

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2236

Wednesday, April 12, 2000 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Boyle	Collins	Beach	Jackere, Legal
Carnes	Harmon	Dunlap	Counsel
Hill		Huntsinger	
Horner		Stump	
Jackson			
Ledford			
Midget			
Pace			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, March 15, 2000 at 10:20 a.m., posted in the Office of the City Clerk at 10:11 a.m., as well as in the office of the County Clerk at 10:11 a.m.

After declaring a quorum present, Chair Westervelt called the meeting to order at 1:30 p.m.

### **Minutes:**

#### **Approval of the minutes of March 15, 2000 Meeting No. 2233**

On **MOTION** of **HORNER** the TMAPC voted **6-0-1** (Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; Boyle "abstaining"; Carnes, Collins, Harmon, Midget "absent") to **APPROVE** the minutes of the meeting of March 15, 2000 Meeting No. 2233.

### **Minutes:**

#### **Approval of the minutes of March 22, 2000 Meeting No. 2234**

On **MOTION** of **BOYLE** the TMAPC voted **6-0-1** (Boyle, Hill, Horner, Jackson, Ledford, Pace "aye"; no "nays"; Westervelt "abstaining"; Carnes, Collins, Harmon, Midget "absent") to **APPROVE** the minutes of the meeting of March 22, 2000 Meeting No. 2234.

**REPORTS:**

**Chairman's Reports:**

Mr. Westervelt reported that there would be a meeting regarding the Subdivision Regulations Review on April 13, at INCOG's fifth floor conference room at 3:30 p.m. He encouraged the participants to attend the meeting.

Mr. Westervelt stated that after the Rules and Regulations meeting of last week he noted that he will be out of town on family matters on May 24<sup>th</sup> when the public hearing is scheduled for the HP zoning request for Maple Ridge neighborhood. He commented that he would like to be present for the public hearing. Because this item is not on the agenda today, the TMAPC cannot take action. He requested that the Maple Ridge request be on the next meeting and requested a continuance to June 7, 2000.

Mr. Westervelt stated that he spoke with Jim Doherty on Tuesday, April 11<sup>th</sup>. He reported that Mr. Doherty did have surgery and he is now home. He commented that Mr. Doherty is in good spirits.

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**Director's Report:**

Mr. Stump reported that there are several zoning items on the City Council agenda for Thursday, April 13, 2000.

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**SUBDIVISIONS**

**LOT-SPLITS FOR WAIVER OF SUBDIVISION REGULATIONS:**

**L-19013 – W. Kirk Maupin (3384)** (PD-19) (County)  
13808 East 111<sup>th</sup> Street

**Staff Recommendation:**

The applicant has applied to split their 132' X 610' property into two tracts. On March 21, 2000, the Tulsa County Board of Adjustment approved Variances of the required street frontage and average lot width. All other RE Bulk and Area Requirements were met. However, the proposed configuration results in one tract having four side lot lines, requiring a waiver of the Subdivision Regulations that each tract have no more than three side lot lines.

The Technical Advisory Committee expressed no concerns regarding this application at their April 6, 2000, meeting.

Staff believes this lot-split would not have an adverse effect on the surrounding properties and would therefore recommend **APPROVAL** of the waiver of Subdivision Regulations and of the lot-split.

**There were no interested parties wishing to speak.**

**TMAPC Action; 7 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **7-0-0** (Boyle, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Collins, Harmon, Midget "absent") to **APPROVE** the waiver of Subdivision Regulations and the lot-split for L-19013 as recommended by staff.

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**L-19035 – David H. Sanders (193)**  
902 South 83<sup>rd</sup> East Avenue

(PD-5) (CD-3)

**Staff Recommendation:**

The applicant has applied to split a 304.85' X 154.74' lot into two tracts. The proposed tracts meet all the RS-1 Bulk and Area requirements. However, the proposed configuration of Tract 1, with a five-foot panhandle, will have four side-lot lines, requiring a waiver of the Subdivision Regulations.

City of Tulsa Public Works advises staff that sewer service is not available to Tract 1 without running a main sewer line along East 9<sup>th</sup> Street or 83<sup>rd</sup> East Avenue. This would also require a waiver of the Subdivision Regulations. The Technical Advisory Committee reviewed this application at their March 16, 2000, meeting and recommended denial.

Given the City of Tulsa Public Works' and the Technical Advisory Committee's positions, staff recommends **DENIAL** of the two waivers of the Subdivision Regulations.

**Interested Parties Comments:**

**Paul Zachary**, Public Works Engineering Manager, City of Tulsa Public Works, 2317 South Jackson, Tulsa, Oklahoma 74107, stated that he manages the disciplines of water, sewer, transportation and stormwater design issues for the City of Tulsa.

Mr. Zachary stated that two-acre lots characterize the subject area and there are several lot-splits currently existing. He commented that there are existing lot-splits in the subject area that have panhandles. However, there are several lot-splits that do not have panhandles and services have been extended on these lots. There are currently nine sanitary sewer districts in the subject area.

Mr. Zachary stated that he does not advocate perpetuating errors. He explained that Public Works (PW) is spending millions of dollars in the Central Business District, Woody Crest and other existing subdivisions in the City of Tulsa to untangle panhandle-type or long service line-type situations. He stated that his department is to enforce rules and regulations, plus provide a sewage system for the economy of operation and maintenance. The department wants to define logical service connections, access to the public lines, maintenance and repair. He indicated that his department maintains an atlas of all public lines of over 1800 miles of lines in the City of Tulsa.

Mr. Zachary stated that the panhandle lots circumvent and cause damage to the department's goal. The benefits of a panhandle lot-split are to the initial homeowners and the liabilities are passed onto the second and third generation homeowners, as well as the City of Tulsa. He stated that the City of Tulsa wants to keep the public out of the public works business, i.e. the operation of sewer, water and stormwater systems.

Mr. Zachary commented that when a property is purchased, the owner should be able to readily identify where their services are connected. It is easy in cases for water and public utilities, but for sanitary sewers there have to be rules regarding where they are connected. He stated that PW deals with encroachments on real property, service line easements and public utility easements daily. On real property, when a panhandle is granted, there are no barriers and no definable line where the five-foot panhandle starts and stops. Over time garages are built, landscaping is constructed, patios poured, etc. on the panhandle, which creates a clouded title.

Mr. Zachary stated that PW does not track service lines on the atlas systems and there are no records of service lines. The City would have to take on the financial obligation to find all of the sanitary lines to find where property owners are served or deny lot-splits with panhandles and extend public sewers in order to make reasonable assumptions of where the service connections are made.

Mr. Zachary indicated that it is a problem locating the service line when the property has been sold several times. Mr. Zachary stated that he strongly objects to this application because he does not like to spend public money that will only benefit a developer or the property owner. He indicated that the subject proposal could be remedied very easily by an extension of the public line.

**TMAPC Comments:**

Mr. Jackson asked Mr. Zachary what the cost would be to extend an eight-inch line. In response, Mr. Zachary stated that the cost for a linear foot is approximately \$50.00. Mr. Zachary indicated that the property owner would have to extend the line approximately 200'. Mr. Zachary stated that sanitary sewers exist in the area and there is a provision to extend the lines.

Mr. Boyle thanked Mr. Zachary for coming to today's meeting and explain PW's position with this type of application.

Mr. Westervelt asked if the applicant were willing to give a ten-foot panhandle out to the west and were allowed to have a long private service line, it would be as problematic for PW as the current proposal. In response, Mr. Zachary stated that the ten-foot easement causes the same problems. Mr. Zachary explained that on current ten-foot easements there have been swimming pools built over that easement.

**Mr. Midget in at 1:43 p.m.**

Mr. Ledford stated that the Planning Commission should be careful about looking at the monetary value of extending service lines correctly. If the property owner has to rework his service line, there is also a cost to rework the service line. These types of easements are typically not fee simple ownership, and therefore it is not fenced and maintained by the lot owner. The adjacent lot owner mows the panhandle and does all of the things under prescription rights and adverse possession, then typically the adjacent owner will utilize the property and plant shrubs, build patios, etc.

Mr. Zachary informed the Planning Commission that PW is not notified of quit claims filings, which causes more problems later. He stated that his objections are based on what PW has to fix currently and is expending monies on.

**Mr. Carnes in at 1:46 p.m.**

Mr. Jackson asked Mr. Zachary who pays for an existing subdivision to have a sewer system extended to their area and if the homeowner has to pay in order to hook up to the sewer system. In response, Mr. Zachary stated that in an unsewered area, there is an unsewered service policy that is under the Tulsa Metropolitan Utility Authority. Mr. Zachary stated that if an existing subdivision desires to have septic service, over 50% of the subdivision has to be interested in order to extend the sanitary sewer. Mr. Zachary explained that all of the easements have to be granted by the property owners, and each homeowner has to pay for the connection to their homes. Mr. Zachary stated that PW extends and builds lines in new subdivisions and also in the unsewered areas with the policy that it has to abut existing properties to prevent long service lines.

Mr. Zachary stated that in 1961 the first sewer lines were extended into the subject area. He indicated that there are nine individual sewer districts. If this subdivision came in today it would be done under one district. However, on nine different occasions, the property owners in the subject area have extended sewer lines to serve their properties under these rules. He understands that there are some panhandles in the subject area, but he is not for perpetuating errors. Public Works now knows that it is public cost and it is problematic. Therefore,

PW is looking for extending the sanitary sewer in accordance with the ordinance and Subdivision Regulations.

**Applicant's Comments:**

**David Sanders**, 624 South Denver, Tulsa, Oklahoma 74119, stated that the issue is to whether or not the landowner should pick up an existing sewer and replace it with a sewer main for 166'. The replaced sewer main would go nowhere other than to serve the proposed lot.

Mr. Sanders stated that everyone in the subject area is currently on sewer. He indicated that he proposes to convey the panhandle to the purchaser of the subject property. He stated that he proposes a ten-foot sewer easement across the back of the existing property. He commented that the panhandle will be marked well and it will have two four-inch PVC pipes (cleanouts) that would stick up in the air. He explained that the panhandle would not get lost when trying to find the sewer because it would be marked. The landowner would be given a title for the panhandle and that would prevent the adjacent owner from placing a swimming pool or out-building on the panhandle.

Mr. Sanders stated that the City of Tulsa wants the property owner to extend the sewer line and replace a four-inch line with an eight-inch line. He commented that it is an issue of economics in order to satisfy Public Works. Mr. Sanders concluded that his client is entitled to the same treatment as previous property owners by having the third lot-split in the subject area.

**Jeff Thompson**, 616 South Main, Tulsa, Oklahoma 74103, Premiere Commercial Property, representing the landowner, stated that there are two lines of service in the immediate area and there are no T-service lines. He explained that the vacant property across the street from the subject property is an improved parking lot for the church.

**TMAPC Comments:**

Mr. Boyle asked Mr. Jackere if the Planning Commission were to deny this lot-split as proposed, it would be problematic because there have been three previous lot-splits similar to this in the subject subdivision. In response, Mr. Jackere stated that he is not sure that it is problematic, but the applicant is trying to request that he be treated the same as previous property owners. Mr. Jackere further stated that he sees this application as, "does the City want to perpetuate the wrong that has been done by approving another lot-split with a panhandle," and if the previous lot-splits were wrong, the Planning Commission does not have an obligation to continue the practice. Mr. Boyle stated that it is not an equality or consistency issue, but rather one of doing what is right. Mr. Jackere stated that if the Planning Commission does something different today, it should be consistent from this moment on.

Mr. Westervelt stated that Mr. Zachary stated that he wouldn't mind the Planning Commission reviewing these proposals on a case-by-case basis because there would be unique circumstances.

**TMAPC Action; 9 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **6-3-0** (Boyle, Carnes, Hill, Ledford, Midget, Pace, "aye"; Horner, Jackson, Westervelt "nays"; none "abstaining"; Collins, Harmon "absent") to **DENY** the waiver of Subdivision Regulations and the lot-split for L-19035 as recommended by staff.

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**FINAL PLAT:**

**Shadow Wood (3483)** (formerly Frenchman's Reserve) (PD-26) (CD-8)  
East 118<sup>th</sup> Street South, East of South Fulton Avenue

**Ms. Pace out at 2:14 p.m.**

**Staff Recommendation:**

Mr. Bruce stated that there are some comments from the Legal Department that are being addressed by the Engineer. Staff recommends approval of this final plat subject to Legal's final review.

**There were no interested parties wishing to speak.**

**The applicant indicated his agreement with staff's recommendation.**

**TMAPC Action; 8 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-0** (Boyle, Carnes, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Harmon, Pace "absent") to **APPROVE** the final plat for Shadow Wood, subject to Legal final review as recommended by staff.

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**Mr. Carnes out at 2:15 p.m.**

**PRELIMINARY PLAT:**

**Restoration Church (0494)** (PD-17) (CD-8)  
764 South 145<sup>th</sup> East Avenue

**Staff Recommendation:**

This site is located north of the northwest corner of 11<sup>th</sup> Street and 145<sup>th</sup> West Avenue. It is a lot 1, block 1 plat, 8.8 acres in size.

The preliminary plat was approved on April 14, 1999. That approval will expire April 14, 2000. A 45-day extension has been requested, extending the approval to May 29, 2000.

The majority of release letters have been received. Staff has been in contact with the consultant (Sack and Associates) and expects to present a final plat within the month.

Staff recommends **APPROVAL** of a 45-day extension.

**There were no interested parties wishing to speak.**

**The applicant indicated his agreement with staff's recommendation.**

**TMAPC Action; 7 members present:**

On **MOTION** of Boyle, the TMAPC voted **7-0-0** (Boyle, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Collins, Harmon, Pace "absent") to **APPROVE** the 45-day extension of the preliminary plat for Restoration Church as recommended by staff.

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**Mr. Carnes in at 2:16 p.m.**

**OTHER BUSINESS:**

**APPLICATION NO.: PUD-602**

**LANDSCAPE PLAN**

**Applicant:** Ted Sack

(PD-6) (CD-4)

**Location:** Northwest corner of East 71<sup>st</sup> Street and South Garnett Road

**Staff Recommendation:**

The applicant is requesting Landscape Plan approval for the landscaped area surrounding a single-story 185,007 SF commercial shopping facility on 21.25 acres constituting Lot 1, Block 1 of Eastside Market. The approved development standards as amended require TMAPC Detail Landscape Plan approval for the purpose of ensuring the effectiveness of the proposed landscape buffer along the northern boundary of the PUD. The Detail Site Plan received TMAPC approval on April 5.

Staff has examined the Landscape Plan for conformance to Chapter 10 of the Zoning Code as well as the approved PUD specifications. Staff finds the Landscape Plan meets or exceeds the requirements for total landscaped area and street yard and parking lot trees. All tree species shown conform to varieties and sizes required in Chapter 10 and the Urban Forester's Certified List of approved species.



Staff also examined the Landscape Plan for the effectiveness of the buffering proposed along the northern boundary of the PUD. Staff finds the proposed system of site screening utilizes deciduous and evergreen trees, earth berming and fencing. Staff is of the opinion that the combination of screening methods and types of plant materials provides an effective visual buffer between the collector street and the rear building wall and loading/service areas of the shopping center. Additionally, the Landscape Plan indicates internal fencing of a trash compactor behind the building housing the anchor tenant of the proposed commercial center.

Staff, having found conformance to the approved PUD Specifications and the landscaping requirements of the Zoning Code, recommends **APPROVAL** of the Landscape Plan for PUD-602 (Lot 1, Block 1, Eastside market) as submitted.

**There were no interested parties wishing to speak.**

**The applicant indicated his agreement with staff's recommendation.**

**TMAPC Action; 8 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Boyle, Carnes, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Harmon, Pace "absent") to **APPROVE** the landscape plan for PUD-602 as submitted.

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**Commissioners' Comments:**

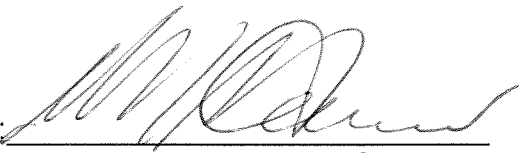
Mr. Westervelt stated that he received a letter from Councilor Art Justis, District 6, requesting the Planning Commission to review Use Unit 17 with regard to some of the difficulties he has experienced in his district. He requested staff to review the letter and determine if the Rules and Regulations Committee should have a worksession regarding the letter.

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There being no further business, the Chair declared the meeting adjourned at 2:17 p.m.

Date approved: 04/26/00

  
Chairman

ATTEST:   
Secretary