

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2074

Wednesday, July, 17, 1996, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

Members Present

Ballard
Boyle
Carnes, Chairman
Doherty, 1st Vice Chairman
Horner
Ledford

Members Absent

Dick
Edwards
Gray
Midget
Pace

Staff Present

Almy
Gardner
Jones
Stump

Others Present

Romig, Legal
Counsel

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, July 12, 1996 at 2:35 p.m., in the office of the County Clerk at 3:54 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 1:37 p.m.

Minutes:

Approval of the minutes of June 26, 1996, Meeting No. 2072:

On **MOTION** of **HORNER**, the TMAPC voted **5-0-1** (Ballard, Boyle, Carnes, Horner, Ledford "aye"; no "nays"; Doherty "abstaining"; Dick, Edwards, Gray, Midget, Pace "absent") to **APPROVE** the minutes of the meeting of June 26, 1996, Meeting No. 2072.

Approval of the minutes of July 3, 1996, Meeting No. 2073:

On **MOTION** of **DOHERTY**, the TMAPC voted **5-0-1** (Ballard, Carnes, Doherty, Horner, Ledford "aye"; no "nays"; Boyle "abstaining"; Dick, Edwards, Gray, Midget, Pace "absent") to **APPROVE** the minutes of the meeting of July 3, 1996, Meeting No. 2073.

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REPORTS:

Committee Reports:

Comprehensive Plan Committee

Mr. Ledford reported that the Comprehensive Plan Committee scheduled for today was canceled due to lack of quorum. Mr. Ledford feels the item on the agenda needs to be addressed.

Rules and Regulations Committee

Mr. Doherty stated that the Rules and Regulations Committee will meet today in room 1102 following the TMAPC meeting. Items to be discussed are outdoor advertising, and apartments and multifamily densities

Director's Report:

Mr. Gardner informed the Commission that there is one zoning case scheduled for the July 18, 1996 City Council meeting.

Mr. Gardner stated the appointments for the Planning Commission and the Board of Adjustment were not scheduled on this City Council meeting.

SUBDIVISIONS:

Preliminary Plat:

I-44 Auto Auction Two (304)

(PD-17)(CD-6)

Southwest corner of East Admiral Place and South 161st East Avenue

TAC Comments:

Jones presented the plat with Whit Mauzy present.

Root noted that the detention easement would be privately-maintained and the appropriate wording should be included in the restrictive covenants.

Dixon stated that a license agreement should be executed and filed of record to permit any encroachment into city right-of-way.

I-44 Auto Auction Two is a one-lot commercial subdivision plat which contains approximately ten acres. A sketch plat for the property and the abutting property to the south was reviewed by the TAC at the January 4, 1996 meeting.

Staff would offer the following comments and/or recommendations:

1. Show "Lot 1, Block 1" on face of plat.
2. Identify right-of-way as "RIGHT-OF-WAY DEDICATED BY THIS PLAT".
3. Show number of lots and acreage information.
4. 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 shall be tied to or related to property line and/or lot lines.
5. Water and sanitary sewer plans shall be approved by the Department of Public Works (Water & Sewer) prior to release of final plat. (Include language for W/S facilities in covenants.)
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. A request for creation of a Sewer Improvement District shall be submitted to the Department of Public Works (Water & Sewer) prior to release of final plat.
8. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater and/or Engineering) including storm drainage, detention design, and Watershed Development Permit application subject to criteria approved by the City of Tulsa.
9. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).
10. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
11. Street names shall be approved by the Department of Public Works/County Engineer and shown on plat.
12. All curve data, including corner radii, shall be shown on final plat as applicable.
13. City of Tulsa Floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.
14. Bearings, or true N/S etc., shall be shown on perimeter of land being platted or other bearings as directed by the Department of Public Works/County Engineer.

15. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
16. Limits of Access or LNA as applicable shall be shown on plat as approved by the Department of Public Works (Traffic)/County Engineer. Include applicable language in covenants.
17. It is recommended that the Developer coordinate with the Department of Public Works (Traffic) or County Engineer during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
18. 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.
19. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
20. The key or location map shall be complete.
21. 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.)
22. The restrictive covenants and/or deed of dedication shall be submitted for review with the preliminary plat. (Include subsurface provisions, dedications for stormwater facilities, and PUD information as applicable.)
23. This plat has been referred to Catoosa and Fair Oaks because of its location near or inside a "fence line" of that municipality. Additional requirements may be made by the applicable municipality. Otherwise only the conditions listed apply.
24. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
25. All other Subdivision Regulations shall be met prior to release of final plat.

On the motion of Rains, the Technical Advisory Committee voted unanimously to recommend Approval of the Preliminary Plat of I-44 Auto Auction Two, subject to all conditions and recommendations listed above.

TMAPC Action; 6 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **6-0-0** (Ballard, Boyle, Carnes, Doherty, Horner, Ledford "aye"; no "nays"; none "abstaining"; Dick, Edwards, Gray, Midget, Pace "absent ") to **APPROVE** the Preliminary Plat of I-44 Auto Auction Two, subject to the conditions as recommended by TAC.

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Metro Park South I (3294)

(PD-18)(CD-5)

East of the northeast corner of East 61st Street South and South Garnett Road

TAC Comments:

Jones presented the plat with Ted Sack present.

Considerable discussion was given to the access along East 61st Street South. Sack noted that the mutual access to 61st Street may be gated at the north end.

Root pointed out that a structure outflow facility may need modification for stormwater flow.

Jones informed Sack of a problem in meeting the 15-day notice requirement and suggested that a waiver should be requested at the TMAPC hearing.

Metro Park South I is a ten-acre industrial subdivision which contains 13 lots. The subdivision plat is being processed with Metro Park South II, which is an abutting industrial plat.

Staff would offer the following comments and/or recommendations:

1. The access easement along the west side of lot 10 does not align with the access point of East 61st Street.
2. 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 shall be tied to or related to property line and/or lot lines.
3. Water and sanitary sewer plans shall be approved by the Department of Public Works (Water & Sewer) prior to release of final plat. (Include language for W/S facilities in covenants.)
4. 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).

5. A request for creation of a Sewer Improvement District shall be submitted to the Department of Public Works (Water & Sewer) prior to release of final plat.
6. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater and/or Engineering) including storm drainage, detention design, and Watershed Development Permit application subject to criteria approved by the City of Tulsa.
7. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).
8. Street names shall be approved by the Department of Public Works and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. City of Tulsa Floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.
11. Bearings, or true N/S etc., shall be shown on perimeter of land being platted or other bearings as directed by the Department of Public Works.
12. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
13. Limits of Access or LNA as applicable shall be shown on plat as approved by the Department of Public Works (Traffic). Include applicable language in covenants.
14. It is recommended that the Developer coordinate with the Department of Public Works (Traffic) during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
15. 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.
16. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
17. The key or location map shall be complete.
18. 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.)

19. The restrictive covenants and/or deed of dedication shall be submitted for review with the preliminary plat. (Include subsurface provisions, dedications for stormwater facilities, and PUD information as applicable.)
20. This plat has been referred to Broken Arrow because of its location near or inside a "fence line" of that municipality. Additional requirements may be made by the applicable municipality. Otherwise only the conditions listed apply.
21. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
22. All other Subdivision Regulations shall be met prior to release of final plat.

On the motion of McGill, the Technical Advisory Committee voted unanimously to recommend Approval of the Preliminary Plat of Metro Park South I, subject to all conditions and recommendations listed above.

TMAPC Comments:

Mr. Boyle questioned the legality of not meeting the 15-day notice. Mr. Romig stated that as long as the abutting property owner does not object or challenge the approval and as long the applicant is satisfied, then it would be permissible. Mr. Doherty feels it is not a statutory requirement.

TMAPC Action; 6 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **6-0-0** (Ballard, Boyle, Carnes, Doherty, Horner, Ledford "aye"; no "nays"; none "abstaining"; Dick, Edwards, Gray, Midget, Pace "absent ") to **APPROVE** the Preliminary Plat of Metro Park South I, subject to waiver of notice requirement and the conditions as recommended by TAC.

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Metro Park South II (3294)

(PD-18)(CD-5)

East of the northeast corner of East 61st Street South and South Garnett Road

TAC Comments:

Jones presented the plat with Ted Sack in attendance

Somdecerff pointed out a wrong dimension and a missing dimension on the face of the plat.

Metro Park South II is a 9.7 acre industrial subdivision which contains one lot. The subdivision plat is being processed with Metro Park South I, which is an abutting industrial plat.

Staff would offer the following comments and/or recommendations:

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 shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Department of Public Works (Water & Sewer) prior to release of final plat. (Include language for W/S facilities in covenants.)
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 owner(s) of the lot(s).
4. A request for creation of a Sewer Improvement District shall be submitted to the Department of Public Works (Water & Sewer) prior to release of final plat.
5. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater and/or Engineering) including storm drainage, detention design, and Watershed Development Permit application subject to criteria approved by the City of Tulsa.
6. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).
7. Street names shall be approved by the Department of Public Works and shown on plat.
8. All curve data, including corner radii, shall be shown on final plat as applicable.
9. City of Tulsa Floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.
10. Bearings, or true N/S etc., shall be shown on perimeter of land being platted or other bearings as directed by the Department of Public Works.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. Limits of Access or LNA as applicable shall be shown on plat as approved by the Department of Public Works (Traffic). Include applicable language in covenants.

13. It is recommended that the Developer coordinate with the Department of Public Works (Traffic) during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
14. 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.
15. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
16. The key or location map shall be complete.
17. 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.)
18. The restrictive covenants and/or deed of dedication shall be submitted for review with the preliminary plat. (Include subsurface provisions, dedications for stormwater facilities, and PUD information as applicable.)
19. This plat has been referred to Broken Arrow because of its location near or inside a "fence line" of that municipality. Additional requirements may be made by the applicable municipality. Otherwise only the conditions listed apply.
20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
21. All other Subdivision Regulations shall be met prior to release of final plat.

On the motion of Pierce, the Technical Advisory Committee voted unanimously to recommend Approval of the Preliminary Plat of Metro Park South II, subject to all conditions and recommendations listed above.

TMAPC Action; 6 members present:

On **MOTION** of **BALLARD**, the TMAPC voted **6-0-0** (Ballard, Boyle, Carnes, Doherty, Horner, Ledford "aye"; no "nays"; none "abstaining"; Dick, Edwards, Gray, Midget, Pace "absent ") to **APPROVE** the Preliminary Plat of Metro Park South II, subject to the conditions as recommended by TAC.

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Tulsa In-Line Hockey (1984)

(PD-18)(CD-8)

South of the southeast corner of East 91st Street South and South Mingo Road

TAC Comments:

Tulsa In-Line Hockey is a one-lot subdivision plat which contains 3.47 acres and has an underlying zoning of CO. An indoor roller hockey facility was approved by the TMAPC in the corridor site plan. The site plan was reviewed by the TAC at the April 25, 1996 meeting and it was determined that an 8" waterline would be required across the entire frontage. Since unpermitted fill existed on the subject tract, no building permits would be issued until the problem is resolved. It was also determined that Alternate 7 of the proposed Broken Arrow South Loop would cross the subject tract.

Jones presented the plat with Jack Cox present.

Payne noted that as mentioned in the site plan review, the floodplain must be dedicated and provisions made for maintenance.

McGill stated that a turn-around and hydrant may be required and recommended the engineer work with his department when plans are developed.

Staff would offer the following comments and/or recommendations:

1. Show Book/Page information for existing right-of-way of South Mingo Road.
2. Check spelling of owner's name and marital status.
3. Key map is not complete and must be completed prior to TMAPC final approval of the plan.
4. All conditions of Corridor Site Plan Z-6538-SP-1 shall be met.
5. 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 shall be tied to or related to property line and/or lot lines.
6. Water and sanitary sewer plans shall be approved by the Department of Public Works (Water & Sewer) prior to release of final plat. (Include language for W/S facilities in covenants.)
7. 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).

8. A request for creation of a Sewer Improvement District shall be submitted to the Department of Public Works (Water & Sewer) prior to release of final plat.
9. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater and/or Engineering) including storm drainage, detention design, and Watershed Development Permit application subject to criteria approved by the City of Tulsa.
10. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).
11. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
12. Street names shall be approved by the Department of Public Works and shown on plat.
13. All curve data, including corner radii, shall be shown on final plat as applicable.
14. City of Tulsa Floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.
15. Bearings, or true N/S etc., shall be shown on perimeter of land being platted or other bearings as directed by the Department of Public Works.
16. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
17. Limits of Access or LNA as applicable shall be shown on plat as approved by the Department of Public Works (Traffic). Include applicable language in covenants.
18. It is recommended that the Developer coordinate with the Department of Public Works (Traffic) during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
19. 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.
20. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
21. 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.)

22. The restrictive covenants and/or deed of dedication shall be submitted for review with the preliminary plat. (Include subsurface provisions, dedications for stormwater facilities, and PUD information as applicable.)
23. This plat has been referred to Bixby and Broken Arrow because of its location near or inside a "fence line" of that municipality. Additional requirements may be made by the applicable municipality. Otherwise only the conditions listed apply.
24. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
25. All other Subdivision Regulations shall be met prior to release of final plat.

On the motion of Miller, the Technical Advisory Committee voted unanimously to recommend Approval of the Preliminary Plat of Tulsa In-Line Hockey, subject to all conditions and recommendations listed above.

TMAPC Action; 6 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **6-0-0** (Ballard, Boyle, Carnes, Doherty, Horner, Ledford "aye"; no "nays"; none "abstaining"; Dick, Edwards, Gray, Midget, Pace "absent ") to **APPROVE** the Preliminary Plat of Tulsa In-Line Hockey, subject to the conditions as recommended by TAC.

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Final Approval:

Bristol Park (PUD 523) (1383)

(PD-18)(CD-8)

East of the southeast corner of East 81st Street South and South Memorial

Staff Comments:

Mr. Jones informed the Commission that all release letters and owner's papers have been received and meets Subdivision Regulations. Staff recommends approval.

TMAPC Action; 6 members present:

On **MOTION** of **HORNER**, the TMAPC voted **6-0-0** (Ballard, Boyle, Carnes, Doherty, Horner, Ledford "aye"; no "nays"; none "abstaining"; Dick, Edwards, Gray, Midget, Pace "absent ") to **APPROVE** the Final Approval for Bristol Park (PUD 523) as recommended by staff.

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Plat Waiver, Section 213 or Section 260:

BOA-17338 (Koonce Addition) (2903)

(PD-3)(CD-3)

1609 North Evanston Place

TAC Comments:

Jones presented the plat waiver request with the applicant present.

Board of Adjustment case 17338 approved a special exception to permit a children's nursery and preschool in an existing church. The property is approximately 1.17 acres in size and within an existing residential subdivision plat.

Based on the existing subdivision plat and no new construction planned, staff can support the requested plat waiver. With all necessary right-of-way existing. Staff can see no benefit to the City in a replat.

Staff recommends APPROVAL of the plat waiver for BOA-17338.

Somdecerff recommended a 30' radius of additional dedication be made at the intersection and the applicant agreed.

On the motion of Somdecerff, the Technical Advisory Committee voted unanimously to recommend Approval of the Plat Waiver for BOA-17338.

TMAPC Action; 6 members present:

On **MOTION** of **BALLARD**, the TMAPC voted **6-0-0** (Ballard, Boyle, Carnes, Doherty, Horner, Ledford "aye"; no "nays"; none "abstaining"; Dick, Edwards, Gray, Midget, Pace "absent ") to **APPROVE** the Plat Waiver for BOA-17338 subject to additional dedication as recommended by TAC.

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PUD 545 (River Grove & Unplatted) (783)

(PD-18)(CD-2)

South of the southeast corner of East 71st Street South and Riverside Parkway

TAC Comments:

Jones presented the plat waiver with no representative present.

PUD 545 was approved by the City Council on May 23, 1996 and approved the renovation of an existing building to permit movie theaters and include an additional 150' of property for parking. The total tract size is 6.38 acres. The TAC reviewed the PUD at the April 4, 1996 meeting where it was recommended that the proposed storm sewer be public and a PFPI would be required and that an access control agreement be filed for the south 150' of the proposed tract.

Based on the existing subdivision plat, staff is supportive of the plat waiver and can find no benefit to the City with a replat. Staff recommends APPROVAL of the plat waiver for PUD 545, subject to the following conditions:

1. Proposed storm sewer be public and covered by a PFPI.
2. Access control agreement approved by Traffic Engineering.
3. Grading and drainage plan approval in the permit process.
4. Utility extensions and/or easements if needed.

On the motion of Miller, the Technical Advisory Committee voted unanimously to recommend Approval of the Plat Waiver for PUD 545, subject to all conditions and recommendations listed above.

TMAPC Action; 6 members present:

On **MOTION** of **HORNER**, the TMAPC voted **6-0-0** (Ballard, Boyle, Carnes, Doherty, Horner, Ledford "aye"; no "nays"; none "abstaining"; Dick, Edwards, Gray, Midget, Pace "absent ") to **APPROVE** the Plat Waiver for PUD 545 subject to the proposed storm sewer being public and covered by a PFPI; access control agreement approved by Traffic Engineer; grading and drainage plan approval in the permit process; and utility extensions and/or easements if needed as recommended by TAC.

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CBOA-1438 (Unplatted) (2783)

(PD-14)(County)

East of the northeast corner of 136th Street North and North Yale Avenue

Staff Comments:

Mr. Jones presented a map and site plan of CBOA-1438. Mr. Jones stated this is a standard cellular tower request for a plat waiver and Wanda Anderson is present, representing this request. Mr. Jones stated the Board of Adjustment approved a special exception to permit a cellular tower at this location. The request has been reviewed by TAC. Mr. Jones stated that staff and TAC recommends approval with no conditions.

TMAPC Action; 6 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **6-0-0** (Ballard, Boyle, Carnes, Doherty, Horner, Ledford "aye"; no "nays"; none "abstaining"; Dick, Edwards, Gray, Midget, Pace. "absent ") to **APPROVE** the Plat Waiver for CBOA-1438 as recommended by staff and TAC.

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Lot Split for Ratification of Prior Approval:

L-18302 Kathy Passmore (864)

West side 129th East Avenue, 1/4 mile north of 21st Street

(PD-20)(County)

L-18304 Les Louther (994)

14302 East 12th Street

(PD-17)(CD-6)

L-18305 Condell Pollard (2774)

S/side of US 64, East of 145th

(PD-20)(County)

L-18311 Joyce Yarbrough (803)

2528 East 51st Street North

(PD-25)(CD-1)

L-18320 Terry Liggans (1692)

4701 West 27th Street

(PD-9)(County)

L-18321 Dewayne & Shelly Barnes (2073)

2808 East 151st Street South

(PD-21)(County)

L-18322 Jim Inhofe (3302)

1374 North New Haven

(PD-3)(CD-3)

Staff Comments:

Mr. Jones informed the Commission that these lot-splits for ratification of prior approval are in order and meet Subdivision Regulations.

TMAPC Action; 6 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **6-0-0** (Ballard, Boyle, Carnes, Doherty, Horner, Ledford "aye"; no "nays"; none "abstaining"; Dick, Edwards, Gray, Midget, Pace "absent ") to **APPROVE** the Lot-splits for Ratification of Prior Approval, finding them in accordance with Subdivision Regulations.

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ZONING PUBLIC HEARING:

Application No.: Z-6547

Applicant: Joe Donelson

Location: South and West of SW/c E. 61st St. So. and So. 104th E. Ave.

Presented to TMAPC: Joe Donelson

RS-3 to CS or IL
(PD-18C)(CD-8)

Staff Recommendation:

Relationship to the Comprehensive Plan:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property as Low Intensity, No Specific Land Use and within a designated Corridor Area.

According to the Zoning Matrix neither the requested CS or IL **are not in** accordance with the Plan Map.

Staff Comments:

Site Analysis: The subject property is approximately 1 acre in size and located on the northwest corner of E. 62nd Street South and South 104th East Avenue. It is flat, non-wooded, vacant, and zoned RS-3.

Surrounding Area Analysis: The tract is abutted on the north by a car sales, zoned IL; to the east and west by vacant property, zoned RS-3; and to the south by a school, zoned RS-3.

Zoning and BOA Historical Summary: Past zoning actions have established the area north of 61st Street as light industrial.

Conclusion: Although the area on the north side of East 61st Street as well as the abutting tract to the north have been zoned light industrially, the Comprehensive Plan does not support industrial or commercial uses on interior streets. This area is in transition from residential development and contains a school to the west and to the south of the subject parcel. It would be detrimental to the school and the residences to establish commercial uses along the north side of 62nd Street. Therefore, staff recommends **DENIAL** of CS and IL and **APPROVAL** of OL zoning, and if granted, the daycare center proposed by the applicant would require a special exception by the Board of Adjustment.

Applicant's Comments:

Joe Donelson is the co-owner of the property. Mr. Donelson stated that he has requested an alternative zoning with respect to the IL or CS zoning, with IL being adjacent to the property to the north. The request for CS zoning would meet the use he is intending.

R. C. Roberts, 2717 Michael Road, Muskogee, stated he is the co-owner of the property.

Mr. Roberts pointed out that across Mingo to the east it is zoned commercial or industrial; north for the next mile from this property it is zoned commercial or industrial; north on 61st and to the west it is commercial or industrial. Mr. Roberts feels that a daycare may be permitted on this site; however, the OL zoning will be too restrictive. Mr. Roberts made the argument that this property is surrounded by industrial and commercial property. Mr. Roberts requested commercial zoning be approved. Mr. Roberts stated he feels the school located in the area is an intense use.

Interested Parties Comments:

Lloyd Hobbs, 5846 South Hudson Place, stated he is the Planning Chair for District 18. Mr. Hobbs stated he has not received any calls in regards to this request. However, he pointed out the need for buffer zones and questioned whether the buffer zones will properly protect with this type of proposed zoning. Mr. Hobbs expressed he has no concerns with the nursery since it is located near the school. Mr. Hobbs emphasized his concerns with the buffer zones.

TMAPC Comments:

Mr. Doherty stated he is in agreement with Mr. Hobbs. The Comprehensive Plan does not provide for the more intense zoning. Staff recommendation of OL zoning in the alternative would permit the applicant the use it needs with BOA approval.

Mr. Boyle questioned why IL zoning is not recommended since it is adjacent to IL. Mr. Doherty replied that the frontage on this property is on an internal street rather than on an arterial street. Mr. Doherty stated that frontage on an arterial street would make IL appropriate because of access to a secondary arterial. The access to this property is a collector and not an arterial. Mr. Gardner stated that the existing IL tract is not consistent with the plan.

Mr. Carnes stated that the Commission has never permitted commercial zoning when facing an interior street. Mr. Doherty added when there is residential adjacent or across the street.

Mr. Boyle questioned whether the actual physical use of the property to the west is residential. Mr. Gardner replied the property to the west and north are zoned residentially. Mr. Boyle questioned whether the property to the east is also zoned residentially. Mr. Gardner replied that it is located within the expressway corridor.

Mr. Doherty stated that the mile to north is industrial except for two streets, 99th and 100th East Avenues. This area is in transition and the residential areas are on their way out. The mile south of 61st is very different. There are large tracts of very viable residential and will likely continue to be. The Comprehensive Plan does not treat these two miles the same. The Comprehensive Plan acknowledges the section to the north is industrial and commercial in nature, and encourages it. The Comprehensive Plan on the section to the south does just the opposite in that it encourages the continuation of residential uses in the interior.

Mr. Doherty pointed out that elementary schools are not regarded as an intense use. Mr. Doherty stated that an elementary school in a residential area is a low-intensity use and there is residential use immediately across the street to the south. The more intense use should be located on the arterial, buffered by a less-intense use, which is staff's recommendation of OL. Commercial uses are regarded as intense. IL is intense and it would not be a buffer and would allow extending the more intense use in to the interior of this square mile. Mr. Stump pointed out that the area immediately to the east side of the expressway is corridor.

Mr. Carnes stated he feels the easiest way is to accept the OL and go to the BOA for a special exception.

TMAPC Action; 6 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **6-0-0** (Ballard, Boyle, Carnes, Doherty, Horner, Ledford "aye"; no "nays"; none "abstaining"; Dick, Edwards, Gray, Midget, Pace "absent ") to recommend **DENIAL** of CS and IL and **APPROVAL** of OL zoning for Z-6547.

Legal Description for Z-6547:

The South 264.08' of Lot 4, Block 1, Union Gardens Addition, and located west of the southwest corner of East 61st Street South and South 104th East Avenue, Tulsa, Oklahoma.

* * * * *

Application No.: Z-6548

RS-3 to CH

Applicant: Mendenhall Group

(PD-18C)(CD-8)

Location: West of SW/c East 61st Street South and South 104th East Ave.

Presented to TMAPC: Mendenhall Group

Staff Recommendation:

Relationship to the Comprehensive Plan:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the north 300' as Medium Intensity - Linear Development area, the south 300' is designated as Low Intensity - No Specific Land Use, all within a designated Corridor area.

According to the Zoning Matrix the requested CH **is not in** accordance with Plan Map.

TMAPC Comments:

Mr. Ledford stated that the Comprehensive Plan Committee met and recommends approval as submitted.

Mr. Boyle questioned Mr. Ryan as to his request for downgrading Archer to a residential collector street, and asked if otherwise he was in agreement with the proposed changes. Mr. Ryan replied in the affirmative.

Mr. Gardner pointed out that residential streets do not have to have the designation as residential collector to physically function as one.

Mr. Doherty stated that he supports Mr. Ryan's request in regards to downgrading Archer to residential collector.

TMAPC Action; 6 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **6-0-0** (Ballard, Boyle, Carnes, Doherty, Horner, Ledford "aye"; no "nays"; none "abstaining"; Dick, Edwards, Gray, Midget, Pace "absent ") to **APPROVE** amending the Comprehensive Plan Map and Text to delete Brady, west of Denver Avenue to Quanah Avenue, from the Major Street and Highway Plan and amending the designation of Archer, west of the IDL to Quanah Avenue, to a residential collector.

* * * * *

Major Street and Highway Plan Map

To downgrade 41st Street South from Yale Avenue to US-169 from a primary to a secondary arterial; downgrade 71st Street from 33rd West Avenue to US-75 from a primary to a secondary arterial; add Garnett Road from Apache Street to SH-266 as secondary arterial; and add 15th Street South from Yale Avenue to Memorial Drive as a secondary arterial.

Staff Comments:

Ms. Matthews presented amendments to the Major Street and Highway Plan Map that were proposed by the Public Works Department. The proposed amendments are to downgrade 41st Street South from Yale Avenue to US-169 from a primary to a secondary arterial; downgrade 71st Street South from 33rd West Avenue to US-75 from a primary to a secondary arterial; add Garnett Road from Apache Street to SH-266 as secondary arterial; and add 15th Street South from Yale Avenue to Memorial Drive as a secondary arterial.

Interested Parties Comments:

Mike Buchert, Public Works Department, stated that 41st is a very heavily-traveled area, but it is developed as a four-lane arterial street. There are significant developments on both sides of the street. The expense involved to extend this to six-lanes would be tremendous. This is listed on the plan as such and cannot be implemented; therefore, they are requesting the downgrading of 41st Street.

TMAPC Comments:

Mr. Doherty commented that there is a restrictive bridge that is a four-lane road and does not require a six-lane road.

TMAPC Action; 6 members present:

On **MOTION** of **BALLARD**, the TMAPC voted **6-0-0** (Ballard, Boyle, Carnes, Doherty, Horner, Ledford "aye"; no "nays"; none "abstaining"; Dick, Edwards, Gray, Midget, Pace "absent ") to **APPROVE** amendments to the Major Street and Highway Plan Map to downgrade 41st Street South from Yale Avenue to US-169 from a primary to a secondary arterial; downgrade 71st Street South from 33rd West Avenue to US-75 from a primary to a secondary arterial; add Garnett Road from Apache Street to SH-266 as secondary arterial; and add 15th Street South from Yale Avenue to Memorial Drive as a secondary arterial.

* * * * *

OTHER BUSINESS:

PUD 282-6 Charles Norman

(PD-18A)(CD-2)

Southwest corner of 71st Street South and Lewis Avenue

(Proposed "tie agreement" for all the lots in the PUD, except the bank lot on the corner of 71st Street and Lewis)

Staff Comments:

Mr. Stump presented the request to approve a "tie agreement" to amend the restrictive covenants to the subdivision plat to recombine all the lots, except for the bank lot, in Kensington. Staff finds it in conformance and recommends approval.

TMAPC Action; 6 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **6-0-0** (Ballard, Boyle, Carnes, Doherty, Horner, Ledford "aye"; no "nays"; none "abstaining"; Dick, Edwards, Gray, Midget, Pace "absent ") to **APPROVE** the "tie agreement" for all lots in the PUD, except the bank lot on the corner of 71st Street and Lewis, as recommended by staff.

* * * * *

Staff Comments:

Site Analysis: The subject property is approximately 4.35 acres in size and located west of the southwest corner of East 61st Street South and South 104th East Avenue and fronts on East 61st Street South and East 62nd Street South. It is gently sloping, non-wooded, has two single-family dwellings that front East 61st Street South and zoned RS-3.

Surrounding Area Analysis: The tract is abutted on the north by industrial and commercial uses, zoned IL; to the west by a school, zoned RS-3; to the south by vacant land, zoned RS-3; to the northeast by an automobile sales business, zoned IL; and a vacant tract located on the southeast, zoned RS-3.

Zoning and BOA Historical Summary: Past zoning actions have established the area north of 61st Street as light industrial. The two schools located south and west of the subject tract have been granted special exceptions by the Board of Adjustment to serve the predominately single-family neighborhood. The northern portion of the abutting tract on the east was approved for IL zoning in 1983 and Board of Adjustment approval was granted for auto sales.

Conclusion: Although the area on the north side of E. 61st Street, as well as the abutting tract to the north, have been zoned light industrial, the Comprehensive Plan does not support commercial uses unless a PUD is used. With residential zoning to the west, south and southeast and schools to the west and south of the subject parcel, it would be detrimental to the schools and the residential area to establish unrestricted commercial uses on the tract. Therefore, staff recommends **DENIAL** of **CH** and **APPROVAL** of **OL** zoning for Z-6548.

Applicant's Comments:

Ruth Fallon, Mendenhall Group, 5501 South Lewis, Tulsa, stated she understands staff's recommendation of OL zoning.

Interested Parties Comments:

Lloyd Hobbs, 5846 South Hudson Place, expressed concern with buffering zones.

TMAPC Comments:

Mr. Carnes stated that OL is a buffer.

TMAPC Action; 6 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **6-0-0** (Ballard, Boyle, Carnes, Doherty, Horner, Ledford "aye"; no "nays"; none "abstaining"; Dick, Edwards, Gray, Midget, Pace "absent ") to recommend **DENIAL** of CH and **APPROVAL** of OL zoning for Z-6548.

Legal Description for Z-6548:

Lot 5 and 6, Block 1, Union Gardens Addition, a subdivision in Tulsa County, State of Oklahoma, and located west of the southwest corner of East 61st Street South and South 104th East Avenue, Tulsa, Oklahoma.

* * * * *

Public Hearing to Amend the Comprehensive Plan Map and Text**Planning Districts 1 and 10 Plans and Major Street and Highway Plan Map**

To delete Archer Street as a commercial collector west of the west leg of the Inner Dispersal Loop to Quanah Avenue, and to delete Brady Street as a commercial collector west of Denver Avenue to Quanah Avenue, and to redesignate them as minor residential streets and to remove all references in the Plan texts to Brady Street as a major traffic entrance into the CBD.

Staff Comments:

Ms. Matthews presented the proposed changes to the Major Street and Highway Plan Map. The proposed changes are due to request from Planning Districts 1 and 10, planning team for the Charles Page Plan Revitalization Study and Public Works Department on the proposed jail site. The proposed changes involve the designation of Archer and Brady from commercial collectors to the west of the downtown area, from the western leg of the IDL either to Quanah or possibly Union. The proposed jail site involves the closing of Brady. Once Brady is closed it will not collect traffic; therefore, staff is requesting that Brady be designated as a minor residential street.

Interested Parties Comments:

County Commissioner John Selph stated that he supports the recommendation to redesignate these streets. Mr. Selph feels that there is overall support for the closing of Brady Street.

Matthew Ryan, 204 North Santa Fe, asked the Commission to consider downgrading Archer to a residential collector street. Mr. Ryan feels that with Brady closing, it will increase the traffic on Archer. Archer is connected to seven residential streets and is the only access from the Owen Park and Irving Neighborhoods between Edison and Charles Page Boulevard. Mr. Ryan pointed out other characteristics of a residential collector in regards to a minimum of 36 feet wide. He pointed out that Archer is 40 feet wide with sidewalks on both sides of the street.

AC-003 Alternative Landscape Compliance

(PD-18)(CD-8)

7214 South Garnett Road (PUD-512, Development Area C)

Applicant: Wayne Alberty

Staff Recommendation:

The applicant is requesting approval of alternative landscape compliance for Lot 3 which sits immediately east of the existing Albertson's store (Lot 2) of this development.

Staff review indicates that the alternative compliance has been requested as a means to gain approval for a substandard landscaped area condition which occurred as a part of the Albertson's construction.

Previous approvals include site plan and landscape approval for Lot 2. There have been no previous approvals for Lot 3 although parking with curbs has been constructed on that lot. The existing condition provides approximately 1748 sf of landscaped area in the street yard with 1908 sf required, a deficiency of 160 sf.

Further Staff review indicates that the PUD requires 10% of the lot to be in landscaped area (2437 sf). The applicant indicates that 2437 sf is in landscaped area. The applicant has indicated that two additional trees will be placed in the street yard and that additional plant material will be added on the south side of the building to compensate for the 160 sf of missing street yard area.

Staff opinion is that street yards are an important part of the intent of the landscape ordinance and that additional landscaped area is available by removing one or two parking spaces in the area in question. The Albertson's lot (Lot 2) has sufficient parking to provide the two required spaces with the proper written authorization. Staff again notes that the area in question was constructed without site plan or landscaped plan approval.

Based on the above and on the amount of information currently received, Staff does not consider the proposal to be equivalent to or better than the requirements of the landscape chapter and recommends **DENIAL** of the request for alternative landscape compliance.

Applicant's Comments:

Wayne Alberty presented a revised site plan. Mr. Alberty explained that the project was permitted 6000 square feet within the development area for retail which requires 27 parking spaces. The project is only 5985 square feet. Mr. Alberty pointed out two issues. The first is that he feels there is a need for the 27 parking spaces on the project lot. Albertson's has not to date agreed to provide the additional lot. The second issue is that he was under the impression that the site plan had been approved, which was erroneous. However, the project is complete, including lot, parking and landscaping. Mr. Alberty feels this is a hardship to remove one parking space to meet a street yard requirement when there is necessary square footage that is required. Mr. Alberty stated that the project has 2437 square feet, of which 10% is required to be in landscaping; 689 square feet in abundance of the street yard requirement, which is not on the street yard, but on the site. Mr. Alberty

has agreed to landscape the area to the south of the center with the same planting material and an additional tree in the area. Mr. Alberty feels that the 160-square-foot deficit in the street yard is made up for by additional work on the property.

TMAPC Comments:

Mr. Doherty feels that the cost of the removal of one space will exceed the benefit to the City. Mr. Doherty feels that there will be joint use of the parking between this facility and Albertson's. Mr. Doherty pointed out a concern that some of the trees are oak trees and are located underneath the power and telephone lines.

Mr. Horner is in agreement with Mr. Doherty.

Mr. Boyle questioned the requirement of the 6' high opaque gates. Mr. Stump replied it is a requirement of the PUD. In regards to the oak trees, Mr. Stump stated that Staff will not approve an oak tree that is that tall and Mr. Stump feels that the developer needs to replace those trees with lower-growing trees.

TMAPC Action; 6 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **5-0-1** (Ballard, Boyle, Carnes, Doherty, Horner "aye"; no "nays"; Ledford "abstaining"; Dick, Edwards, Gray, Midget, Pace "absent ") to **APPROVE** the proposed alternative landscape compliance for PUD-512, Development Area C if the oaks shown under power lines are replaced with lower growing trees.

PUD 512 DEVELOPMENT AREA C DETAILED SITE PLAN

Staff Recommendation:

The applicant is requesting detail site plan approval for 5995 sf of retail space on lot 3 which is immediately east of the existing Albertson's store (Lot 2) of this development.

Staff review indicates that construction occurred on Lot 3 (parking spaces and curbs) during the time of the Albertson's construction. Previous site and landscape approvals were specifically limited to Lot 2. Staff review also indicates that the landscaped area in the street yard is 160 sf less than that required (1748 vs 1908 sf).

Parking, setback, height, floor area and interior landscaping requirements conform to the standards of the PUD.

Based on nonconformance with required street yard area Staff recommends **DENIAL**.

Should the Commission choose to approve the accompanying request for alternative landscape compliance Staff would recommend approval subject to the following:

6' high opaque gates at the trash enclosure in place of the proposed 4' high gates.

TMAPC Action; 5 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **5-0-1** (Ballard, Boyle, Carnes, Doherty, Horner "aye"; no "nays"; Ledford "abstaining"; Dick, Edwards, Gray, Midget, Pace "absent ") to **APPROVE** the Detail Site Plan for PUD-512 subject to 6-foot high opaque gates at the trash enclosure in place of the proposed 4-foot high gates.

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PUD 481

Northwest corner of 71st Street South and Mingo Valley Expressway.
(Staff requests reconsideration of Site Plan Approval for Development Area D2)

Staff Recommendation:

Due to a staff oversight, the Site Plan Approval for Development Area D2 should be rescinded. After the July 3, 1996 approval by TMAPC, staff discovered that minor amendment PUD 481-6 had reduced the permitted building floor area in Area D2 from 8000 sf to 4200 sf. The bookstore proposed would exceed this amount. Therefore, staff recommends **DENIAL** of the site plan.

TMAPC Action; 6 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **6-0-0** (Ballard, Boyle, Carnes, Doherty, Horner, Ledford "aye"; no "nays"; none "abstaining"; Dick, Edwards, Gray, Midget, Pace "absent ") to **RESCIND** the Approved Detail Site Plan for Development Area D2 of PUD-481 as recommended by staff.

* * * * *

Approval of TMAPC FY97 Budget & Work Program

TMAPC Comments:

Mr. Horner stated that the Budget and Work Program Committee approved unanimously the Budget and Work Program for FY-97. Mr. Horner recommended approval by the Planning Commission and then forwarding it to the City Council.

TMAPC Action; 6 members present:


On **MOTION** of **HORNER**, the TMAPC voted **6-0-0** (Ballard, Boyle, Carnes, Doherty, Horner, Ledford "aye"; no "nays"; none "abstaining"; Dick, Edwards, Gray, Midget, Pace "absent ") to **APPROVE** the TMAPC Budget and Work Program for FY-97.

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There being no further business, the Chairman declared the meeting adjourned at 2:35 p.m.

Date Approved: August 7, 1996

*  Chairman

ATTEST: 
Secretary