

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2119

Wednesday, July 2, 1997, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Boyle	Dick	Almy	Romig, Legal
Carnes		Gardner	Counsel
Doherty		Jones	
Gray		Stump	
Horner			
Jackson			
Ledford			
Midget			
Pace			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Friday, June 27, 1997 at 1:35 p.m., in the Office of the City Clerk at 1:26 p.m., as well as in the office of the County Clerk at 1:24 p.m.

After declaring a quorum present, Chairman Carnes called the meeting to order at 1:34 p.m.

Minutes:

Approval of the minutes of June 18, 1997, Meeting No. 2117:

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-1** (Boyle, Carnes, Doherty, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; Ledford "abstaining"; Dick, Gray "absent") to **APPROVE** the minutes of the meeting of June 18, 1997 Meeting No. 2117.

Reports:

Director's Report:

Mr. Gardner pointed out that City Council will not meet on Thursday, July 3, 1997 due to the holiday.

Mr. Gardner noted the Zoning Bulletin on Regulating Tower, which was included in the agenda packets. He feels TMAPC is in conformance with the new regulations.

Mr. Gardner presented a letter from Elgin A. Warterfield, Jr. in regard to the East Half of Lot 1, Block 7, O'Connor Park. He stated Mr. Harrington is present and the legal counsel for Mr. Warterfield.

Interested Parties:

Mr. Harrington stated in 1948 the property owners passed a dedication of 63 lots in O'Connor Park as a restricted area. In 1977, Mr. George Hanks attempted to vacate the restriction. The case was taken to the State Supreme Court in 1978 and ruled in favor of the restriction, which has an automatic renewal every ten years. The restrictions, which allows only one dwelling per acre, still stand.

Mr. Harrington noted the City had zoned the subject property for 10 lots, contrary to the restrictive covenants that limits one home per acre. Therefore, he is requesting that the City records be corrected to show the subject property as two lots in compliance with the Supreme Court ruling.

TMAPC Comments:

Mr. Romig, TMAPC Legal Counsel, stated, after reading the Supreme Court brief, the lots are restricted. He noted sometimes the plats and zoning do not match, and in this case, they do not.

Mr. Boyle questioned what the TMAPC can do to correct the problem. Mr. Romig replied nothing at this point can be done.

Mr. Gardner clarified that Mr. Warterfield is requesting the records be corrected to reflect the court decisions. He noted all the maps, not just zoning maps, provided by INCOG indicate the ten lots and this could be misleading.

Mr. Romig suggested the records should reflect the 1978 court ruling by some type of notation.

Mr. Westervelt questioned whether the legal case and ruling are made a part of the abstract and serve as notification. No one commented.

After further discussion, Mr. Doherty suggested having Legal review the case and find a solution to Mr. Harrington's request.

TMAPC Action; 10 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **10-0-0** (Boyle, Carnes, Doherty, Gray, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick "absent") to **TABLE** the request from Mr. Warterfield, Jr. in regard to the restrictive covenants and the 1978 Supreme Court Ruling on the East Half of Lot 1, Block 7, O'Connor Park until further instructions on how to proceed by Legal Counsel.

Subdivisions:

Change of Access on Recorded Plat:

Brooke Hill Farr. (PUD-460) (1283)

(PD-18) (CD-8)

North and west of the northwest corner of 81st Street South and Mingo Road

TAC Recommendation:

Jones presented the plat with Greg Breedlove and Greg Weisz present.

Considerable discussion was given in regards to the street design.

Weisz stated that he has contacted Union Public Schools and they do not wish to locate a street along the east property line of the school.

French noted the following recommendations:

- A) Create a break in East 78th Street South possibly in the area of South 92nd East Avenue.
- B) Shorten the continuous length of East 77th Street South by a tie indirectly to collector street further west.
- C) Provide for a collector street fronting a substantial portion of the school's east property line, possibly extending to East 77th Street to provide adequate on-street parking for school patrons and avoiding parking congestion near proposed walkways.
- D) Islands with the collector street shall be included within a reserve area for private maintenance.
- E) Show fence easement as set forth in Restrictive Covenant "k".
- F) A sidewalk plan shall be submitted to and approved by Traffic Engineering and the TMAPC.

Weisz stated he would set up a meeting between various city departments, schools, utilities, TMAPC staff and the developer to further discuss the requirements prior to the TMAPC meeting.

Brooke Hill Farm is a residential single-family subdivision which contains 332 lots and 109 acres. An amendment to the PUD was approved by the TMAPC to permit a portion of the internal street system to be private. In previous meetings, Staff and Traffic Engineering have voiced concerns of the street layout and requirements that were made in 1990 when the existing school was platted out of this tract. Staff is supportive of the sketch plat approval only and would recommend the plat be transmitted to the TMAPC for street layout consideration.

Staff would offer the following comments and/or recommendations:

1. Waiver of the Subdivision Regulations is required to permit the plat to be drawn at a scale of 1" = 60' (1" = 100' required).
2. Show addresses and disclaimer on face of plat.
3. All conditions of PUD-460-A shall be met prior to release of final plat, including any applicable provisions in the covenants or on the face of the plat. Include PUD approval date and references to Section 1100-1107 of the Zoning Code in the conditions covenants.
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. Street names shall be approved by the Department of Public Works and shown on plat.
11. All curve data, including corner radii, shall be shown on final plat as applicable.
12. City of Tulsa Floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.
13. 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.
14. All adjacent streets, intersections and/or widths thereof shall be shown on plat.

15. 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.
16. 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.)
17. 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.
18. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
19. The key or location map shall be complete.
20. 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.)
21. The restrictive covenants and/or deed of dedication shall be submitted for review with the preliminary plat. (Include subsurface provisions, dedications for storm water facilities, and PUD information as applicable.)
22. This plat has been referred to Bixby, Jenks 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.
23. 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.)
24. Applicant is advised to contact the U.S. Army Corps of Engineers in regards to Section 404 of the Clean Waters Act.
25. All other Subdivision Regulations shall be met prior to release of final plat.

On motion of French, the Technical Advisory Committee voted unanimously to recommend Sketch Plat approval only for Brooke Hill Farm, subject to the conditions listed above.

Staff Comments:

Mr. Jones pointed out that the preliminary plat was revised and the property is now called The Villages of Highland Park.

Mr. Jones stated that the TAC had some problems with the original plat and there have been several meetings to discuss these problems. He noted the recommendations included in the agenda packet were based on the original plat. He stated the changes have been incorporated into the newly revised plat.

Therefore, staff recommends sketch plat approval, noting that the Commission will review the plat again at the preliminary plat stage. He pointed out there are both public and private street systems. The private street systems are for the smaller lots along the south portion of the property. The public street systems are for the remainder. There is a 60-foot wide street that will act as a collector, although technically it is not a collector street on the Major Street and Highway Plan. He noted the paving width will vary throughout the distance of the street. He noted a sidewalk plan layout will be presented and reviewed by TAC.

TMAPC Comments:

Mr. Doherty questioned the requirement of the development to construct a street for the school or for school parking. Mr. Jones replied the street, to provide temporary parking for drop-off and pick-up of children, was a condition of the PUD when the school platted their portion of the PUD.

TMAPC Action; 10 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **10-0-0** (Boyle, Carnes, Doherty, Gray, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick "absent") to **APPROVE** the sketch plat for Brooke Hill Farm, currently changed to The Villages of Highland Park, as recommended by TAC, and Waiver of Subdivision Regulations to permit the plat be drawn at a scale of 1" = 60'.

Plat Waiver, Section 213:

Ms. Gray and Mr. Ledford left the dais and indicated they would be abstaining from this item.

BOA-17742 (Unplatted) (1093)

(PD-5) (CD-4)

Southeast corner of 11th Street South and Yale Avenue

TAC Recommendation:

Jones presented the request with Jack McSorley present. He informed the TAC of the additional Board of Adjustment relief that will be needed.

Considerable discussion was given in regards to the right-of-way.

McSorley stated that a retaining wall and existing school building make dedication difficult.

BOA-17742 is a special exception request to permit a public alternative school on the subject tract. An existing building and school use has existed on the property and the applicant is requesting to construct a new building on the approximate north one-half of the subject tract. Based on the size of the subject tract and new construction, staff is not supportive of the requested plat waiver. In addition, only 35 feet of right-of-way exists for both 11th Street and Yale Avenue which are both designated as 100' secondary arterial streets by the Major Street Plan. This requirement must be waived in either the platting or waiver process by the TMAPC if additional dedication is not made.

Staff recommends DENIAL of the plat waiver for BOA-17742 as requested.

On motion of Pierce, the Technical Advisory Committee voted unanimously to Deny the plat waiver request for BOA-17742.

Applicant's Comments:

Eric Nelson, 525 South Main, 7th Floor, 74103, stated he is representing Tulsa Public Schools. He feels Mr. Jones presented a very concise overview of the request. He apologized for being somewhat out of sequence due to the fact that the Board of Adjustment continued the hearing on the special use exception until July 8, 1997. However, he asked that the Planning Commission consider this request for plat waiver contingent on special exception approval.

Mr. Nelson agreed that the tract does not meet the three guidelines, as presented by Mr. Jones. However, the platting requirements under Section 213 of the Zoning Code refers to the purposes that the platting requirement is intended to serve. He feels both purposes of the platting requirement have been met and therefore request the plat waiver.

Mr. Nelson stated he understands there is no plan to expand Yale Avenue or 11th Street. He noted most of the building on 11th Street are built on the property line with no setbacks. He stated the existing streets are in place and there will not be any more streets built in this area. He feels requiring additional right-of-way is for the purpose of banking right-of-way for future purpose and not for expanding the streets.

Mr. Nelson stated that Tulsa Public Schools cannot dedicate fee ownership of property to the City of Tulsa or anyone else. Tulsa Public Schools can grant an easement, subject to School Board approval, if and when Traffic Engineering needs one.

Mr. Nelson stated utility easements are in place on three boundaries of the property. All interior utilities will be private utilities and no easements will be necessary.

In regard to the access control agreement, Mr. Nelson stated there is a retaining wall on the north and west boundaries of the property, therefore there is no access to Yale Avenue or 11th Street. The only two points of vehicular access to the property are on Allegheny. These access points will remain the same.

Mr. Nelson feels the enforcement of the platting requirement would only serve to delay the construction project. Any benefit to the City of Tulsa has already been derived through existing platting and existing development or cannot be achieved. Therefore, he requested approval of the plat waiver.

TMAPC Comments:

Mr. Westervelt stated, in defense of TAC, the TMAPC has been struggling with plat waivers. He asked whether the street right-of-way issue is a significant issue with the school. Mr. Nelson stated he feels all the issues raised are significant. However, the platting requirement, for a one-lot, one-block tract, with no interior lot lines or utility easements, would be a time-delay issue.

Mr. Doherty questioned the comment by Mr. Nelson in regard to granting fee ownership. Mr. Nelson replied under Title 70, Section 5-117, Paragraph 11, the school districts in Oklahoma are given the authority to convey surplus property upon passage of a resolution declaring the property as surplus. After having the property appraised and offered for public sale prior to entering into private negotiations. Mr. Nelson stated easements and licenses can be granted.

Mr. Romig stated the only exception in the statute cited by Mr. Nelson is a consolidated, annexed school districts. Tulsa Public School cannot since they are not a consolidated or annexed school district.

Mr. Doherty stated he understands there are physical barriers in regard to limits of no access, but Traffic Engineer has concerns that the physical barriers may be removed and accesses constructed. He asked whether Tulsa Public Schools would be willing to file a limit of no access on Yale Avenue and 11th Street. Mr. Nelson replied in the affirmative.

Mr. Westervelt suggested that infill street patterns should be reviewed in regard to right-of-way requirements. Mr. Doherty feels that something should be done with the urban arterials and set some clear definitions and policies in that regard.

Mr. Horner feels this is a great intervention between public school system and dropping out of school completely and feels the addition is greatly needed.

TMAPC Action; 10 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-2** (Boyle, Carnes, Doherty, Horner, Jackson, Midget, Pace, Westervelt “aye”; no “nays”; Gray, Ledford “abstaining”; Dick “absent”) to **APPROVE** the plat waiver for BOA-17742 with no condition and waiver of any additional right-of-way requirement, subject to Special Exception approval by Board of Adjustment.

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Ms. Gray left the dais and indicated she would be abstaining from this item.

BOA-17732 (Unplatted) (3503) (PD-16) (CD-3)
Northwest corner of King Street North and 67th East Avenue

TAC Recommendation:

Jones presented the proposed development and determined it did not constitute “substantial development”.

Somdecerrf recommended a 25’ radius of additional street dedication be made at the southeast corner of the tract.

BOA-17732 was a minor special exception to amend a previously approved site plan for McKinley Elementary School to permit an addition to an existing building. Although there is some question whether a plat waiver is required, the applicant has filed for the school.

After review of the applicant’s site plan, it can be seen that all necessary right-of-way is existing and the proposed construction is a small percentage of the existing facility. Some utility work including the relocation of a sanitary sewer manhole is proposed. Staff can see no benefit to the City in a replat and would recommend **APPROVAL** of the plat waiver for BOA-17732, 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, relocations and/or easements if needed.

On motion of French, the Technical Advisory Committee voted unanimously to recommend Approval of the plat waiver for BOA-17732, subject to all conditions listed above.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **7-0-2** (Boyle, Carnes, Doherty, Jackson Midget, Pace, Westervelt "aye"; no "nays"; Gray, Ledford "abstaining"; Dick, Horner "absent") to **APPROVE** of plat waiver for BOA-17732, subject to the conditions as recommended by TAC.

Final Plat Approval:

61st & Mingo Center (3194)

(PD-18) (CD-5)

Northeast corner of 61st Street South and Mingo Road

Staff Comments:

Mr. Jones stated this final plat approval is for a one-lot, one-block, commercial subdivision plat. The Planning Commission has reviewed the preliminary plat. He stated everything is in order and all release letters have been received. However, Legal has not reviewed the final language on the Deed of Dedication. Therefore, staff recommends approval of the final plat subject to Legal's review and approval of the final language on the Deed of Dedication.

TMAPC Action; 8 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-0** (Boyle, Carnes, Doherty, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Gray, Horner "absent") to **APPROVE** the Final Plat for 61st and Mingo Center as recommended by staff.

Change of Access on Recorded Plat:

Van Estates No. 3 (694)

(PD-5) (CD-6)

Southeast corner of East Admiral Place and South Mingo Road

Staff Comment:

Mr. Jones stated the applicant is wanting to relocate one existing access point on South Mingo Road. There is currently a 50-foot access point abutting the proposed 40-foot access point to the north.

Mr. Jones stated staff and Traffic Engineering has reviewed and signed off on the request. Therefore staff recommends approval subject to the document (See exhibit "A") in the agenda packet.

TMAPC Action; 9 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **9-0-0** (Boyle, Carnes, Doherty, Gray, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Horner "absent") to **APPROVE** Change of Access on Recorded Plat for Van Estates No. 3, subject to the document marked Exhibit "A"

Lot-splits for Ratification of Prior Approval:

<u>L-18494 Liberty Bank (794)</u> 1140 South 107 th East Avenue	(PD-5) (CD-5)
<u>L-18496 City of Tulsa (1783)</u> 9025 South Lewis	(PD-18b) (CD-2)
<u>L-18497 City of Tulsa (1183)</u> 7655 South Sheridan	(PD-18c) (CD-8)
<u>L-18498 City of Tulsa (2083)</u> 9800 South Delaware	(PD-18b) (CD-8)
<u>L-18500 Jerry Hall (983)</u> 3421 East 72 nd Street	(PD-18b) (CD-8)
<u>L-18501 Midas #501 (2292)</u> 2625 West 40 th Place	(PD-9) (CD-2)
<u>L-18504 City of Tulsa (693)</u> 2331 East 5 th Place	(PD-4) (CD-4)
<u>L-18505 City of Tulsa (2194)</u> 13414 East 36 th Street	(PD-17) (CD-6)

Staff Comments:

Mr. Jones stated these lot-splits are in order and meet the Subdivision Regulations, therefore, staff recommends approval.

TMAPC Action; 9 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **9-0-0** (Boyle, Carnes, Doherty, Gray, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Horner "absent") to **RATIFY** these Lot-splits given Prior Approval, finding them in accordance with Subdivision Regulations.

Subdivisions:

AC-023 William Collins II

(PD-18) (CD-7)

Union High School - Northwest of 71st Street South and Mingo Road

(*Alternative Landscape Compliance.*)

Staff Recommendation:

The applicant is requesting approval of a request to eliminate the required underground irrigation system required as a condition of approval of AC-016 on May 21, 1997. AC-016 approved the substitution in the location of the 42 required trees for a proposed 495 parking lot to the southeastern boundary of the school site and along a north-south access drive but required underground irrigation. The increase in school parking relates to planned classroom expansion.

The site plan submitted with AC-023 indicates that 11 of the required 42 parking lot trees are existing and that the school has neither a formal landscape plan or any landscape irrigation system anywhere on the grounds. The applicant is requesting alternative compliance to irrigate the 31 new trees with a watering truck until such time as they become established. The 11 existing trees are well established and consist of Hackberrys with caliper diameters of 6-14 inches.

Staff has reviewed the request and finds the existing trees are interspersed with the new trees which are spaced at 25 to 30 foot intervals. The installation of underground irrigation could conceivably damage the roots of existing trees and threaten their survival. Although the request does not meet the technical requirements of the Landscape Chapter and does not propose an alternative which is equivalent or better than those requirements. Staff could support the request in that the root systems of the existing trees would be effected by the installation of an underground system. Additionally, new trees located along a paved access drive should be easily watered with a watering truck.

Therefore, staff recommends **APPROVAL** of the Alternative Landscape Compliance as submitted.

TMAPC Comments:

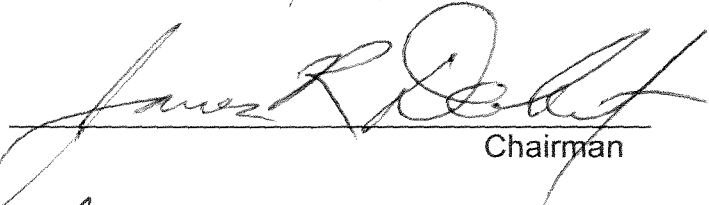
Mr. Westervelt commented he feels sprinkler systems should be installed.

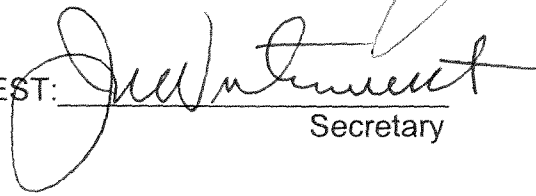
TMAPC Action; 9 members present:

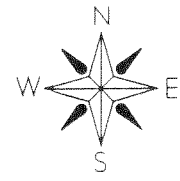
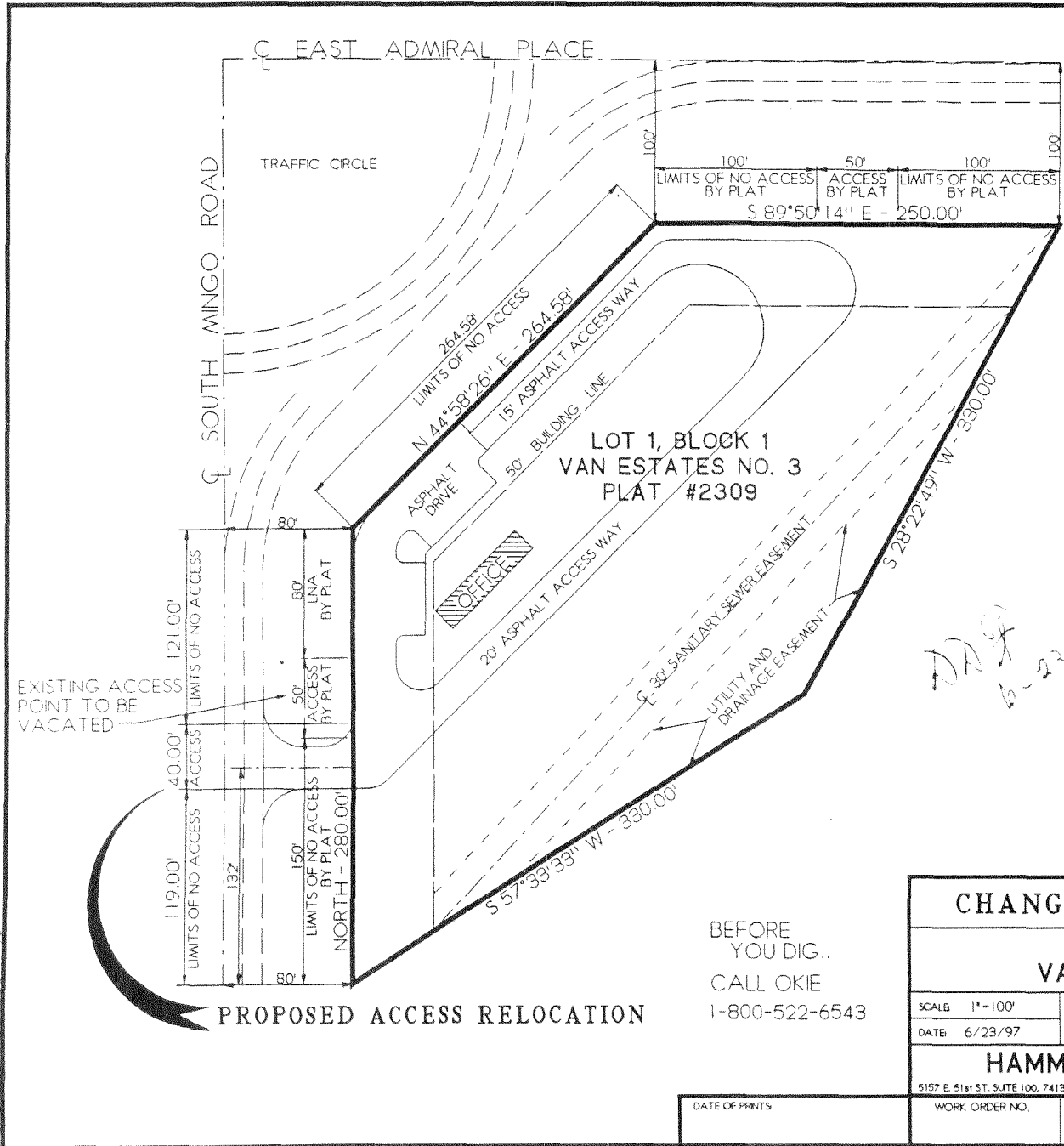
On **MOTION** of **WESTERVELT**, the TMAPC voted **8-1-0** (Carnes, Doherty, Gray, Jackson, Ledford, Midget, Pace, Westervelt "aye"; Boyle "nay"; none "abstaining"; Dick, Horner "absent") to **DENY** Alternative Landscape Compliance AC-023.

There being no further business, the Chairman declared the meeting adjourned at 2:30 p.m.

Date Approved: 7/16/97


Chairman

ATTEST: 
Secretary



SCALE: 1"=100'

R-14-E

4	3	2	1
5	6	7	8
9	6		
10			
11			

T 19 N

LOCATION MAP

110,922 SQ. FT.
2.55 ACRES

*DDG
6-23-97*

OWNER :

WAYNE WILLIAMS
6433 SOUTH SANDUSKY
TULSA, OKLAHOMA 74136

CHANGE OF ACCESS EXHIBIT

**LOT 1, BLOCK 1
VAN ESTATES NO. 3**

SCALE: 1"=100'	APPROVED BY:	DRAWN BY: TBH
DATE: 6/23/97		REVISED:

HAMMOND ENGINEERING CO.

5157 E. 51st ST. SUITE 100, 74135-7402 PH: (918) 627-5861 TULSA, OKLAHOMA

BEFORE
YOU DIG..
CALL OKIE
1-800-522-6543

PROPOSED ACCESS RELOCATION

DATE OF PRINTS	WORK ORDER NO.	DRAWING NUMBER
	WAYNE WILLIAMS	97-0033

EGAD\WILLIAMS\ACCESS\FCD

EXHIBIT "A"