

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2033

Wednesday, August 16, 1995, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

Members Present

Ballard
Boyle, 2nd Vice
Chairman
Carnes,
Chairman
Doherty, 1st Vice
Chairman
Gray, Secretary
Horner
Ledford
Midget, Mayor's
Designee
Pace

Members Absent

Selph
Taylor

Staff Present

Hester
Jones
Stump

Others Present

Linker, Legal
Counsel

The notice and agenda of said meeting were posted in the Office of the City Clerk on Monday, August 14, 1995 at 3:19 p.m., in the office of the County Clerk at 3:13 p.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Carnes called the meeting to order at 1:32 p.m.

Minutes:

Approval of the minutes of August 2, 1995, Meeting No. 2031:

On **MOTION** of **HORNER**, the TMAPC voted **5-0-1** (Carnes, Doherty, Horner, Ledford, Pace "aye"; no "nays"; Boyle, "abstaining"; Ballard, Gray, Midget, Selph, Taylor "absent") to **APPROVE** the minutes of the meeting of August 2, 1995 Meeting No. 2031.

SUBDIVISIONS:

PLAT WAIVER, SECTION 213 AND SECTION 260:

PUD-509 (494)

(PD-17)(CD-6)

South of the southeast corner of East 5th Street South and South 129th East Avenue.

Jones presented the request with Bill Lewis present at the TAC meeting.

Horne stated that a water main extension may be required.

After considerable discussion on the sanitary sewer/septic situation for the lot, Matthews determined that sanitary sewer service is reasonably accessible to the lot and should be extended.

Lewis stated that a percolation test is being run and his client would meet the City's requirement for sewage disposal.

French stated that an access control agreement would be required and the minimum width for the access point should be 24 feet.

PUD-509 is a slightly less than two-acre development which was approved by the TMAPC for office, retail and/or warehouse uses. The applicant is requesting to waive the platting requirement for the western three lots, 11, 12 and 13, based on the submitted site plan.

Although Staff does not have a concern with the plat waiver, Staff is opposed to waiving the requirement on only three lots. The property is contained within an existing subdivision plat and is less than 2.5 acres in size.

Staff would recommend **APPROVAL** of the plat waiver for PUD-509 subject to the following conditions:

1. This waiver includes Lots 1, 2, 3, 11, 12 and 13, Block 4, Meadowbrook Heights.
2. The PUD development standards be filed of record by separate instrument in the Tulsa County Clerk's office.
3. Health Department approval of the septic system.
4. Grading and/or drainage plan approval by the Department of Public Works in the permit process.
5. Access control agreement, if required by the Department of Public Works (Traffic Engineering).
6. Utility extensions and/or easements if needed.

On the **MOTION** of **MATTHEWS**, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the **PLAT WAIVER** for **PUD-509**, subject to all conditions listed above.

Staff Comments

Mr. Jones reported that the major concern of the Technical Advisory Committee (TAC) is that this property is not presently served by sewer. He informed that there is sewer across the street, approximately 300' to the west of 129th East Avenue, as well as on the east side of 131st Street South, which is not as readily available. Mr. Jones explained that the procedure will be to bore under 129th East Avenue and tie into the existing sewer. He disclosed that Ken Matthews, Public Works, was adamant that sewer be extended to this area. Mr. Jones informed that sewer is being extended to serve this area and this lot will be a vital connection. Mr. Jones advised that at the TAC meeting the applicant asked if a septic system would be allowed. However it is questionable as to whether this property will perc due to limestone being close to the surface. Mr. Jones informed that Terry Silva, of the Health Department, reported that as of August 14, 1995 there was no perc test of record nor any request for perc test.

Responding to Mr. Boyle's inquiry regarding condition #3, "Health Department approval of the septic system", Mr. Jones explained that TAC was agreeable to allow the applicant to determine if the property would perc. If the property did not perc, the condition is moot; however, if the property does perc, then septic would be an option for the developer. Mr. Jones reiterated that both Public Works and the Health Department want the sewer extension.

Mr. Doherty informed of discussion with Terry Silva, who stated that he had no objection to a collection tank and pump since the usage on this property would be minimal. He also informed that according to Mike Buchert, it was not Ken Matthews' position, but the Utility Authority's position that he was echoing regarding sewer concerns.

Mr. Horner informed that breaking through the rock to reach the soil is the problem. It was his opinion that the demand for sewer was excessive and he declared that there are other accommodations available to alleviate concerns.

Mr. Jones informed that from discussions with Mr. Silva, he understood that Mr. Silva was not in favor of a temporary holding facility. Mr. Jones advised that from a planning standpoint, this is development, and if development is allowed, a system of sewer is required. Otherwise, when additional development occurs, there will not be a system to hookup to.

Applicant's Comments

Mr. Lewis informed that approximately 450' of pipe will be required at a cost of \$20,000 to \$30,000 to install sewer. He informed that the tract will be used for selling concrete statuary.

Mr. Doherty questioned whether there would be future development in the area to constitute sufficient usage of the waterline. He and Mr. Horner disclosed that they did not have faith in TAC's recommendation regarding this tract.

Mr. Ledford inquired as to how the public would be protected in the event of a transfer of deed.

Mr. Jones informed that rarely does a plat waiver require waiver of Subdivision Regulations, especially for sewer. He noted that this PUD allows statutory and warehouse use. Mr. Jones noted that the entire PUD is under consideration for plat waiver, and when the developer constructs the warehouse, the platting requirement will not be triggered. He responded to Mr. Ledford's inquiry stating that in this scenario, he sees no way of protecting the public.

Jeff Levinson

35 East 18th Street

Mr. Levinson was present representing the applicant. He pointed out that the original request was that the platting requirement be waived for a limited part of the PUD for statutory sales. He informed that the applicant would be willing to restrict the plat waiver to Lots 11, 12 and 13; however, TAC recommended that the plat waiver cover the entire PUD. Mr. Levinson declared that if the Planning Commission decides that sewer should be extended it would make this property impossible for any use because of prohibitive cost.

Mr. Boyle asked if the plat waiver could be limited to the three lots for outdoor storage as the applicant suggested.

Mr. Jones explained that this would create parcels that would be difficult for Staff to administer.

Mr. Levinson informed that if the plat waiver is denied, the applicant will not be able to use the tract.

Mr. Doherty questioned the concern over possible development without oversight, since the detail site plan must be reviewed by the Planning Commission, and questioned Staff's concern.

Mr. Jones explained that Staff is concerned because this is a development that does not meet Subdivision Regulations. TAC wanted sewer extension, and Staff sees no reason to deviate from that. He divulged that Subdivision Regulations state that every lot must be served by either a public sewer or a private septic system. He informed that Ken Matthews, Department of Public Works, feels that sewer is readily available.

Chairman Carnes determined that to access sewer from this tract would require blasting through limestone, giving a different definition to "readily available" in this case.

Mr. Linker asked if the Health Department made the determination on whether septic or sewer is required.

Mr. Jones responded in the affirmative and reported that Mr. Silva informed him that no perc test has been applied for on the tract. He informed that TAC was hoping that perc test results would be complete by the time this item appeared before the Planning Commission.

Mr. Doherty questioned why the Health Department made the determination as to whether a sewer is extended or not.

TMAPC Action; 8 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **7-1-0** (Ballard, Boyle, Carnes, Doherty, Horner, Ledford, Pace "aye"; Gray "nay"; none "abstaining"; Midget, Selph, Taylor "absent") to **APPROVE** the PLAT WAIVER for Lots 11, 12 and 13 only of PUD-509 subject to conditions 1, 2, 4, 5 and 6 and subject to approval by the Health Department of arrangements the applicant desires to make for waste disposal and WAIVER of Subdivision Regulations.

Mr. Stump asked if the Health Department refuses to approve a holding tank, does that mean the applicant can't have one.

Mr. Boyle informed that his motion was subject to approval of the Health Department, but not being limited strictly to an extension of the sewer.

Mr. Jones asked if the perc test fails and the Health Department won't approve a temporary holding facility, if the applicant would be required to extend the sewer.

Mr. Boyle replied in the affirmative, or there would have to be another plan.

Mr. Carnes informed that the Health Department would have to grant approval according to the motion.

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CHANGE OF ACCESS ON RECORDED PLAT:

Conoco Heights Addition (883)
7111 S. Lewis Ave.

(PD-18)(CD-8)
CS

Staff Comments

Mr. Jones referred to the map in the agenda packets depicting new accesses created on 71st Street and on South Lewis Avenue. He noted existing access points at this corner and pointed out that this should serve not only the corner property, but the property to the south and east as well. Mr. Jones informed that Traffic Engineering has reviewed the access change and signed off on it; therefore, and Staff recommends **APPROVAL** of the change of access subject to the map presented.

TMAPC Action; 8 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-0** (Boyle, Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Ballard, Selph, Taylor "absent") to **APPROVE** the CHANGE OF ACCESS ON RECORDED PLAT for Conoco Heights Addition as recommended by Staff.

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LOT-SPLIT FOR WAIVER OF SUBDIVISION REGULATIONS:

L-18117 Hugh & Pearl Fassett (T. Sack)(1783) RS-3

(PD-18b)(CD-2)

Jones presented the request with Ted Sack in attendance at the TAC meeting.

Considerable discussion was given to access to South Harvard Avenue.

French recommended that all be subject to Traffic Engineering approval.

Water extension was discussed and tentatively agreed on by Horne.

Matthews noted that a site plan with no back-up access to Harvard would be beneficial. Sack stated that he would try and obtain site plans and work out access concerns with Traffic Engineering prior to the TMAPC meeting.

It is proposed to configure an existing residential lot into four lots. All of the lots will meet the Bulk and Area Requirements for the *RS-3* District. East 84th Street South now dead-ends at the southwestern portion of the property. The existing undivided tract was previously governed under PUD-395 and approval stated that extension of East 84th Street South east to South Harvard Avenue was not required. However, PUD-395 has been abandoned under PUD-395-A. Since the PUD has been abandoned, Staff requests TAC review this application and make recommendation concerning the extension of East 84th Street South east to South Harvard Avenue.

On the **MOTION** of **FRENCH**, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the **LOT-SPLIT** with **WAIVER** of the Subdivision Regulations, subject to the above conditions.

Staff Recommendation

Mr. Jones pointed out the mutual access point for Tracts C & D and for Tracts A & B. He informed that there was considerable discussion at TAC regarding the mutual access easement along the west sides of Tracts B, C & D, and TAC decided to recommend approval with the caveat that Traffic Engineering approve all access. Traffic Engineering wants to review site plans to ensure the driveways are mutual and to review the layout to these lots.

Mr. Doherty questioned why 84th Street South was not extended to South Harvard, since this is the only access for a collector street in the entire mile to the west. He noted that the Planning Commission has always insisted that collector streets be connected through to the arterial to minimize frontage from residential streets onto arterials.

Mr. Jones advised that TAC considered a cul-de-sac on 84th Street South as well as hammerhead turnarounds; however, these considerations were rejected because Traffic Engineering determined that there was no need to extend the street. Traffic Engineering wants to review the site plan with the houses depicted and location of drives before final approval.

Applicant's Comments

Mr. Sack gave a detailed history of the tract, noting that throughout the development process area residents expressed opposition to the extension of East 84th Street South for the development. He noted that there are homes south of the church with frontage on Harvard. Mr. Sack informed that he is attempting to minimize points of access onto Harvard. He is trying to create mutual access so lot owners would work together to create sufficient space for turnaround areas, to avoid vehicles being required to back onto Harvard.

Mr. Doherty asked why Tracts C & D were not fronted on East 84th Street South with no access to Harvard.

Mr. Sack explained that there is not sufficient frontage, and Tract B would be strangely configured. Mr. Sack informed that he would have no problem with a requirement for mutual access on the west to connect the three lots. He informed that the development would be more attractive facing Harvard while providing access to the west, and using the west portion for a garage access. Mr. Sack noted that this would reduce the amount of traffic egressing Harvard.

Mr. Doherty noted that Harvard is a two-lane street at this location; however, it is a secondary arterial and in the future will become a five-lane street. He questioned the wisdom of fronting residences on a five-lane street.

Mr. Sack replied that with restricted points of access fronting residences on Harvard would produce less traffic than commercial development.

Hugh Fassett, owner of the tract, informed that in the past residents of the area have been adamant regarding no access from the subject tract to 84th Street, allowing access only to Harvard.

Mr. Stump informed that the PUD originally proposed significantly higher density of development, which is why no access was desired from 84th Street South. However, now that single-family homes of equal-sized lots to the surrounding neighborhood are proposed, he sees no reason that access from 84th Street South would create a hardship.

TMAPC Action; 7 members present:

On **MOTION** of **LEDFORD**, the TMAPC voted **7-0-0** (Ballard, Carnes, Doherty, Gray, Horner, Ledford, Pace "aye"; no "nays"; none "abstaining"; Boyle, Midget, Selph, Taylor "absent") to **APPROVE** L-18117 for **LOT-SPLIT FOR WAIVER OF SUBDIVISION REGULATIONS** allowing the homes to front Harvard with a mutual access easement across the rear lots of B, C and D and allowing access to those lots from 84th Street, with limits of no access on Harvard, relocating the second access point on Tract A north 10,' and locating both access points on Tract A.

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LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

<u>L-18100 BMW/Classic (J. Levinson)(192)</u> 125 W. 3rd St. S.	(PD-1)(CD-4) CBD
<u>L-18116 Guier Woods IV East HOA (E. Nelson)(883)</u> Between S. Florence & S. Gary Pl. at E. 75th Pl. S.	(PD-18B)(CD-2) RS-1
<u>L-18120 Melvin & Janet Stevenson (T. Sack)(1093)</u> 6211 E. 15th St. S.	(PD-5)(CD-4) IM
<u>L-18129 Farris Children's' Trust (City of Tulsa)(794)</u> 1956 S. Garnett Rd.	(PD-17)(CD-7) CS
<u>L-18130 Bank IV, N.A. (J. Moody)(883)</u> Southeast corner of E. 71st St. S. & S. Lewis Ave.	(PD-18B)(CD-8) CS
<u>L-18132 Francis Carnegie (W. Morris)(883)</u> 2440 E. 75th St. S.	(PD-18B)(CD-2) RS-1
<u>L-18134 TRMI (S. Sumner)(283)</u> 6111 S. Sheridan Rd.	(PD-18C)(CD-7) CS
<u>L-18135 Bessie M. Kravis Estate (A. Smith)(1993)</u> 2109 E. 30th Pl. S.	(PD-6)(CD-9) RS-1
<u>L-18136 Jim & Cindy Frederick (282)</u> 4001 E. 101st St. S.	(PD-8)(CD-2) RS-3

Staff Comments

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

TMAPC Action; 7 members present:

On **MOTION** of **HORNER**, the TMAPC voted **7-0-0** (Ballard, Carnes, Doherty, Gray, Horner, Ledford, Pace "aye"; no "nays"; none "abstaining"; Boyle, Midget, Selph, Taylor "absent") to **RATIFY** the above-listed lot-splits having received prior approval and finding them to be in accordance with subdivision regulations.

CONTINUED ZONING PUBLIC HEARING:

Application No.: **PUD 179-V** Major Amendment

Applicant: Thomas F. Williams

Location: East of southeast corner of 73rd Street South and Memorial Drive.

Date of Hearing: August 16, 1995

The applicant is proposing to permit CS uses and a dry cleaning/laundry use on Lot 4, Block 1 of Randall Plaza which currently is only permitted office uses under PUD 179-P. There is also a proposal to transfer 6,000 SF of commercial use from Lot 3 to Lot 4, Block 1 of Randall Plaza and to increase the permitted size of the allocated ground sign on Lot 4 from 32 SF to 75 SF. Lot 4 which fronts the south side of 73rd Street is between two areas of PUD 179 designated and developed for office. On the north side of 73rd is a furniture store and the Venture Department store. South of Lot 4 is Lot 3 which is vacant, fronts 74th street and is approved for commercial uses as part of PUD-179-P.

Staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Based on the following conditions, Staff finds PUD-179-V to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, Staff recommends **APPROVAL** of PUD-179-V subject to the following conditions:

1. Development Standards:

Lot 3, Block 1

Permitted Uses:	Use Units 11, 13 and 14 excluding funeral homes
Maximum Building Height:	One story, not to exceed 22'
Maximum Building Floor Area:	6,800 SF
Minimum Building Setbacks:	
West boundary	5'
North boundary	12'
East boundary	28'
Centerline of 74th Place	50'
Minimum Landscaped Open Space	10% of lot

Lot 4 Block 1

Permitted Uses:	Use Units 11, 13 14 and dry cleaning/laundry as allowed in Use Unit 15, excluding funeral homes
Maximum Building Height:	One story, not exceeding 22'
Maximum Building Floor Area:	9,000SF*
Minimum Building Setbacks:	
West Boundary	10'
South boundary	35'
East boundary	11'
Centerline of 73rd Street South	55'
Minimum Landscaped Open Space	10% of lot

*Of the 9,000 SF of building floor area, only 6,000 SF total may be used for Use Unit 13, 14, and dry cleaning/laundry uses and the dry cleaning/laundry use is limited to 3,000SF unless granted a variance for additional floor area by the Board of Adjustment.

2. Maximum permitted signage is as follows:

Ground signs

One ground sign per lot not to exceed 32 SF of display surface area each nor 8' in height.

Wall signs

Signs shall not exceed a display surface area of one square foot per each lineal foot of building wall to which it is attached.

No signs shall be flashing and illumination shall be by constant light.

3. A 6' high screening fence shall be erected along the east boundary of Lot 3, Block 1.
4. No Zoning Clearance Permit shall be issued for a development area within the PUD until a Detail Site Plan for the development area, which includes all buildings and required parking, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
5. A Detail Landscape Plan for each development area shall be submitted to the TMAPC for review and approval. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved Landscape Plan for that development area prior to issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continuing condition of the granting of an Occupancy Permit.
6. No sign permits shall be issued for erection of a sign within a development area of the PUD until a Detail Sign Plan for that development area has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
7. All trash, mechanical and equipment areas shall be screened from public view by persons standing at ground level.

8. All parking lot lighting shall be directed downward and away from adjacent residential areas. Light standards shall be limited to a maximum height of 12 feet within the east 100' of Lot 3, Block 1.
9. The Department of Public Works or a Professional Engineer registered in the State of Oklahoma shall certify to the zoning officer that all required stormwater drainage structures and detention areas serving a development area have been installed in accordance with the approved plans prior to issuance of an Occupancy Permit.
10. No Building Permit shall be issued until the requirements of Section 1107E of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants.
11. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.

Staff Comments

Mr. Stump announced that this item was continued from the August 9, 1995 Planning Commission meeting to allow Staff to research how the office building's parking lot, to the east of the subject tract, related to this application. Upon investigation it was discovered that the maneuvering area for spaces on the office park were on the subject tract. Mr. Stump informed that the applicant has no problem with the layout in which he will use some of the paving to access his parking. He informed that this will be coordinated with the development to the east as was originally proposed when the offices were developed.

Interested Parties

Charles Sexton

8310 East 73rd 74133

Mr. Sexton expressed agreement with the application.

TMAPC Action; 7 members present:

On **MOTION** of **PACE**, the TMAPC voted **7-0-0** (Ballard, Carnes, Doherty, Gray, Horner, Ledford, Pace "aye"; no "nays"; none "abstaining"; Boyle, Midget, Selph, Taylor "absent") to recommend **APPROVAL** of PUD 179-V **MAJOR AMENDMENT** as recommended by Staff.

LEGAL DESCRIPTION

Lots 3 and 4, Block 1, Randall Plaza, and located east of the southeast corner of E. 73rd Street S. and South Memorial Drive, Tulsa, Oklahoma.

ZONING PUBLIC HEARING:

Application No.: **Z-5498-SP-1-G Minor Amendment**
Applicant: Kevin Cahill
Location: 7920 S. Lewis Ave. "The Directory"
Date of Hearing: August 16, 1995

The applicant is requesting a Minor Amendment to a Corridor Site Plan to add approximately 1,000 SF of storage area to the Grandview Hotel.

Staff has reviewed the request and finds that the increase in floor area, when combined with past amendments, does not exceed 10% of the originally approved floor area. Staff also finds that existing parking is sufficient to cover the increase. The applicant is proposing composition shingles or standing seam roof and vinyl siding.


Staff recommends **APPROVAL** subject to the following:

1. Exterior materials per applicant's proposal.
2. Landscaping removed by construction shall be replaced with like material in type and quantity.

TMAPC Action; 7 members present:

On **MOTION** of **HORNER**, the TMAPC voted **7-0-0** (Ballard, Carnes, Doherty, Gray, Horner, Ledford, Pace "aye"; no "nays"; none "abstaining"; Boyle, Midget, Selph, Taylor "absent") to **APPROVE** Z-5498-SP-1-G MINOR AMENDMENT as recommended by Staff.

There being no further business, the Chairman declared the meeting adjourned at 2:25 p.m.

Date Approved: 9/6/95

Chairman

ATTEST:


Secretary