house, and cause no harm to the public safety, welfare, or

interests of residents and asked the Planning Commission to approve these as a minor variance from the plans.

TMAPC Discussion

The Planning Commissioners reviewed in detail changes made to each of the elevations and reviewed the original plans presented. Mr. Weiss answered questions from the Commission to clarify various items under review, in particular where the windows of the house under construction will be facing. It was determined one of the windows will be looking in the Hitzman's bedroom window. After much discussion it was the consensus of the Planning Commission the submitted plans and architectural renderings are basically in conformance with what was originally submitted and that the changes made are insignificant, with the exception of the upstairs rear dormer window.

TMAPC Action; 9 members present:

On MOTION of CARNES, the TMAPC voted 9-0-0 (Broussard, Buerge, Carnes, Doherty, Horner, Neely, Midget, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Selph "absent") to DETERMINE that the changes are Minor and found to be in conformance with the original intent and purposes of the approved Detail Site Plans.

Ms. Pray asked that the record show that Mr. Weiss did not issue plans to the residents and he advised Ms. Hitzman to obtain the plans from INCOG. Ms. Pray advised that upon obtaining these plans it was noted the dormer on the rear was an addition. Changes had been made from the original and were only received by residents on October 30, 1992.

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There being no further business, the Chairman declared the meeting adjourned at 3:43 p.m.

Date Approved: 11/19/92
James Broussard
Chairman

ATTEST:
[Signature]
Secretary