

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1928
Wednesday, May 19, 1993, 1:30 p.m.
City Council Room, Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Ballard	Buerge	Hester	Linker, Legal
Broussard		Jones	Counsel
Secretary		Stump	
Carnes		Wilmoth	
Dick			
Doherty, Chairman			
Midget, Mayor's Designee			
Neely			
Pace			
Parmeale, 1st Vice Chairman			
Wilson			

The notice and agenda of said meeting were posted in the Office of the City Clerk on Tuesday, May 18, 1993 at 11:32 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 1:34 p.m.

Minutes:

Approval of the minutes of May 5, 1993, Meeting No. 1926:

On **MOTION** of **CARNES**, the TMAPC voted **9-0-1** (Broussard, Carnes, Dick, Doherty, Midget, Neely, Pace, Parmele, Wilson "aye"; no "nays"; Ballard "abstaining"; Buerge "absent") to **APPROVE** the minutes of the meeting of May 5, 1993 Meeting No. 1926.

REPORTS:

Chairman's Report:

Chairman Doherty announced that the Landscape Ordinance transmitted to City Council has encountered controversy over the number of required compact parking spaces. The City Council Committee considering the matter will be returning it to the Rules and Regulations Committee for further study. Mr. Parmele set June 2 as the date for the Rules and Regulations Committee meeting.

Planning Commissioners recalled that there was extensive discussion over the number of full-size and compact parking spaces required during the initial study.

There was discussion as to whether a new public hearing would be required. Mr. Linker advised that it would not be necessary to readvertise or hold another public hearing.

Committee Reports

Budget and Work Program Committee

Ms. Wilson announced that the Budget and Work Program Committee will meet at the conclusion of today's TMAPC meeting.

Rules and Regulations Committee

Mr. Parmele reported that the Rules and Regulations Committee will also meet at the conclusion of today's TMAPC meeting.

Director's Report:

Mr. Stump reported on the Wal-Mart at 71st and Trenton regarding compliance. He advised that the merchandise being stored outside appears to be within the 300' requirement from a residential area. The greenhouse, which was approved earlier, does not appear to infringe on required parking. Mr. Stump advised that there are eight tractor-trailors in the rear, a Goodwill Industries truck for donations, the MET has collection facilities for recyclable materials, a large amount of broken pallets, discarded and rusted shopping carts and other trash in the area. Mr. Stump recommended forwarding the requirements of the PUD to Candy Parnell, of Code Enforcement, to review and make a determination as to violations.

Chairman Doherty instructed Staff to forward PUD 261 requirements to Candy Parnell to review for compliance.

SUBDIVISIONS:

PRELIMINARY PLAT:

Liberty Baptist Chapel (863) (PD-21) (County)

2721 East 201st Street South

(CS, AG)

Staff Comments

This plat is being filed as a result of a County Board of Adjustment action approving church use on the tract. It is partially zoned CS (No Ordinance or Resolution#) with the remainder zoned AG. The tract contains a number of existing buildings that will remain, including the existing church and the Liberty Fire Station. The following shall apply:

The Staff presented the plat with the applicant represented by David Washington at the TAC meeting.

On MOTION of Rains, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the PRELIMINARY plat of Liberty Baptist Chapel, subject to the following conditions:

1. On face of plat show a 50' building line along 201st and a 25' building line along S. 27th East Avenue. Identify S.

27th E. Ave. Show Book 4248, Page 143 reference on that street. Indicate on plat that the 20' within this plat is being dedicated for street even though there already is an "easement" of record.

2. Access points shall meet the approval of the County Engineer. Since the east 20' of this property is within S. 27th E. Avenue, change the most easterly LNA from 276' to 256'. In Covenants, I-D-1, fourth line, after the word "successors" add: "with the concurring approval of the Tulsa Metropolitan Area Planning Commission."
3. Two existing sewage lagoons are shown on the plot plan. Special conditions may be required by the City/County Health Department. Show reserves or other information as required by the Health Dept. Language in the Deed of Dedication relating to sewage disposal shall meet the approval of the Health Department. (Also see #10 through #13)
4. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements if required. (Recommend a 17.5' U/E along the west side of the property. It appears that the Fire Station is so near the property line on the north that there is no room for an easement.)
5. Water plans shall be approved by the Okmulgee Rural Water Dist. #6 prior to release of final plat. (If plans are required.)
6. 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).
7. Paving and drainage plans shall be approved by the County Engineer, including storm drainage and detention design (and other permits where applicable) subject to criteria approved by the County Commission.
8. A topo map shall be submitted for review by TAC (Sub. Regs) (Submit with drainage plans as directed.)
9. Street lighting in this Subdivision shall be subject to the approval of the County Engineer and adopted policies as specified in Appendix C of the Subdivision Regulations.
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.

11. The method of sewage disposal and plans therefor, shall be approved by the City/County Health Department. (Percolation tests required prior to preliminary approval of plat.) (See condition #3 above. Existing lagoons. Special conditions may apply.)
12. 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 may be included in the Deed of Dedication /Covenants.)
13. The method of water supply and plans therefor (if required), shall be approved by the City/County Health Department.
14. 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.)
15. All conditions of CBOA Case #1156 that may be applicable to the plat shall be met prior to release of final plat.
16. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Sub Regs.)
17. All (other) subdivision regulations shall be met prior to release of final plat.

TMAPC Action; 10 members present:

On MOTION of PARMELE, the TMAPC voted 10-0-0 (Ballard, Broussard, Carnes, Dick, Doherty, Midget, Neely, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Buerge "absent") to APPROVE the Preliminary Plat of Liberty Baptist Chapel subject to conditions recommended by Staff.

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Hillcrest South Lewis (783) (PD-18) (CD-2)

7500 Block West side of S. Lewis Avenue

(OM)

This plat is submitted as part of an OM District that is "subject to plat" (Z-5171). The property to the north and west is still subject to platting and has access to S. Lewis Avenue. There are no streets shown on the Street Plan as east/west collectors. A 50' right-of-way running east/west along the south of this tract was closed by Ordinance #15298 on 3/3/92. There will be one use for this tract as a medical facility.

The Staff presented the plat with the applicant not represented at the TAC meeting.

On MOTION of NELSON, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the PRELIMINARY plat of Hillcrest South Lewis, subject to the following 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 should be tied to or related to property lines and/or lot lines. (Show 17-1/2' on north side or 11' more by separate instrument. Show 17-1/2' utility easement along east property line.
2. Water plans (if required) shall be approved by the Department of Public Works (Water and Sewer) prior to release of final plat. (Service from 10" main on east side of South Lewis).
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 owners(s) of the lot(s).
4. 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. Show drainage easement as per the Department of Public Works. Fee-in-lieu acceptable.
5. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering Division).
6. Limits of Access or (LNA) as applicable shall be shown on the plat as approved by the Department of Public Works (Traffic). Include applicable language in covenants. (Add provision that City can enforce this covenant. Section I.b4) South access is "right-turn-only" Left-turn access will require a PFPI.
7. 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.
8. A Corporation Commission letter (or Certificate of Nondevelopment) 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.

- 9. 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.
- 10. All Subdivision Regulations shall be met prior to release of final plat.

Ted Sack was in attendance representing the applicant.

TMAPC Action; 10 members present:

On MOTION of NEELY, the TMAPC voted 10-0-0 (Ballard, Broussard, Carnes, Dick, Doherty, Midget, Neely, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Buerge "absent") to APPROVE the Preliminary Plat of Hillcrest South Lewis subject to conditions recommended by Staff.

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EXTENSION OF PRELIMINARY APPROVAL

University Center at Tulsa (3602) (PD-2) (CD-1)
North Greenwood Avenue and East Haskell St.

(RM-1, RM-2, OM, CH, IM)

Staff Comments

Mr. Wilmoth advised that this is the seventh request and Staff recommends a one year extension.

TMAPC Action; 10 members present:

On MOTION of PARMELE, the TMAPC voted 10-0-0 (Ballard, Broussard, Carnes, Dick, Doherty, Midget, Neely, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Buerge "absent") to APPROVE Extension of Preliminary Plat Approval for the University Center at Tulsa for one year as recommended by Staff.

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WAIVER REQUEST SECTION 213

Z-6399 Alsuma (3094) (PD-18) (CD-5)

Southwest corner E. 50th Place & S. 103rd E. Avenue

(IL)

Staff Comments

This is a request to waive plat on Lots 1-4 & N. 7.5' of vacated alley in Block 53 of Alsuma. This is an expansion of the existing business on abutting lots. Since it is already platted, is not an arterial street, and nothing would be gained by another plat, Staff recommends **APPROVAL**, noting that the provisions of Section 213 are met by the existing plat.

Mr. Wilmoth advised that the applicant has expressed agreement with Staff recommendation and that Mr. Coutant was present representing the applicant.

There were no interested parties in attendance.

TMAPC Action; 10 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **10-0-0** (Ballard, Broussard, Carnes, Dick, Doherty, Midget, Neely, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Buerge "absent") to **APPROVE** the Waiver of Section 213 for Z-6399.

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LOT-SPLIT FOR DISCUSSION:

L-17711 Texaco/Smith (282) (PD-8) (CD-2)

AG

South side of W. 61st St. S. East of U.S. 75

Staff Comments

Mr. Wilmoth explained that this item is for discussion purposes only. He displayed a map of the subject tract. Mr. Wilmoth explained that originally this was part of approximately a 50-acre tract owned by Texaco. All but approximately one acre on the corner was sold about 13 years ago. Mr. Wilmoth advised that Senate Bill 602 states that any tract of ground on record for more than 5 years does not require a lot split. Mr. Wilmoth revealed that after discussion with the Legal Department it was concluded that the subject tract does not require a lot split because of the time element. He pointed out that if a lot split is filed there would be many problems to address, such as lack of water and sewer and since the tract is only one acre it does not meet AG lot size requirements. Mr. Wilmoth explained that Staff and the Legal Department agree that a lot split is not needed.

Mr. Parmele asked what would happen should there be a title requirement to have a lot split approval.

Mr. Wilmoth replied that the title requirement is what prompted the request.

Mr. Linker explained that the lot is not being split at this time; it was split when the conveyance was made 13 years ago. He added that any requirement at that time for a lot split would be resolved by the five year statute, from a title point of view.

There was discussion as to whether the Planning Commission could take action affirming that a lot split is not required.

Applicant's Comments

Adrian Smith

5757 E. 51st St. 74135

Mr. Smith noted that there were three conditions which were to have been met regarding the subject tract. Two have been resolved; to dedicate 61st Street as it came off U.S. 75 and to execute a quit claim deed between two Texaco entities. However, the outstanding requirement that there be a valid lot split by the Planning Commission to Whiteside and Grant is unresolved. He acknowledged that his clients were aware that there are no utilities and no prospect of there being any in the near future. Mr. Smith disclosed that he presented all of Mr. Linker's documentation to the legal counsel for Guaranty Abstract, who related that the title company was requiring there be a valid lot split on record. He acknowledged that Mr. Linker maintains there is one existing and the language supports this, but the title company is not basing its requirement on this.

Chairman Doherty asked if the Planning Commission has any legal foundation for approving a lot split, since there is no requirement for one.

Mr. Linker advised that since it is on the agenda as a discussion item, it cannot be approved as a lot split. He advised that this issue has arisen before on mortgages and areas where a lot split is not needed. In the past, the Planning Commission has refused to give approval when it was not required.

It was suggested the Planning Commission Chairman write a letter composed of language the title company could accept in reference to of the fact that a lot split is not required.

Mr. Linker noted that the Planning Commission has not in the past ever declared that a lot split is not required.

Chairman Doherty suggested Mr. Smith work up conditions and process as a lot split application to see if enough conditions and waivers can be placed on the tract.

Mr. Stump advised that conditions that would have to be placed on the tract to meet subdivision regulations would be extension of water and sewer, and granting of variance of lot size. The

granting a lot split by TMAPC confirms that the lot meets the requirements of the subdivision regulations.

Mr. Smith advised that both the buyer and seller are knowledgeable and realize there are no utilities available to serve the subject tract. He believes both would be willing to accept a letter or language placed in the record stating this.

Mr. Wilmoth advised that if regulations are waived, this item would have to go to the BOA since this is a one-acre tract and two acres is the minimum in AG.

Mr. Linker advised that quiet title is available to the applicant.

Chairman Doherty asked if a copy of the minutes could be transmitted reflecting that Staff has advised the Planning Commission that no lot split is needed.

Mr. Linker advised that would be permissible, and he would talk to counsel for the title company to reassure them of such.

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LOT SPLITS FOR RATIFICATION OF PRIOR APPROVAL

*L-17697 Johnsen (2290) (PD-12) (County) AG
Campbell Creek Road north of 41st St.

TMAPC Comments

Chairman Doherty announced that L-17697 was taken to the County Board of Adjustment and denied; it is therefore stricken from today's agenda.

L-17613 Reynolds (2203) (PD-16) (CD-3) 5520 E. 34th St. N. AG
*L-17713 Beeler (1482) (PD-8) (CD-2) 8217-8219 S. Maybelle AG

*BOA-16312 on 4-27-93 approved variance of frontage.

Staff Comments

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

TMAPC Action; 10 members present:

On MOTION of WILSON, the TMAPC voted 10-0-0 (Ballard, Broussard, Carnes, Dick, Doherty, Midget, Neely, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Buerge "absent") to RATIFY the above-listed lot-splits having received prior approval.

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CONTINUED ZONING PUBLIC HEARING

ZONING PUBLIC HEARING

Application No.: PUD 405-A/Z-5722-SP-3 Present Zoning: CO
Applicant: Ted Sack Proposed Zoning: CO
Location West & north of the NW corner of Memorial Dr. & the Creek
Turnpike.
Date of Hearing: May 19, 1993

Chairman Doherty announced receipt of a timely request for continuance for PUD 405-A and Z-5722-SP-3 to June 2, 1993.

There were no interested parties in attendance.

TMAPC Action; 10 members present:

On MOTION of NEELY, the TMAPC voted 9-0-1 (Ballard, Broussard, Carnes, Dick, Doherty, Midget, Neely, Pace, Wilson "aye"; no "nays"; Parmele "abstaining"; Buerge "absent") to CONTINUE PUD 405-A and Z-5722-SP-3 to June 2, 1993.

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OTHER BUSINESS:

PUD 388-B Detail Site Plans for Development Areas 1, 2, and 3 of Lot 3 - north of the northeast corner of 71st Street South and Trenton Avenue.

Staff Comments

Mr. Stump announced that the applicant needs to submit additional information; therefore, a continuance to May 26 is requested.

TMAPC Action; 10 members present:

On MOTION of PARMELE, the TMAPC voted 10-0-0 (Ballard, Broussard, Carnes, Dick, Doherty, Midget, Neely, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Buerge "absent") to CONTINUE PUD 388-B to May 26, 1993.

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PUD 204 & L-17712 9421, 9431, 9432 S. Florence Avenue - Revised Site Plan & Lot split to reconfigure lots affected by Creek Turnpike - Northwest Corner of the Creek Turnpike and Harvard Avenue.

The request is to reconfigure lots in Sycamore Hill Addition on the north side of the Creek Turnpike which were affected by the acquisition of right-of-way for the turnpike. The private roadway was realigned and portions of the lots were acquired. This has resulted in the need to add land to lots 12 and 13 so that they abut the new private street alignment. Staff is supportive of this changed site plan and recommends **APPROVAL**.

There were no interested parties present.

TMAPC Action; 10 members present:

On **MOTION** of **PARMELE**, the TMAPC voted **10-0-0** (Ballard, Broussard, Carnes, Dick, Doherty, Midget, Neely, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Buerge "absent") to **APPROVE** PUD 204 Revised Site Plan and L-17712 as recommended by Staff.

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Election of TMAPC Officers

Chairman Doherty requested a report from Mr. Carnes, who had been appointed to chair a nomination committee. Mr. Carnes submitted the following recommendations of the nomination committee; Jim Doherty, Chair; Bob Parmele, 1st Vice-Chair; Gail Carnes 2nd Vice-Chair; and Robin Buerge, Secretary.

Chairman Doherty asked for other nominations from the floor.

Mr. Midget nominated Marilyn Wilson as Chair.

Chairman Doherty called for a vote on all positions but the Chair since these presented no challenges.

TMAPC Action; 10 members present:

On **MOTION** of **DICK**, the TMAPC voted **10-0-0** (Ballard, Broussard, Carnes, Dick, Doherty, Midget, Neely, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Buerge "absent") to **ELECT** Bob Parmele, 1st Vice-Chair; Gail Carnes 2nd Vice-Chair; and Robin Buerge, Secretary as the 1993-94 TMAPC officers.

Chairman Doherty then called for a vote for the Chair position with the following results.

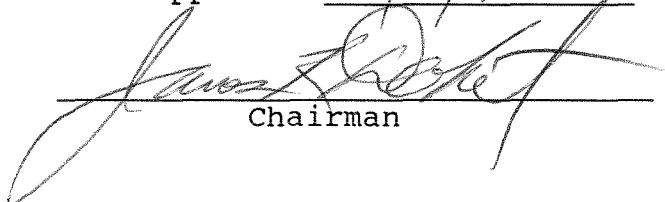
TMAPC Action; 10 members present:

The TMAPC voted 6 (Ballard, Carnes, Dick, Doherty, Neely, Parmele) **for Doherty** and 4 (Broussard, Midget, Pace, Wilson) **for Wilson**; no "abstentions"; Buerge "absent" electing Doherty TMAPC Chair for 1993-94.


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There being no further business, the Chairman declared the meeting adjourned at 2:05 p.m.

Date Approved: 6/2/93


Chairman

ATTEST:


Secretary *Vicki-Chase*