

**TULSA METROPOLITAN AREA PLANNING COMMISSION**

Minutes of Meeting No. 1987

Wednesday, August 17, 1994, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

**Members Present**

Ballard  
Carnes, 2nd Vice  
Chairman  
Doherty  
Gray  
Harris  
Horner  
Midget, Mayor's  
Designee  
Neely, 1st Vice  
Chairman  
Pace  
Parmele  
Chairman  
Wilson

**Members Absent**

None

**Staff Present**

Gardner  
Jones  
Stump

**Others Present**

Jackere, Legal  
Counsel

The notice and agenda of said meeting were posted in the Office of the City Clerk on Monday, August 15, 1994 at 11:10 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Parmele called the meeting to order at 1:35 p.m.

**Minutes:**

Approval of the minutes of August 3, 1994, Meeting No. 1985:

On **MOTION** of **HARRIS**, the TMAPC voted **11-0-0** (Ballard, Carnes, Doherty, Gray, Harris, Horner, Midget, Neely, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the minutes of the meeting of August 3, 1994 Meeting No. 1985.

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**REPORTS:**

Chairman's Report:

Chairman Parmele welcomed Bobbie Gray to the Planning Commission.

Committee Reports:

Comprehensive Plan Committee

Mr. Neely reported that the Comprehensive Plan Committee met today at 11:30 a.m. to discuss the request from St. John's to expand Special District Boundaries. He requested that the Chairman set a public hearing for October 5 regarding this item. Chairman Parmele so instructed Staff.

Mr. Neely informed that the Comprehensive Plan Committee also discussed a provision in the District 26 Plan concerning zoning in relation to the timing of construction of improvements. He requested that the Chairman set a public hearing for this item on October 19. Chairman Parmele so instructed Staff. Mr. Neely advised that the Comprehensive Plan Committee decided to take no action on the sump area regarding Special District. 1.

Director's Report:

Mr. Gardner reviewed items on the City Council agenda.

**SUBDIVISIONS:**

L-17890 Linda D. Mann (2093)  
2661 E. 38th St. S.

(PD-6)(CD-9)  
Existing Zoning: RS-1

	<u>RE REQ'D</u>	<u>RS-1 REQ'D</u>	<u>LOT "A" ACTUAL</u>	<u>LOT "B" ACTUAL</u>
LOT WIDTH (SF)	150	100	100	100
LOT SIZE (SF)	22,500	13,500	41,750	41,500

Staff Comments

Both lots have 3 side lot lines, both meet the current RS-1 bulk and area requirements and would meet the proposed RE bulk and area requirements except for lot width.

The Tulsa City-County Health Department (TCCHD) at first denied the lot-split on the basis of insufficient drainage area for a septic system, but on further investigation approved it, with the condition that any house built on the property should be limited to four bedrooms.

This lot-split meets all the applicable subdivision regulations and zoning requirements for RS-1 zoning, and therefore, was considered as a Prior Approval Lot-split by Staff. Deeds were stamped with Lot-split Approval Stamp on July 14, 1994 and were filed July 18, 1994.

Staff Comments

Mr. Stump informed that Staff verified with the Tulsa City-County Health Department (TCCHD) locations of percolation tests completed on the both the east and west lots of the subject property.

### TMAPC Comments

Chairman Parmele reminded the Planning Commission that this was a prior approval lot-split which Staff found in conformance with the Subdivision Regulations. He added that Legal Counsel has advised, that should the Planning Commission find the lot-split to be in conformance with the Subdivision Regulations, it must be approved.

### Interested Parties

**Steve Schuller**

**525 South Main #111 74103**

Mr. Schuller reminded the Planning Commission that he appeared last week on behalf of neighboring property owners in protest of the application. He advised of being aware of percolation tests conducted nine years ago, but had no knowledge of current tests. Mr. Schuller requested a continuance of one week to review this information.

Chairman Parmele explained that the Planning Commission relies upon the TCCHD to provide such information, and that after conducting the required tests, the TCCHD has found the lot-split can be adequately served by a septic system. He informed that Terry Silva of the TCCHD was present and could answer questions Mr. Schuller might have.

Mr. Schuller informed that he has not had the opportunity to review material in the agenda packets and he may have questions after doing so. He reminded the Planning Commission that he pointed out irregularities regarding the manner in which the lot-split application was handled. Mr. Schuller asked that this item be placed at the end of the agenda so he can review this information.

It was the consensus of the Planning Commission to recess this item to the end of the agenda to allow Mr. Schuller time to review materials provided in the agenda.

Mr. Schuller advised that after conversing with Mr. Silva many questions have been answered; however, he believes this request still merits close scrutiny from the Planning Commission. Mr. Schuller declared that the majority of the septic system will be located where no percolation tests were performed. He disclosed that the covenants required by the Subdivision Regulations to be placed of record when there is a septic system are not present in the deeds, and there is no covenant specifying the condition the TCCHD imposed for this lot-split approval relating to the size of the house to be constructed. Mr. Schuller disclosed that this is inconsistent with the RE zoning which the Planning Commission approved for this area, which includes the subject lot. He noted that this application was reinstated with no new application or fees, which sets a dangerous precedent for other previously-denied lot-split applications.

There was lengthy discussion over the covenants Mr. Schuller referred to. Mr. Stump advised that Subdivision Regulations require a plat to contain covenants, and since a lot-split does not produce a plat there is no requirement for lot-splits to have covenants relating to septic tank systems.

Mr. Carnes made a motion for approval. The motion was seconded.

Ms. Wilson noted that the Planning Commission had been advised that the TCCHD four-bedroom limit imposed by TCCHD will be tracked through the building permit process. She asked Mr. Jackere if there is a need to place such condition in a covenant.

Mr. Jackere advised that it would not be appropriate to do so, and he has been assured that under the system of permits, a building permit would go to the TCCHD, where a judgment would be made.

Mr. Doherty asked Mr. Silva about the practice of taking percolation tests on the site of the lateral lines.

Mr. Silva informed that at present that is the policy, and informed an amendment to state regulations was made in 1987 stating that the septic system lateral lines must be placed in the area identified by the percolation test holes. However, at the time the subject percolation tests were conducted, in 1985, that was not the requirement.

Mr. Doherty asked Legal Counsel if the 1985 percolation tests would be considered valid or if a new percolation test must be conducted.

Mr. Jackere informed that there is no structure on the new lot and a new percolation test must be conducted prior to the issuance of a building permit.

Mr. Silva informed that during review of City building permits, it is required that a new percolation test be conducted in the area where the septic system will be placed.

Ms. Pace asked where the lateral lines are located on the existing house, wanting to ensure that they are not under the proposed location of the new house, and if they are under the new house location, whether the existing house will be required to install a new septic field.

Mr. Silva informed that the TCCHD has no records for the septic system on the existing house and must rely on the homeowner for this information, or a professional can identify where the system is.

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Ms. Wilson asked why the TCCHD reversed its decision on the application.

Mr. Silva explained that the original application had insufficient information, and after the applicant met with their engineer, they were able to provide the additional information to TCCHD. He explained that this is not unusual.

Mr. Gardner noted that the original lot-split was the east 100' and was subsequently reconfigured at a diagonal on the rear portion to allow enough room for lateral lines to meet where the percolation tests were conducted.

Mr. Neely asked Staff to comment on Mr. Schuller's suggestion that there were irregularities in the application process.

Mr. Stump advised that there were no irregularities, and explained that prior approval lot-splits are not required to give notice to abutting property owners; therefore, nothing is lost in reactivating the application process. He added that many times there are obstructions in a lot-split approval which are later remedied; i.e., varying the original layout of the lots and submitting more information to the TCCHD.

**TMAPC Action; 11 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **10-1-0** (Ballard, Carnes, Doherty, Gray, Harris, Horner, Neely, Pace, Parmele, Wilson "aye"; Midget "nay"; no "abstentions"; none "absent") to **APPROVE** PRIOR APPROVAL LOT-SPLIT L-17890 finding it in conformance with the Subdivision Regulations.

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**PLAT WAIVER: SECTION 213 AND SECTION 260:**

**Z-4614 (Forest Acres)(1293)**  
1269 South Memorial Drive

**(PD-5)(CD-5)**

Jones presented the application with Cheryl Steinsiek in attendance at the TAC meeting.

Miller pointed out that the north arrow on the site plan was incorrect.

Canahl stated that the tract is located in a regulatory flood plain and that the finished floor elevation shall be 647'.

French recommended that access points be a minimum of 24' in paving width with proper radius.

Cotner recommended the chain link fence not be located in the flood plain.

French asked if the applicant understood and agreed to the additional dedication. Steinsiek agreed.

French also stated an access control agreement would be required.

This 1.04-acre tract was rezoned from *RS-1* to *CS* in 1974 and was approved by the Board of Adjustment in 1989 to permit automobile sales. Based on the existing underlying plat and the size of the tract, Staff is supportive of the plat waiver application.

Staff recommends **APPROVAL** of the plat waiver for Z-4614 subject to the following conditions:

1. Dedication of 10 additional feet for South Memorial Drive to meet the Major Street Plan.
2. Grading and/or drainage plan approval by the Department of Public Works in the permit process.
3. Access control agreement if required by the Department of Public Works (Traffic Engineering).

On the **MOTION** of **FRENCH**, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the plat waiver for **Z-4614**, subject to all conditions listed above.

Jones recommended to the applicant that a considerable amount of additional work must be done prior to obtaining a building permit and suggested that they contact the Department of Public Works as soon as possible.

Staff Comments

Mr. Jones informed that the applicant is proposing to use the property for an automobile pawn facility.

Ms. Wilson asked if it was possible that this business may become a salvage operation.

Mr. Jones advised that use would be in violation of the Zoning Code.

**TMAPC Action; 11 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **11-0-0** (Ballard, Carnes, Doherty, Gray, Harris, Horner, Midget, Neely, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the PLAT WAIVER for Z-4614 as recommended by Staff.

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Z-4124 (Galbreath, Colcord & Russell Addition)(2792)  
4147 S. 26th W. Ave.

(PD-9)(CD-2)

This 50' wide tract was rezoned from RS-3 to OL in 1972 and was approved by the Board of Adjustment for residential use July 12, 1994. Since the tract is less than 2.5 acres in size, platted and the proposed use is residential, Staff is supportive of the plat waiver request.

Staff recommends **APPROVAL** of the plat waiver for **Z-4124** subject to the following conditions:

1. Grading and/or drainage plan approval by the Department of Public Works in the permit process.
2. Utility extensions and/or easements if needed.
3. Waiver of the Subdivision Regulations regarding required additional right-of-way for West 42nd Street South.

Staff Comments

Mr. Jones noted that the survey is in error in depicting 25' of right-of-way; however, Traffic Engineering indicated no problem with waiving the platting requirement and Subdivision Regulations, since ten additional feet of right-of-way is not needed.

Mr. Jackere suggested adding a condition that the plat will be waived so long as the property is used for residential.

Mr. Jones disclosed that such a condition was considered at the TAC meeting. However, the TAC saw no problem with waiving the plat for either use.

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TMAPC Action; 11 members present:

On **MOTION** of **CARNES**, the TMAPC voted **11-0-0** (Ballard, Carnes, Doherty, Gray, Harris, Horner, Midget, Neely, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the PLAT WAIVER for Z-4124 as recommended by Staff and **WAIVER** of Subdivision Regulations as recommended by Staff.

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CBOA-1283 (Quad Center)(2773)  
5161 E. 171st St. S.

(PD-20)(County)

CBOA-1283 is a pending Board of Adjustment application (August 16, 1994 hearing) to permit a private school in an OL-zoned district. This same property was approved by the TAC and TMAPC for a plat waiver in 1988 as a result of Board of Adjustment case CBOA-0804 to permit multi-family use on the lot (never utilized). Since the property is platted and all requirements exist, Staff can find no advantage to a replat.

Staff recommends **APPROVAL** of the plat waiver for CBOA-1283. (Should the Tulsa County Board of Adjustment not approve the special exception, this request should be withdrawn.)

Staff Comments

Mr. Jones explained that the property is already platted and a plat waiver had been approved for a previous BOA case. He informed that all right-of-way and necessary easements are in existence.

**TMAPC Action; 11 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **11-0-0** (Ballard, Carnes, Doherty, Gray, Harris, Horner, Midget, Neely, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the PLAT WAIVER for CBOA-1283 as recommended by Staff.

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**FINAL APPROVAL AND RELEASE:**

Millicent Crossing (PUD-362)(1984)

**(PD-18)(CD-8)**

North and east of the northeast corner of E. 101st Street South & South Mingo Road.

TMAPC Comments

Chairman Parmele announced that a temporary barricade between Millicent Crossing and Woodbine II will be installed because of the potential for cut-through traffic generated by the school and lack of improvements at the intersection at 101st and Mingo. He informed that the barricade will be removed and the street will be opened when the intersection is improved.

Staff Comments

Mr. Jones explained the easement detail of the plat which previously required pedestrian access from the subdivision to the proposed elementary school to the north. Mr. Jones informed that he has been in contact with Union Public Schools regarding access location.

Mrs. Wilson asked who would be responsible for constructing the fence.

Mr. Jones explained that would be a matter between the developer and school to decide.

Ms. Wilson inquired as to the type of fence being proposed.

Mr. Jones replied that also was a private matter between the school and the developer.

Ms. Pace requested that the fence be constructed with rock or brick pillars and wrought iron fencing to allow pedestrians visibility through the fence.

Mr. Jones informed that the Planning Commission could make that a condition of approval, and he would pass her request on the developer and the engineer.

After hearing these comments the below-listed individuals declined comments.

Interested Parties

Shirley Sellers

10020 East 98th Street 74133

Natoma Stephens

10003 East 98th Place 74133

Christopher Jolley

9812 South 100th East Place 74133

Duane Cox

9804 South 99th East Avenue 74133

**TMAPC Action; 11 members present:**

On **MOTION** of, the TMAPC voted **10-0-1** (Ballard, , Doherty, Gray, Harris, Horner, Midget, Neely, Pace, Parmele, Wilson "aye"; no "nays"; Carnes "abstaining"; none "absent") to the **FINAL PLAT** of Millicent Crossing and **RELEASE** same as having met all conditions of approval as recommended by Staff.

Mr. Midget explained that the street is being barricaded due to uniqueness of the school site and safety of the children, and that it is only temporary.

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**REINSTATEMENT OF PRELIMINARY PLAT:**

Signal Hill II (PUD-458)(1583)

**(PD-18)(CD-8)**

East 85th Street South & South Braden Avenue.

**Staff Comments**

Mr. Jones explained that this plat has been ongoing for the last year. He commented on a problem involving the required right-of-way and South Yale Avenue access which has recently been resolved by the Department of Public Works and the developer. This new proposal is reflected in the proposed reinstatement of the plat. Mr. Jones advised that the plat has only recently expired, as of June, 1994. Mr. Jones advised that Staff recommends **REINSTATEMENT** of the plat as presented.

**TMAPC Action; 11 members present:**

On **MOTION** of, the TMAPC voted **11-0-0** (Ballard, Carnes, Doherty, Gray, Harris, Horner, Midget, Neely, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; "absent") to **REINSTATE** the **PRELIMINARY PLAT** of Signal Hill II as recommended by Staff.

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**LOT-SPLIT FOR DISCUSSION:**

L-17933 Earl W. & Toni S. Arnold (583)

**(PD-18)(CD-9)**

2612 E. 69th St.

*RS-1*

It is proposed to split Lot 1, Block 2, Sherrelwood Estates, a corner lot, into 2 tracts (18,118 SF, and 17,734 SF). Each lot will contain more square footage than the minimum required (13,500 SF) in an RS-1 zoned district. Paula Hubbard, Chief Zoning Officer, has informed us that in her opinion, TRACT B complies the minimum lot width requirement of 100 feet.

Tract B has the minimum 30 feet of required frontage along East 69th Street. It has 26.71 feet of frontage along South Birmingham Avenue. Tract A has a 15-foot wide extension of the main lot south along Birmingham in order to abut the sewer line that runs through the south portion of the lot.

Interested Parties

Betty Cooper  
Virginia Penick  
Kathy Davis  
Steve Harris  
Ursula Echmann  
Jack Arnold

2512 East 69th Street 74136  
6955 South Birmingham Place 74136  
6931 South Birmingham Place 74136  
7002 South Birmingham Court 74136  
2611 East 69th Street 74136  
7318 South Yale Avenue 74136

The above-listed individuals expressed opposition to the proposed lot-split and made the following comments:

The proposed lot-split is not in keeping with the surrounding area and would result in a class and style of development not in keeping with the existing residences.

The existence of an old plugged oil and gas well was of concern to area residents. They perceive it s a possible hazard to any structure located on Tract B.

Concerns over increased stormwater runoff were expressed.

There was concern over removal of mature trees to construct a house and the negative impact it would have on existing erosion problems on the property and area residents.

Area residents believe that because of the irregular shape of Tract 2 which would result from the proposed lot-split, it will be difficult to sell and the vacant lot will serve as a breeding ground for vermin.

TMAPC Discussion

There was considerable discussion over the method of determining the lot width of Tract "B". The Planning Commission asked that Ms. Hubbard attend next week's meeting to explain how she determined that the subject tract complies with the minimum lot width requirement.

TMAPC Action; 11 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **11-0-0** (Ballard, Carnes, Doherty, Gray, Harris, Horner, Midget, Neely, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; "absent") to **CONTINUE LOT-SPLIT FOR DISCUSSION L-17933** to August 24, 1994.

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**LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:**

L-17924 Phil & Debra Roland (382)  
S. 28th W. Ave.  
L-17931 Bank IV Oklahoma (2383)  
9344 S. Memorial Dr.

(PD-8)(CD-2)  
RS-3  
(PD-18)(CD-8)  
CO

**Staff Comments**

Mr. Stump 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 **CARNES**, the TMAPC voted **10-0-0** (Ballard, Carnes, Doherty, Gray, Harris, Horner, Midget, Neely, Pace, , Wilson "aye"; no "nays"; no "abstentions"; Parmele "absent") to **RATIFY** the above-listed lot-splits having received prior approval and finding them to be in accordance with Subdivision Regulations.

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**CONTINUED ZONING PUBLIC HEARING:**

Application No.: **PUD-389-1**  
Applicant: . Charles Norman  
Location: South & East of East 81st Street South & South Yale Avenue.  
Date of Hearing: August 17, 1994

Mr. Neely announced that the applicant has withdrawn this request.

**OTHER BUSINESS:**

**PUD-171:** Detail Sign Plan - Lot 3, Block 1, H-J Plaza - northwest corner of East 81st Street South and South Sheridan Road.

The applicant requests two signs for Jow's Takee-Outee Chinese Restaurant - a ground sign (addition to the existing Pizza Hut sign) and an awning (replacement of the former awning placed by Pizza Hut). After reviewing the request, Staff finds it to conform with PUD standards and recommends **APPROVAL** subject to the following as represented by the applicant:

1. The proposed ground sign will become a portion of the existing Pizza Hut sign and will be attached below the existing sign - it will not increase the height of the existing sign.
2. The new awning will be backlit, not exceeding an illumination of 25 foot-candles at 2 feet from the sign (equal to or less intense than the former Pizza Hut awning).
3. Wall signage will be limited to the awning.
4. The top of the oval (Jow's) will not protrude above the top of the parapet wall. A dimensioned plan which documents sign placement will be required prior to permit issuance.

The applicant was present and expressed agreement with Staff recommendation.

**TMAPC Action; 10 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **10-0-0** (Ballard, Carnes, Doherty, Gray, Harris, Horner, Midget, Neely, Pace, Wilson "aye"; no "nays"; no "abstentions"; Parmele "absent") to **APPROVE** PUD 171 **DETAIL SIGN PLAN** as recommended by Staff.

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**PUD-260-B:** Detail Landscape Plan - Lot 4, Block 1, Hyde Park Amended - 4949 East 71st Street South.

The applicant's request is for approval of the Landscape Plan for a Sonic restaurant. Staff review finds that the proposed plan conforms to the requirements of the Landscape Chapter of the Zoning Code and therefore recommends **APPROVAL** subject to the following condition:

1. Demonstration by the applicant that the 10' clear zone beneath any existing electrical transmission lines will be observed.

**TMAPC Action; 10 members present:**

On **MOTION** of **HARRIS**, the TMAPC voted **10-0-0** (Ballard, Carnes, Doherty, Gray, Harris, Horner, Midget, Neely, Pace, Wilson "aye"; no "nays"; no "abstentions"; Parmele "absent") to **APPROVE** PUD 260-B DETAIL LANDSCAPE PLAN as recommended by Staff.

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**PUD-379:** Detail Site Plan Review - Lot 1, Block 1, The Village at Woodland Hills.

The applicant, Sun and Ski Sports Expo, requests approval for a temporary tent as an accessory use. Based on tent location, the intended use and available parking, Staff recommends **APPROVAL**.


Mr. Doherty informed that he will be abstaining from the vote. He informed that the applicant is requesting the tent use from August 17 through August 23, 1994.

**TMAPC Action; 10 members present:**

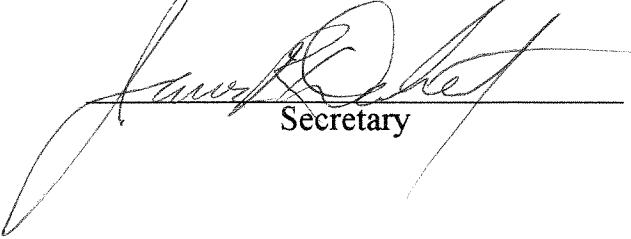
On **MOTION** of **MIDGET**, the TMAPC voted **10-0-0** (Ballard, Carnes, Gray, Harris, Horner, Midget, Neely, Pace, Wilson "aye"; no "nays"; Doherty "abstaining"; Parmele "absent") to **APPROVE** PUD 379 REVISED SITE PLAN.

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There being no further business, the Chairman declared the meeting adjourned at 2:45 p.m.

Date Approved: 9/7/94  
  
Chairman

ATTEST:

  
Secretary

