

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2340

Wednesday, April 2, 2003, 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>
Bayles	Collins	Dunlap	Romig, Legal
Carnes	Horner	Fernandez	
Coutant	Midget	Huntsinger	
Harmon		Matthews	
Hill		Stump	
Jackson			
Ledford			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Tuesday, April 1, 2003 at 11:19 a.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

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

### **Minutes:**

#### **Approval of the minutes of March 26, 2002, Meeting No. 2339**

On **MOTION** of **HARMON** the TMAPC voted 6-0-1 (Carnes, Coutant, Harmon, , Jackson, Ledford, Westervelt “aye”; no “nays”; Hill “abstaining”; Bayles, Collins, Horner, Midget “absent”) to **APPROVE** the minutes of the meeting of March 26, 2002, Meeting No. 2339.

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**Ms. Bayles in at 1:35 p.m.**

### **REPORTS:**

#### **Worksession Report:**

Mr. Jackson reported that there would be a worksession immediately following today's TMAPC meeting in Room 1102, City Hall.

**SUBDIVISIONS:**

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

**L-19502 – Lorena Bean** (1992) (PD-23) (County)  
3304 South 65<sup>th</sup> West Avenue

**STAFF RECOMMENDATION:**

The applicant desires to split the east 303' x 140' (Tract 1) off the existing tract. Both resulting tracts meet the RS bulk and area requirements, and the applicant has agreed to provide additional right-of-way to Tulsa County along West 34<sup>th</sup> Street to meet the Major Street and Highway Plan standards. A waiver of the Subdivision Regulations is being requested because Tract 2 would have more than three side lot lines.

Although the east 303' will be split off, the configuration of Tract 2 will remain the same. Staff believes this lot-split would not have an adverse effect on the surrounding properties and recommends **APPROVAL** of the waiver of Subdivision Regulations and of the lot-split, with the condition that the additional right-of-way is given to Tulsa County.

**Applicant was not present.**

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

**TMAPC Action; 8 members present:**

On **MOTION** of **HARMON**, the TMAPC voted **8-0-0** (Bayles, Carnes, Coutant, Harmon, Hill, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Horner, Midget "absent") to recommend **APPROVAL** of the waiver of Subdivision Regulations and of the lot-split, with the condition that the additional right-of-way is given to Tulsa County as recommended by staff.

\* \* \* \* \*

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

**L-19490 – Sack and Associates, Inc.** (2083) (PD-18) (CD-2)  
East 95<sup>th</sup> Street and Delaware

**L-19494 – Carolyn Rudluff** (2991) (PD-23) (County)  
4903 South 149<sup>th</sup> West Avenue

- L-19497 – White Survey Co.** (3023) (PD-14) (County)  
10811 East 136<sup>th</sup> North Place
- L-19498 – William Eagleton IV** (1714) (PD-15) (County)  
11924 East 106<sup>th</sup> Street North
- L-19499 – Margaret Stege** (2002) (PD-11) (CD-1)  
4902 West 31<sup>st</sup> Street North
- L-19500 – Verma Tucker** (1724) (PD-14) (County)  
12220 East 166<sup>th</sup> Street North
- L-19501 – City of Tulsa** (983) (PD-18) (CD-8)  
4818 East 80<sup>th</sup> Street
- L-19503 – Danny and Becky Keith** (2992) (PD-9) (County)  
4148 South 61<sup>st</sup> Street
- L-19504 – Connie Martin** (113) (PD-15) (County)  
12007 North Memorial

**STAFF RECOMMENDATION:**

These lot-splits meet all of the requirements of the Subdivision Regulations; therefore, staff recommends **APPROVAL**.

**TMAPC Action; 8 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Bayles, Carnes, Coutant, Harmon, Hill, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Horner, Midget "absent") to **RATIFY** these lot-splits given prior approval, finding them in accordance with Subdivision Regulations as recommended by staff.

\* \* \* \* \*

**FINAL PLAT:**

**Eagle Rock –** PUD 653 (1073)

(PD-20) (County)

North of 141<sup>st</sup> Street South and west of South Sheridan Road

**STAFF RECOMMENDATION:**

This plat consists of 56 lots in seven blocks on 82.8 acres.

All release letters have been received for this final plat. Staff recommends **APPROVAL** of the final plat.

Mrs. Fernandez stated that all released letters have been received and staff recommends approval.

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

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

**TMAPC Action; 8 members present:**

On **MOTION** of **HILL**, the TMAPC voted **8-0-0** (Bayles, Carnes, Harmon, Hill, Jackson, Ledford, Westervelt "aye"; no "nays"; Coutant "abstaining"; Collins, Horner, Midget "absent") to recommend **APPROVAL** of the final plat for Eagle Rock as recommended by staff.

\* \* \* \* \*

**Woodward Addition –** PUD 574 (1203)

(PD-18) (CD-8)

North of the northeast corner of East 81<sup>st</sup> Street and South Memorial Drive.

**STAFF RECOMMENDATION:**

This plat consists of one lot in one block on 1.05 acres.

Mrs. Fernandez stated that all release letters have been received and staff recommends approval.

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

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

Mr. Westervelt stated that he would be abstaining from this application.

**TMAPC Action; 8 members present:**

On **MOTION** of **HARMON**, the TMAPC voted **7-0-1** (Bayles, Carnes, Coutant, Harmon, Hill, Jackson, Ledford "aye"; no "nays"; Westervelt "abstaining"; Collins, Horner, Midget "absent") to recommend **APPROVAL** of the final plat for Woodward addition as recommended by staff.

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**PRELIMINARY PLAT:**

**Glendale Acres –** AG-R (2672)

(PD-21) (County)

North of West 171<sup>st</sup> Street South, West of South Elwood Avenue

**STAFF RECOMMENDATION:**

Mrs. Fernandez stated that staff recently received revised plans for it, and the design is different enough to send this back to the technical advisory committee. Staff recommends a continuance to May 7, 2003 on this case.

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

**TMAPC Action; 8 members present:**

On **MOTION** of **WESTERVELT**, TMAPC voted 8-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Horner, Midget "absent") to **CONTINUE** the preliminary plat for Glendale Baker's to May 7<sup>th</sup>, 2003 as recommended by staff.

\* \* \* \* \*

**Airpark Distribution Center –** (224)

(PD-16) (CD-6)

Northeast corner of North Garnett Road and East Apache Street

**STAFF RECOMMENDATION:**

This plat consists of seven lots, two blocks, on 70.809 acres.

The following issues were discussed March 20, 2003 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned IM. The plat proposes seven Lots on two Blocks over the existing Raceway Addition. The need for an 80-foot right-of-way instead of the 60-foot right-of-way proposed was discussed. All right-of-way must be properly dedicated on Apache or a waiver granted. Tracts created outside of the proposed plat will need additional lot splits.
2. **Streets:** A 60-foot right-of-way with a 36-foot paving width would be acceptable. Correct building lines must be shown. Surrounding additions should be shown. Sidewalks are needed. Correct and clarify concept plans.
3. **Sewer:** Sewer easements need to be separate from other easements.
4. **Water:** A water main extension will be required. Utility easements need to be shown along 27<sup>th</sup> Street.
5. **Storm Drainage:** The FEMA floodplain needs to be shown. Elevations need to be shown. Access for maintenance needs to be shown. Covenants need standard language and to relate to the face of the plat. Storm sewer needs to be shown with details and information for off-site improvements. Easements for drainage need to be separate from utility easements. The floodplain should be shown on the plat and put in a reserve.
6. **Utilities: PSO, SBC, and ONG:** Sewer easements should be separated from utility easements. Additional easements are needed throughout the plat, especially along the roadways, in a 17.5 foot minimum size.
7. **Other:** N/A.

Staff recommends **APPROVAL** of the preliminary plat subject to the special and standard conditions below.

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

1. The concerns of the Public Works Department staff must be taken care of to their satisfaction.

**Standard Conditions:**

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 Public Works Department 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. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A topography map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)

13. 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.
14. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. The method of water supply and plans therefor shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.
19. 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.)
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. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final plat.

Mrs. Fernandez stated that Traffic Engineering expresses concern regarding sidewalks. Traffic Engineering indicated that sidewalks would be necessary; however, they are not required by subdivision requirements. The internal street is not a collector street; however, Public Works does have some policies on arterial streets that may apply. The applicant should meet with Public Works to discuss this issue.

**TMAPC COMMENTS:**

Mr. Harmon asked Mrs. Fernandez if the sidewalk issue had to be decided before filing the plat. In response, Mrs. Fernandez stated that the applicant and Public Works would have to work out these issues. Mr. Harmon stated that the

conditions stated that Public Works would have to be satisfied, which includes the sidewalks issue. In response, Mrs. Fernandez answered affirmatively.

Mr. Westervelt asked Mr. Stump if there is any time set for coordinating this inconsistency with Public Works and the Subdivision Regulations. In response, Mr. Stump stated that staff hopes to have this completed by the end of the fiscal year.

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

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

**TMAPC Action; 8 members present:**

On **MOTION** of **WESTERVELT**, the TMAPC voted **8-0-0** (Bayles, Carnes, Coutant, Harmon, Hill, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Horner, Midget "absent") to recommend **APPROVAL** of the preliminary plat for the Airpark Distribution Center, subject to the special conditions and standard conditions as recommended by staff.

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**PLAT WAIVER:**

**Z-6881-** (593)

(PD-4) (CD-4)

2727 East 11<sup>th</sup> Street, northwest corner of 11<sup>th</sup> Street and Delaware Avenue

**STAFF RECOMMENDATION:**

The platting requirement will be triggered by Z-6881 which will rezone a part of the Bama Pie site to CG for offices and production.

***Staff provides the following information from TAC at their February 20, 2003 meeting:***

**ZONING:**

TMAPC staff: A small part of the existing site will be rezoned to CG.

**STREETS:**

Public Works, Traffic: If the existing wall extends into the right-of-way radius, then a license agreement with the City will be needed. The corner will be further reviewed. Right-of-way along Delaware meets with the proposed widening of this street.

**SEWER:**

Public Works, Waste Water: No Comment.

**WATER:**

Public Works, Water: No Comment.

**STORM DRAIN:**

Public Works, Stormwater: No Comment.

**FIRE:**

Public Works, Fire: No Comment.

**UTILITIES:**

Franchise Utilities: No Comment.

Staff can recommend **APPROVAL** of the plat waiver requested. The site is small and does not abut area requiring dedication of right-of-way for surrounding streets.

***A YES answer to the following three questions would generally be FAVORABLE to a plat waiver:***

- |   | <b>Yes</b> | <b>NO</b> |
|---|------------|-----------|
| 1. Has property previously been platted?  | X          |           |
| 2. Are there restrictive covenants contained in a previously filed plat?            | X          |           |
| 3. Is property adequately described by surrounding platted properties & street R/W? | X          |           |

***A YES answer to the remaining questions would generally NOT be favorable to a plat waiver:***

- |  |   |
|--|---|
| 4. Is right-of-way dedication required to comply with Major Street and Highway Plan?                   | X |
| 5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived? | X |
| 6. Infrastructure requirements:  |   |
| a) Water   |   |
| i. Is a main line water extension required?  | X |
| ii. Is an internal system or fire line required?   | X |
| iii. Are additional easements required?  | X |
| b) Sanitary Sewer  |   |
| i. Is a main line extension required?  | X |
| ii. Is an internal system required?  | X |
| iii. Are additional easements required?  | X |

- c) Storm Sewer
  - i. Is a P.F.P.I. required? X
  - ii. Is an Overland Drainage Easement required? X
  - iii. Is on site detention required? X
  - iv. Are additional easements required? X
- 7. Floodplain
  - a) Does the property contain a City of Tulsa (Regulatory) Floodplain? X
  - b) Does the property contain a F.E.M.A. (Federal) Floodplain? X
- 8. Change of Access
  - a) Are revisions to existing access locations necessary? X
- 9. Is the property in a P.U.D.? X
  - a) If yes, was plat recorded for the original P.U.D.
- 10. Is this a Major Amendment to a P.U.D.? X
  - a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.?

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

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

**TMAPC Action; 8 members present:**

On **MOTION** of **HARMON**, the TMAPC voted **8-0-0** (Bayles, Carnes, Coutant, Harmon, Hill, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Horner, Midget "absent") to recommend **APPROVAL** of the plat waiver for Z-6881 per staff recommendation.

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**BOA 19507-**(3003)  
2240 East Apache

(PD-2) (CD-3)

**STAFF RECOMMENDATION:**

The platting requirement was triggered by BOA 19507 which granted a Special Exception for a day care center in an OL district.

***Staff provides the following information from TAC at their March 20, 2003 meeting:***

**ZONING:**

TMAPC staff: The structures on the site have existed for some time.

**STREETS:**

Apache is a secondary arterial and an additional ten feet of right-of-way dedication is needed. There is an existing sign that may have to be removed or a license agreement required for a sign in the right-of-way.

**SEWER:**

Public Works, Wastewater: No Comment.

**WATER:**

Public Works, Water: No Comment.

**STORM DRAIN:**

Public Works, Stormwater: If an easement is necessary later on, it can be granted by separate instrument at the building permit phase of development in the future.

**FIRE:**

Public Works, Fire: No Comment.

**UTILITIES:**

Franchise Utilities: No Comment.

Staff can recommend **APPROVAL** of the plat waiver requested because of the existing structures and the fact that the TAC felt that the property would be adequately described with the dedication of the additional ten feet of right-of-way. The applicant agreed to dedicate the required right-of-way before the Planning Commission meeting to be in compliance with the Major Street and Highway Plan.

***A YES answer to the following three questions would generally be FAVORABLE to a plat waiver:***

	<b>Yes</b>	<b>No</b>
1. Has property previously been platted?		X
2. Are there restrictive covenants contained in a previously filed plat?		X
3. Is property adequately described by surrounding platted properties & street R/W?	X	

***A YES answer to the remaining questions would generally NOT be favorable to a plat waiver:***

4. Is right-of-way dedication required to comply with Major Street and Highway Plan?	X*
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- |     |   |   |
|-----|---|---|
| 5.  | Would restrictive covenants be required to be filed by separate instrument if the plat were waived? | X |
| 6.  | Infrastructure requirements:  |   |
|     | a) Water  |   |
|     | i. Is a main line water extension required?   | X |
|     | ii. Is an internal system or fire line required?  | X |
|     | iii. Are additional easements required?   | X |
|     | b) Sanitary Sewer   |   |
|     | i. Is a main line extension required?   | X |
|     | ii. Is an internal system required?   | X |
|     | lii Are additional easements required?  | X |
|     | c) Storm Sewer  |   |
|     | i. Is a P.F.P.I. required?  | X |
|     | ii. Is an Overland Drainage Easement required?  | X |
|     | iii. Is on-site detention required?   | X |
|     | iv. Are additional easements required?  | X |
| 7.  | Floodplain  |   |
|     | a) Does the property contain a City of Tulsa (Regulatory) Floodplain?                               | X |
|     | b) Does the property contain a F.E.M.A. (Federal) Floodplain?                                       | X |
| 8.  | Change of Access  |   |
|     | a) Are revisions to existing access locations necessary?  | X |
| 9.  | Is the property in a P.U.D.?  | X |
|     | a) If yes, was plat recorded for the original P.U.D.  |   |
| 10. | Is this a Major Amendment to a P.U.D.?  | X |
|     | a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.?      |   |

\* This should have been dedicated before the Planning Commission meeting.

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

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

**TMAPC Action; 8 members present:**

On **MOTION** of **HARMON**, the TMAPC voted **8-0-0** (Bayles, Carnes, Coutant, Harmon, Hill, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Horner, Midget "absent") to recommend **APPROVAL** of the plat waiver for BOA-19507 subject to the additional ten-foot right-of-way being dedicated as recommended by staff.

\* \* \* \* \*

**CBOA 2022** – (3292)

(PD-9) (County)

5310 West 60<sup>th</sup> Street South

**STAFF RECOMMENDATION:**

The platting requirement was triggered by CBOA 2022 which granted a Special Exception for a church and related uses in an IL district.

***Staff provides the following information from TAC at their March 20, 2003 meeting:***

**ZONING:**

TMAPC staff: The property is in Block 6 of the Oakhurst Estates plat.

**STREETS:**

None.

**SEWER:**

Public Works, Waste Water: No Comment.

**WATER:**

Public Works, Water: No Comment.

**STORM DRAIN:**

None.

**FIRE:**

Public Works, Fire: No Comment.

**UTILITIES:**

Franchise Utilities: No Comment.

Staff can recommend **APPROVAL** of the plat waiver requested.

**A YES answer to the following 3 questions would generally be FAVORABLE to a plat waiver:**

- |   | Yes | NO |
|---|-----|----|
| 1. Has property previously been platted?  | X   |    |
| 2. Are there restrictive covenants contained in a previously filed plat?            | X   |    |
| 3. Is property adequately described by surrounding platted properties & street R/W? | X   |    |

**A YES answer to the remaining questions would generally NOT be favorable to a plat waiver:**

- |  |    |
|--|----|
| 4. Is right-of-way dedication required to comply with Major Street and Highway Plan?                   | X  |
| 5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived? | X  |
| 6. Infrastructure requirements:  |    |
| a) Water   | X  |
| i. Is a main line water extension required?  | X  |
| ii. Is an internal system or fire line required?   | X  |
| iii. Are additional easements required?  | X  |
| b) Sanitary Sewer  |    |
| i. Is a main line extension required?  | X  |
| ii. Is an internal system required?  | X  |
| iii. Are additional easements required?  | X  |
| c) Storm Sewer   |    |
| i. Is a P.F.P.I. required?   | X  |
| ii. Is an Overland Drainage Easement required?   | X  |
| iii. Is on site detention required?  | X* |
| iv. Are additional easements required?   | X  |
| 7. Floodplain  |    |
| a) Does the property contain a City of Tulsa (Regulatory) Floodplain?                                  | X  |
| b) Does the property contain a F.E.M.A. (Federal) Floodplain?  | X  |
| 8. Change of Access  | X  |
| a) Are revisions to existing access locations necessary?   | X  |
| 9. Is the property in a P.U.D.?  | X  |
| a) If yes, was plat recorded for the original P.U.D.   |    |

10. Is this a Major Amendment to a P.U.D.? X  
a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.?

\*The County Engineer stated that the site plan orientation will be determined at the building permit phase of development and if the drainage is a question, then it will be worked out at that stage of development.

**The applicant was not present.**

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

**TMAPC Action; 8 members present:**

On **MOTION** of **HARMON**, the TMAPC voted **8-0-0** (Bayles, Carnes, Coutant, Harmon, Hill, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Horner, Midget "absent") to recommend **APPROVAL** of the preliminary plat for CBOA-2022 per staff recommendation.

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**CONTINUED ZONING PUBLIC HEARING:**

**Application No.: PUD-559-A-5** **MINOR AMENDMENT**

**Applicant:** Brian Ward (PD-18) (CD-8)

**Location:** 10101 East 91<sup>st</sup> Street South

**STAFF RECOMMENDATION:**

The applicant is requesting an increase in the aggregate display surface for wall signs in a portion of Development Area A from two square feet for each lineal foot of building wall to which the sign is affixed to 3.14 square feet on one wall and 2.32 square feet on another wall.

The standards for Development Area A of PUD-559 were approved by the City Council in May of 1997. The subject tract contains a six-story hospital. The following wall and canopy sign standards apply:

Wall and canopy signs shall not exceed an aggregate display surface area of two square feet for each lineal foot of building wall to which the sign is affixed.

The applicant is requesting 3.14 square feet of display surface for each lineal foot of building wall to which the sign is affixed on one wall and 2.32 square feet on another wall. The signs would be attached near the top of the six-story hospital building, which faces U.S. Highway 169.

Section 1103.B.2, pg. 11-3 of the PUD Chapter of the Zoning Code states in part:

Wall signs shall not exceed an aggregate display surface area of two square feet per each lineal foot of the building wall to which the sign or signs are affixed.

The applicant's request does not comply with the provisions of the PUD Chapter which would permit a maximum of two square feet per each lineal foot of building wall to which the sign or signs are affixed, which is the current standard. Such a request would require a variance from the Board of Adjustment. The Board of Adjustment at their March 25, 2003 meeting approved a request to increase the wall sign square footage on the southeast and northeast walls of the hospital (BOA-19530). The approval was per submitted plan.

Staff finds the request to be minor in nature and consistent with the BOA approval. Therefore staff recommends **APPROVAL** of the request per the submitted plans.

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

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

**TMAPC Action; 8 members present:**

On **MOTION** of **HARMON**, the TMAPC voted **8-0-0** (Bayles, Carnes, Coutant, Harmon, Hill, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Horner, Midget "absent") to **APPROVE** the minor amendment for PUD-559-A-5 per staff recommendation.

\* \* \* \* \*

**Application No.: PUD-678**

**RS-3 TO PUD**

**Applicant:** Jack Cox

(PD-26) (CD-8)

**Location:** West of northwest corner East 98<sup>th</sup> Street and South Memorial Drive

**STAFF RECOMMENDATION:**

The PUD proposes single-family residential uses on approximately 9.63 acres located west of the northwest corner of East 98<sup>th</sup> Street (a private street) and

South Memorial Drive. The proposal is for private streets with one point of access. Also, the tract does not have access to a public street.

In January 2003, the City Council rezoned the subject tract from RS-1 to RS-3. The applicant had requested RS-4 zoning. The tract is abutted on the north by the Creek Turnpike right-of-way; on the east by a drainageway zoned RS-1 and CO/PUD-581, and beyond the drainageway is an apartment complex zoned CO/PUD-581; and on the west by single-family dwellings zoned RS-1. There is a single-family dwelling to the south of the tract, across East 98<sup>th</sup> Street, which is a private street, zoned RS-1.

Staff cannot support the proposed circulation system, which does not comply with the Subdivision Regulations or the draft guidelines for private streets (enclosed). Also, the tract does not have access to a public street. One point of access is proposed, which would be to a private street outside the PUD (98<sup>th</sup> Street).

If two points of access, which connect to a public street, are provided and if the streets are public and meet the Subdivision Regulations, staff could support the request with some modification.

Staff finds the uses and intensities of development proposed and as modified by staff to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds PUD-678, as modified by staff, to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD-678 subject to the following conditions:

1. The applicant's Outline Development Plan and Text be made a condition of approval, unless modified herein.
2. Development Standards:

**Permitted Principal Uses:**

Those uses included within Use Unit 6, Single-Family Dwelling.

<b>Maximum Number of Dwelling Units:</b>	33
<b>Minimum Livability Space per Dwelling Unit Per Lot:</b>	2,500 SF

**Minimum Livability Space within the PUD:**

Within the PUD, livability space shall be provided in an aggregate amount of not less than the amount of livability space required by the RS-3 zoning district (Subsection 403.A, of the Zoning Code) for conventional development of a comparable number of dwelling units. Required livability space shall be provided on the lot containing the dwelling unit or units on which computed, or in common areas. Common livability space shall be designed and located so as to be accessible to the dwelling units it is intended to serve. The location and size of this common livability space shall be shown on the subdivision plat and provisions for the ownership and maintenance of common livability space as will insure its continuity and conservation shall be incorporated in the subdivision plat, in compliance with the provisions of Subsection 1107.F. of the Zoning Code.

**Minimum Required Yards:**

Front yard and any yard abutting a street	20 FT
Rear Yards	20 FT
Side Yards	5 FT

**Other Bulk and Area Requirements:**

As established within the RS-3 district.

**Access:**

There shall be a minimum of two access points from a public street to the PUD. All streets within the PUD must be public and meet the Subdivision Regulations. Prior to the filing of final plat, East 98<sup>th</sup> Street South must be a public street from South Memorial Drive to the west boundary of the PUD. All access must be approved by Traffic Engineering and the Tulsa Fire Department.

3. There shall be no development in the regulatory floodplain.
4. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.

5. No building permit shall be issued until the requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.
6. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process, which are approved by TMAPC.
7. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during the subdivision platting process.

**Applicant's Comments:**

**John Moody**, 1924 South Utica, Suite 700, Tulsa, Oklahoma 74104, cited the history for the subject property. He indicated that his client is in agreement with staff's recommendation for a 25-foot setback. He would like to modify the request to have zero side yards on one side and ten feet on the other side, the setback on the other side yard, as long as there is always a ten-foot setback between residences on each lot. He indicated that this is a common provision that staff has allowed and approved in this type of development.

Mr. Moody stated he has a problem with a staff's recommendation regarding the access on this particular project. East 98<sup>th</sup> Street is a private street and goes to Memorial. The subject street was developed approximately 50 years ago. Later, the property was sold in large parcels and at this time they were not subject to the Subdivision Regulations, and 30 feet was preserved for a private road easement along the boundaries of each of the parcels. This problem was presented to the Planning Commission before when two different subdivisions were proposed, one of which abutted Memorial, but the other project did not. He indicated that the Planning Commission allowed the apartments (Echelon) to have private streets subject to the condition that the developer agree to dedicate 30 feet on each side to the City of Tulsa when it is necessary for a public road. The subject proposal is a single-family subdivision on small lots with private streets. The City of Tulsa built a stormwater detention facility, which is located in the subject area and eventually would need a public street.

Mr. Moody stated that his client is willing to dedicate the 30 feet of right-of-way for East 98<sup>th</sup> Street for a public street. He indicated that the same provisions were allowed for the similar developments in the subject area. There is a private road that is 26 feet in width and it dead-ends at the parcel immediately adjacent to his client's parcel.

Mr. Moody stated that his client recognizes that there is a need for a second point of access and he has revised his proposed plan (Exhibit A-2). He explained that he is proposing a second point of access or a fire lane for emergency purposes. The second point of access would be across the property where his client's home is currently located. He requested that the internal streets in the proposed subdivision be permitted to have private streets because it is the way the proposal was designed and developed. He indicated that the proposal is compatible with the subdivision immediately to the east that has private streets. He commented that the paving of the street would be according to the City of Tulsa specifications, 26 feet in width, curbed and guttered. He concluded that with the proposal and building the private streets to the City's specifications would protect the public's interest and provide all of the utilities, which the Planning Commission is concerned with. He indicated that his client doesn't have any issues with East 98<sup>th</sup> Street becoming a public street, but it is not in his power to accomplish this except to dedicate the 30 feet of right-of-way. His client would prefer to dedicate the 30 feet at the time the City requests the additional easement when it is needed, but he can do it now if the Planning Commission makes it a requirement.

Mr. Moody stated that he understands staff's position and the Subdivision Regulations and the points regarding the public streets. He understands that staff needs to be consistent in their recommendations with respect to the Subdivision Regulations. As a matter of equity, for his client, given the fact that there have been two PUD developments that were allowed to have East 98<sup>th</sup> Street as a private street and allowing their internal circulation streets to be private, it would be inequitable to impose this standard upon his client, when it was not imposed on the other parties.

**TMAPC COMMENTS:**

Mr. Westervelt asked Mr. Moody if there was anything unique about the subject property and its private streets that would allow the Planning Commission to take action and not create a precedent that would cause future problems. In response, Mr. Moody stated that the central feature of the subject property is the historical fact of the private road easement that was developed 47 years ago and has been in place, which is East 98<sup>th</sup> Street and then South 78<sup>th</sup> Street. Mr. Moody indicated that the City has already set a precedent by allowing East 98<sup>th</sup> Street to be a private street on the residential subdivision immediately to the east. Mr. Moody stated that his client is asking to do the same because he is in the same situation that the other existing developments were in when developed.

Mr. Harmon asked if staff would agree to the proposal if there was a second point of access, East 98<sup>th</sup> Street would become a public street and the proposed setbacks of 0 feet on one side and ten feet on the other side. In response, Mr. Stump stated that he believes staff could agree with those conditions.

Mr. Ledford reminded the Planning Commission of a similar development called Wenmor where the developer could do two things in order to develop. The developer could have one entry with 20 lots or provide access to Sheridan Road and require 30 lots. The problem with this proposal is that the fire lane should be a right-of-way as part of the plat and also have a public standard 26-foot street within it in order to provide two points of access. Unless the fire lane becomes right-of-way, then the developer should only be allowed 20 homes with one access. Mr. Moody asked for a moment to speak with his client.

**Jack Cox**, 7935 East 57<sup>th</sup> Street, Tulsa, Oklahoma 74145, stated that a definitive easement would be provided across the property to build a fire lane that would be seldom, if ever, used and developing it to City standards seemed like overkill. The fire lane would be constructed to a standard that the Fire Department agrees with and normal travel of this street would not be permitted by the lot owners within the addition, only the emergency vehicles.

Mr. Ledford asked Mr. Cox who would maintain the fire lane. In response, Mr. Cox stated that it would be the owner of the lot and it is the applicant.

Mr. Moody stated that the fire lane would be built across his client's property, which would be part of the subdivision and it would be maintained by the homeowners association. He commented that he discussed Mr. Ledford's comments with his client and he would need a continuance to see if this could be worked out. Mr. Moody stated that his client needs some flexibility. Mr. Ledford stated that the Planning Commission should be consistent, and unless the fire lane is a dedicated easement with a 26-foot street to the City of Tulsa standards and inspected by Traffic Engineering, he doesn't believe this layout should be approved.

Mr. Moody stated that his client would need a continuance in order to work this out with the developers. He requested a continuance to April 16<sup>th</sup>.

Mr. Ledford stated that if the Planning Commission is willing to allow the applicant to utilize East 98<sup>th</sup> Street (which is a private street), the dedication would need to be to the western portion of the total tract in order to get all of the dedication at one time. In response, Mr. Moody answered affirmatively.

Mr. Westervelt suggested the applicant consider turning the hammerhead into a cul-de-sac.

Mr. Stump stated that in no respect can staff support this application unless East 98<sup>th</sup> Street is a public street. There is quite a difference between the two developments to the east that have a secondary access off of East 98<sup>th</sup> Street. The apartment complex has its primary access off a primary arterial (Memorial Drive) and Audubon Park has its primary access off of 101<sup>st</sup> Street, which is secondary arterial and public street. If this proposal had access off of either 101<sup>st</sup>

or Memorial, then the secondary access could be supported for East 98<sup>th</sup> Street. This would set a large precedent to say that a 30-foot private easement is sufficient to get into a subdivision that the lot owners have no ability to maintain and keep in good order. Staff could not support subdividing off of a 30-foot private easement that is in multiple ownerships.

Mr. Jackson asked staff if they required East 98<sup>th</sup> Street to be a public road all the way through. In response, Mr. Stump answered affirmatively. Mr. Jackson asked who was taking care of the road to the east. In response, Mr. Stump stated that no one is maintaining it and there is no one to maintain it to the west, either. Mr. Ledford stated that the two existing developments were required to upgrade East 98<sup>th</sup> Street through the access. Mr. Ledford stated that Public Works should be involved in this application because there are certain areas that the easement has not been dedicated and is in separate ownership.

Mr. Stump reminded the Planning Commission that the major entrances for Audubon Park are on 101<sup>st</sup> Street, which is a public street. There is no question that the residents would have adequate access over the years, no matter what condition of East 98<sup>th</sup> Street.

Mr. Westervelt requested that Public Works be involved or some type of letter from Public Works would be needed in order to give some guidance.

**Interested Parties:**

**Donald Clifton**, 7421 East 98<sup>th</sup> Street, Tulsa, Oklahoma 74133, stated that he lives adjacent to the subject property and he is in agreement with the applicant's proposal and turning East 98<sup>th</sup> Street into a public street.

Mr. Jackson asked Mr. Clifton if he would be willing to dedicate 30 feet of right-of-way in order to allow the street to be a public road. In response, Mr. Clifton stated that he probably wouldn't like to do so, but he would like to confer with the two other neighbors in the subject area.

Mr. Westervelt asked staff if they would consider allowing the deeds in the subdivision to be stamped with a notification that there is a private street and they are put on notice if they purchase the lot. In response, Mr. Stump stated that staff wouldn't be in favor of this option. Mr. Stump stated that the consumer would assume that no one would have let the subdivision be developed without an ability to maintain the streets in order to reach the subdivision. Mr. Stump further stated that there has not been a lot of success by putting people on notice.

Mr. Romig stated that it could be on the plat and then it would be up to the title attorney to notify the purchaser of the private street issue.

**TMAPC Action; 8 members present:**

On **MOTION** of **WESTERVELT**, TMAPC voted 8-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Horner, Midget "absent") to **CONTINUE** PUD-678 to April 16, 2003 at 1:30 p.m.

\* \* \* \* \*

**ZONING PUBLIC HEARING**

**Application No.:** CZ-320

**RS TO CS**

**Applicant:** Louis Levy

(PD-24) (County)

**Location:** 7102 North Peoria

**STAFF RECOMMENDATION:**

**CZ-213 November 1994:** All concurred in approval of a request to rezone a 2.3-acre tract located on the northwest corner of East 66<sup>th</sup> Street North and North Peoria from RS to CG zoning for a book-binding business.

**CBOA-1244 March 1994:** The Board of Adjustment approved a request for a use variance to permit an automobile crusher in an IL-zoned district. Conditions of the approval were that no business operations were allowed on the west side of the railroad; screening walls were to be extended to approximately 200' on the west boundary; complete graveling of the site with paving on the driveway and parking areas; stacking of crushed cars not to be visible from the top of the fence; and specific hours of operation with a two-year approval.

**CZ-128 February 1985:** A request to rezone approximately four acres located 1,000' south the subject tract on the west side of Peoria, from RS to IL. All concurred in approval of IL zoning for a proposed pipeline construction company.

**CZ-115 October 1984:** A request to rezone a 2.5-acre tract located on the southwest corner of East 75<sup>th</sup> Street North and North Peoria Avenue from RS to IH was recommended for denial of the requested IH. The TMAPC and County Commission concurred in approving IM on a portion and IL on the remaining tract in the alternative.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 0.95 acres in size and is located on the northwest corner of East 71<sup>st</sup> Street North and North Peoria Avenue. The subject property is flat, non-wooded, contains a small building and is zoned RS in the County. The site is in the Turley area.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design.</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
North Peoria Avenue	Secondary arterial street	100'	4 lanes

**UTILITIES:** Water to the site is served by the Turley Water System. Tulsa sewer lines are located along the west side of North Peoria in front of the subject property, but tie-in to that sewer requires approval by an agreement established between Turley and Tulsa.

**SURROUNDING AREA:** The subject property is abutted on the north and east by single-family dwellings, zoned RS; farther to the east by a church, zoned RS; to the southeast by a transmission shop, zoned CS; to the west by vacant land, zoned AG; and to the south by a large salvage yard, zoned IL. To the northeast is an automotive/industrial use, zoned IL. East 71<sup>st</sup> Street North, which abuts the property on the south, does not go through and is either gravel-topped or deteriorating asphalt with no curbs and gutters.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 24 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property as Special District – Industrial.

According to the Zoning Matrix the requested CS zoning **may be found** in accord with the Plan by virtue of its location within a Special District.

**STAFF RECOMMENDATION:**

Any zoning classification **may be found** in accordance with the special district designations, provided the uses permitted by the zoning classification are consistent with the land use and other existing physical facts in the area, and supported by the policies of the District Detail Plan.

Based on the Comprehensive Plan, existing mixed uses and trends in the area and zoning patterns, staff can support the requested rezoning and therefore recommends **APPROVAL** of CS zoning for CZ-320.

**TMAPC COMMENTS:**

Mr. Harmon stated that the residents in the subject area seem to be concerned about this application and stated that it is a one-lane road. In response, Ms. Matthews stated that 71<sup>st</sup> is an unimproved road and gravel topped. Peoria is improved to four lanes and would be the main access to the subject property. Ms. Matthews stated that neither letters received protesting the subject property were signed, there was no return address and staff was unable to contact them.

**Applicant's Comments:**

**Louis Levy**, 5314 South Yale, Suite 310, Tulsa, Oklahoma 74135, stated that the subject property has been used as a wholesale auto part store for many years as a nonconforming use in an RS district. The owner, Mr. Anderson, plans to house a doughnut shop within the subject property and believes this would be an improvement in the neighborhood.

Mr. Levy stated that the property immediately to the south of the subject property is a salvage yard. Mr. Levy submitted photographs (Exhibit B-1) of the subject property and the surrounding properties. He indicated that 71<sup>st</sup> Street dead ends and there may be two to three houses along the road. Mr. Levy cited the different uses in the subject area and the zoning in the subject area.

Mr. Levy stated that as far as he knows, there are no protests.

**TMAPC COMMENTS:**

Mr. Harmon asked if the doughnut shop would have access to 71<sup>st</sup> Street. In response, Mr. Levy stated that there is existing access on 71<sup>st</sup> Street. Mr. Harmon asked if there would be cars stacking up on 71<sup>st</sup> Street, which is a one-lane street. Mr. Levy stated that 71<sup>st</sup> Street is not a one-lane street, but a two-way street.

Mr. Stump stated that 71<sup>st</sup> Street appears to be a two-lane street.

Mr. Levy stated that he traveled 71<sup>st</sup> Street and it is a two-lane street. He indicated that one block from Peoria onto 71<sup>st</sup> Street it is not only one lane, but all gravel with no lanes. Until a vehicle gets to that point, it is two-lanes and cars can pass each other.

Mr. Westervelt asked Mr. Levy if he had a problem with eliminating the access from 71<sup>st</sup> Street and having access off of Peoria. In response, Mr. Levy agreed to limit the access off of Peoria only.

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

**TMAPC Action; 8 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Bayles, Carnes, Coutant, Harmon, Hill, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Horner, Midget "absent") to recommend **APPROVAL** CS zoning for CZ-320 as recommended by staff.

**Legal Description for CZ-320:**

The North 151.5' of the South 166.5' of the SE/4, SE/4, NE/4 lying East of the Railroad Right-Of-Way, less 50' thereof of Section 36, T-21-N, R-12-E, Tulsa County, Oklahoma, and located in the northwest corner of East 71<sup>st</sup> Street and North Peoria Avenue (7102 North Peoria Avenue), Turley, Oklahoma, **From RS (Residential Single-family District) To CS (Commercial Shopping Center District).**

\* \* \* \* \*

**OTHER BUSINESS:**

**Consider calling for a public hearing to consider City Council Consensus (02-2)**

City Council is requesting the Planning Commission to study and make recommendations as to certain provisions of the Zoning Code, Title 42, TRO, related to "Detached Accessory Use Building", within a required front yard (carports).

**STAFF RECOMMENDATION:**

Mr. Stump stated that this issue has been discussed many times in committee and the Committee requested it to be brought to the full Commission to call for a public hearing. Staff recommends May 21<sup>st</sup> for the date of the public hearing.

**TMAPC Action; 8 members present:**

On **MOTION** of **HARMON**, TMAPC voted 8-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Horner, Midget "absent") to call for a public hearing on May 28, 2003 to consider the Zoning Code amendments regarding carports.

\* \* \* \* \*

**Application No.: PUD-432-C**

**DETAIL SITE PLAN**

**Applicant:** Matt King/Hillcrest Health Systems

(PD-4) (CD-4)

**Location:** North side of 13<sup>th</sup> Street South, on both sides of Wheeling Avenue

**STRICKEN FROM AGENDA.**

\* \* \* \* \*

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

Date Approved:

April 23, 2003

*Derek S. Jac*

Chairman

ATTEST:

*J. J. J.*  
*acting* Secretary