

TULSA METROPOLITAN AREA PLANNING COMMISSION
MINUTES of Meeting No. 1403
Wednesday, April 21, 1982, 1:30 p.m.
Langenheim Auditorium, City Hall, Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Freeman Hennage, 2nd Vice- Chairman Higgins Hinkle Kempe, 1st Vice- Chairman Parmele, Chairman Petty, Secretary	Gardner Rice Young Inhofe	Chisum Compton Gardner Lasker Wilmoth	Linker, Legal Department

The notice and agenda of said meeting were posted in the office of the City Auditor, Room 919, City Hall, on Tuesday, April 20, 1982, at 10:24 a.m., as well as in the Reception Area of the INCOG Offices.

Chairman Parmele called the meeting to order at 1:35 p.m.

MINUTES:

On MOTION of KEMPE, the Planning Commission voted 6-0-0 (Hennage, Higgins, Hinkle, Kempe, Parmele, Petty, "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Rice, Young, Inhofe, "absent") to approve the minutes of April 7, 1982 (No. 1401).

REPORTS:

Chairman's Report:

Chairman Parmele appointed the following committees:

Comprehensive Plan Committee:

Scott Petty, Chairman
Cherry Kempe
Marian Hennage
Carl Young

Rules & Regulations Committee:

Bill Gardner, Chairman
Betty Higgins
Dick Freeman
Marilyn Hinkle

Chairman Parmele advised he is eliminating the Staff and Budget Committee.

Reports: (continued)

Director's Report:

Jerry Lasker handed out copies of a letter (Exhibit "A-1") advising that the Staff has looked at the Zoning and Board of Adjustment process in the unincorporated areas of Tulsa County and have found that delays occur because applications are sent to the different communities for their recommendation making it difficult to meet County due dates. The Staff has looked at the process and have developed a new set of procedures. When the INCOG office receives an application, it will be referred to the city where the application is within the fence line. They will make a decision whether or not to review the application. INCOG will then send out notices giving the date of the TMAPC hearing or County Board of Adjustment hearing, along with the date set for hearing before the community planning commission. This will eliminate duplication of mailing notices and will be within a time-frame to allow the communities to hear the cases and send recommendations for Staff review. This new process will streamline the procedure and will allow the applicant to start building sooner. Also, there are some minor variances and exceptions that are proposed not to be sent out to the communities since they have already been characterized as minor. Official notices will still be sent out but this will reduce the work load in the communities.

SUBDIVISIONS:

For Preliminary Approval:

Gleneagles (PUD #281) (183) 64th Street and South Mingo Road (RM-1, RS-3)

On MOTION of PETTY, the Planning Commission voted 6-0-0 (Hennage, Higgins, Hinkle, Kempe, Parmele, Petty, "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Rice, Young, Inhofe, "absent") to continue consideration of Gleneagles Addition to May 5, 1982, at 1:30 p.m. in Langenheim Auditorium, City Hall, Tulsa Civic Center.

100 East Industrial Park (3194) 59th Street and South 102nd East Ave. (IL)

The Staff advised the Commission that the plat had been processed for preliminary and the applicant had already accomplished the conditions and had received all the approval letters. The Staff recommended preliminary and final approval and release.

On MOTION of HENNAGE, the Planning Commission voted 6-0-0 (Hinkle, Higgins, Hennage, Parmele, Kempe and Petty, "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Young, Rice and Inhofe, "absent") to approve the Preliminary and Final plat of 100 East Industrial Park, and release same as having met all conditions of approval.

Lewis Center West Addition (1783) 8900 Block of South Lewis Avenue (CS)

The Staff presented the plat with the applicant represented by Ted Sack.

The Technical Advisory Committee noted corrections should be made to the language in the utility grant. The Traffic Engineer recommended access points be 125 feet apart.

Lewis Center West Addition (continued)

The Technical Advisory Committee and Staff recommended approval of the Preliminary Plat of Lewis Center West Addition, subject to the conditions.

On MOTION of KEMPE, the Planning Commission voted 6-0-0 (Hennage, Higgins, Hinkle, Kempe, Parmele, Petty, "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Rice, Young, Inhofe, "absent") to approve the Preliminary Plat of Lewis Center West Addition, subject to the following 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 should be tied to, or related to property and/or lot lines.
2. Water plans shall be approved by the Water and Sewer Department prior to release of final plat, (if required.).
3. A request for creation of a Sewer Improvement District shall be submitted to the Water and Sewer Department prior to release of final plat.
4. Paving and/or drainage plans shall be approved by the City Engineer, including storm drainage and detention design (and Earth Change Permit where applicable), subject to criteria approved by the City Commission.
5. Identify some reference point such as $\frac{1}{4}$ section line or existing dedicated street.
6. Access points shall be approved by the City and/or Traffic Engineer. (Show 125 feet apart.)
7. 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.
8. A Corporation Commission letter (or Certificate of Nondevelopment) shall be submitted 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.)
9. A "letter of assurance" regarding installation of improvements shall be submitted prior to release of final plat. (Including documents required under Section 3.6 (5) of the Subdivision Regulations.)
10. All Subdivision Regulations shall be met prior to release of final plat.

For Final Approval and Release:

Yorktown 71 (683) 71st Street and South Yorktown Avenue

(OM)

The Chair, without objection, tabled this item.

For Extension of Approval:

Forest Park Patio Homes (PUD #139) (3692) 57th Place and South Owasso Avenue (RM-1)

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Hennage, Higgins, Hinkle, Kempe, Parmele, Petty, "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Rice, Young, Inhofe, "absent") to approve a 1-year extension for Forest Park Patio Homes Addition, per Staff Recommendation.

For Waiver of Plat:

Z-5134 Villa Grove Park Addition (2993) NW corner of 45th Street and South Harvard Avenue (OL)

The applicant was represented by the engineer.

This is a request to waive plat on the south 90' of Lot 3, and the east 160' of Lot 4, Block 2, Villa Grove Park. This tract is part of several zoning applications along Harvard which have been zoned OL. Of thirty-two (32) lots in the area from 44th to 46th Streets on both sides of Harvard, 6 have been replatted, plats waived on 16 lots, 9 still subject to a plat and 1 still zoned residential. Since this present application is consistent with previous reviews, the Staff sees no objection to the waiver, subject to any utility easements and/or extensions required and any drainage or paving plans required by the City Engineer in the permit process. The Traffic Engineering Department had no objection to the access points as shown. (They will require filing of a "Limits-of-No-Access" agreement.)

Water and Sewer Department advised the T.A.C. that there is a sewer easement under the proposed building. The applicant should contact Water and Sewer Department for advice.

The Technical Advisory Committee and Staff recommended approval of the Waiver of Plat on Z-4134 as per legal description, subject to the conditions.

On MOTION of KEMPE, the Planning Commission voted 6-0-0 (Hennage, Higgins, Hinkle, Kempe, Parmele, Petty "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Rice, Young, Inhofe, "absent") to approve the Waiver of Plat for Z-5134, Villa Grove Park, subject to the following conditions:

- (a) Access agreement for Traffic Engineering,
- (b) partial vacation of easement where building encroaches,
- (c) granting a new 11' utility easement parallel to the west property line, and
- (d) on-site detention will be required for storm water.

Z-5330 Boman Acres 4th Addition (1493) 2756 South Memorial Drive (OL)

This is a request to waive plat on Lot 3, Block 28 of said subdivision, since it is already platted. The applicant plans to use the existing building on the property and does not plan any changes in the exterior walls other than trim and paint. The building is now a residence and will be used for offices.

Z-5330 (continued)

The Technical Advisory Committee voted unanimously to recommend approval of the Waiver of Plat on Lot 3, Block 28, Boman Acres 4th Addition, subject to the conditions.

On MOTION of HENNAGE, the Planning Commission voted 6-0-0 (Hennege, Higgins, Hinkle, Kempe, Parmele, Petty, "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Rice, Young, Inhofe, "absent") to approve this request to waive plat for Z-5330, Boman Acres 4th Addition, subject to the following condition:

- (a) An 11' utility easement on the west side for existing utilities.

Request Waiver of Filing of Subdivision Plat Prior to Issuance of Building Permit

Z-5030 Floyd Construction Co. (2603) North side of Virgin Street, East of
Sheridan Road (IL)

AND

B.O.A. Case No. 11843 Life Christian Center 101st Street South, and East of
Yale Avenue

Mr. Wilmoth advised these have not been before the Technical Advisory Comm. and there is no recommendation. Mr. Gardner explained from time to time the Staff receives requests to start construction during the platting process and prior to the finalization of the plat. A letter was received from Floyd Construction Company (Exhibit "B-1") and a letter from the Life Christian Center (Exhibit "B-2") making this request. The Life Christian Center has to begin construction on at least two buildings in order to have them ready by the school year. In both instances, the Staff has assurances that plats will be started and processed and finalized prior to use of the buildings. The Legal Department, however, has a problem with the procedure.

Russell Linker stated that this has come up before and advised the Board it was illegal and not provided for under the Ordinance. It was approved by the Planning Commission as a temporary waiver, but was stopped when received by the Building Inspector. The reason there is no authority under the Ordinance is because the Building Inspector cannot tell where the easement should be or the drainage requirements if the platting process is waived. The Inspector has to approve the placement of the buildings and it may be inconsistent with the easements that might be required during the platting process. There might be a way to solve every problem with a covenant or agreement, but if an applicant can satisfy all the questions in this fashion, a plat might as well be filed. If no plat is needed, then the Planning Commission could approve a waiver.

Mr. Gardner replied that this has been worded before as a temporary waiver of plat. That is not really what it is. The waiver is for the requirement that a plat be filed of record prior to the issuance of a building permit. The requirement for a plat is not being waived. If a building permit is issued before a preliminary plat approval, the applicant runs the risk of building over an easement. However not often, there is an urgent need by the applicant to build and he has no time to get the plat filed with the County Clerk or the permit issued by the Building Inspector and still meet a deadline for the building to be finished. He therefore becomes willing to take the risk and possible repercussions of building prior to a plat. He agreed with Mr. Linker that the plat cannot be

temporarily waived, but wondered if the requirement for filing of record could be temporarily waived subject to the zoning clearance permit being issued and subject to no occupancy permit until the plat is filed of record.

Mr. Wilmoth advised that the property involved in the first request (north side of Virgin, east of Sheridan) has been zoned since 1977 and has been subject to the filing of a plat, as a matter of record, from that time.

Mr. Jake Floyd of Floyd Construction, 1340 East Sixth Street, applied for a building permit at 6767 East Virgin Street and has been through the channels as far as waiting for issuance of a building permit. This includes the Hydrology Division, Traffic Engineering, etc. The only requirement they have not met is filing the plat of record. Newman Brothers Manufacturing Co. owns the property and is developing the building. He is willing to prepare a plat of the property. This is only a 1.3 acre tract. Mr. Floyd has talked with Joe DeVasher at the Water and Sewer Department who had no problems with the tract. There is an abandoned sewer easement on the property, but Mr. Sutton in Traffic Engineering and Joe DeVasher both advised him the sewer has been abandoned due to the Gilcrease Expressway.

Chairman Parmele asked how long it would take to prepare a preliminary plat and Mr. Floyd advised it would be 4-5 weeks to get it done. However, a preliminary plat might be prepared immediately. Mr. Wilmoth advised next Tuesday is the cutoff date for the Technical Advisory Committee.

Mr. Linker stated it would be misleading to the applicant because it will be stopped by the Building Inspector. If he had letters from all the City Departments involved stating they do not object, this might make a difference.

Mr. Guy Rowe, 5333 East 97th Street South, represented Life Christian Church at 5150 East 101st Street South. He was unaware of the platting procedure, since they had applied to the Board of Adjustment. One of the biggest concerns at the Board meeting was the hydrology question. Jack Finley has been engaged to serve as the field engineer and is in the process of platting the project. Charles Hardt had worked with them at the first, during his capacity as City Hydrologist, and they have since hired Charles as the hydrologist on the completed project. They have already started enrolling students for the school and need to get the buildings done by September.

This tract is in an open field and is 10 acres in size. Only 40% of the area will be developed. He asked if the platting process should be waived in this instance. There is no sewer problem because everything is on septic. There is only one road and the access will not be changed. Mr. Wilmoth advised there is no recommendation from the Technical Advisory Committee and by the time the T.A.C. could consider this, the applicant could present a preliminary plat.

Mr. Rowe advised that Charles Hardt had called for the construction of a retention pond and one was built in excess of 300,000 gallons. All the surveying has been done, the only matter left is composing the figures for hydrology.

Chairman Parmele advised that if a temporary waiver is approved here, the Building Inspector will not clear it. Unfortunately, he feels this is wasting the applicant's time. Some type of provision is needed for this type of request. Mr. Linker remarked if the Ordinance provided for this, the Building Inspector would have to approve the action, based on the Planning Commission's judgment. However, if a provision is put in the Ordinance, then the whole platting process is short-circuited. Mr. Gardner pointed out that the only requirement being waived is that the plat be filed preceding the start of construction. Mr. Linker had no problem with that if the applicant has a plat to send to the Building Inspector for consideration. In these instances, the applicants do not have any plat.

Mr. Gardner suggested a preliminary plat be submitted to Mr. Wilmoth before next Tuesday, prior to the Planning Commission meeting next Wednesday. However, it would not have approval by the Technical Advisory Committee. Mr. Linker did not feel formal approval from the T.A.C. would be necessary if the applicant could obtain formal letters from the various Departments before next Wednesday. However, one of the Departments will probably have a problem and hold up the proceedings. Mr. Gardner stated that the drainage work has already been completed, which is usually the biggest problem. This does not come up very often and these are hardship cases.

Mr. Rowe remarked the east side of the property has been dedicated for utilities and asked if the 10 feet on the west side is dedicated, knowing they will comply with all requirements, could this be approved?

Mr. Wilmoth explained there is a 15-day requirement for notice under the Subdivision Regulations that has to be met.

On MOTION of KEMPE, the Planning Commission voted 7-0-0 (Freeman, Hennage, Higgins, Hinkle, Kempe, Parmele, Petty, "aye"; no "nays"; no "abstentions"; Gardner, Rice, Young, Inhofe, "absent") to continue consideration of these two requests to April 28, 1982, at 1:30 p.m., in Langenheim Auditorium, City Hall, Tulsa Civic Center, to enable the applicants time to obtain letters from City Departments and a preliminary plat.

Mr. Wilmoth stated his office could put the necessary information on them to allow the applicants to talk with the City Departments involved.

Commissioner Higgins requested that the Staff work on an amendment to the Subdivision Regulations that would state in hardship cases, after receipt of letters from City Departments, the building permit could be issued.

Mr. Wilmoth requested that when applications are received that might fall under the platting categories for either rezoning or Board of Adjustment consideration, the applicant sign an affidavit acknowledging that he is aware that the tract is subject to a plat. There is a six-week lead time in the process when a plat could be prepared. Commissioner Higgins thought Mr. Wilmoth's idea was viable.

LOT-SPLITS:

For Ratification of Prior Approval:

L-15450 (1213) Don Johnston	L-15456 (683) Bob Goble
15433 (883) Green & Andress	15457 (1793) The Broken Arrow Partnership
15451 (3194) S & C Investments	15458 (2484) Dollie R. Hall
15452 (683) Bob Goble	15459 (793) 12th & Quaker Partnership
15453 (683) Bob Goble	
15454 (683) Bob Goble	
15455 (683) Bob Goble	

On MOTION of Kempe, the Planning Commission voted 7-0-0 (Freeman, Hennage, Higgins, Hinkle, Kempe, Parmele, Petty "aye"; no "nays"; no "abstentions"; Gardner, Rice, Young, Inhofe, "absent") that the approved lot-splits listed above be ratified.

For Waiver:

L-15431 Ken Harper (463) SW corner of 181st Street and South Yale Ave. (AG)

The Staff presented the request with the applicant not present.

This request is to waive the Major Street Plan which requires 50' of right-of-way from the centerlines on both 181st Street and Yale Avenue. The applicant's house is 60' from the centerline of Yale and 80' from the centerline of 181st. The County Engineer recommended that the Subdivision Regulations be met on 181st, but further recommended that only an additional 5', or a total of 30' of right-of-way be provided on Yale because of the location of the house. The split does not meet the area requirements so a waiver is required on that. It appears that no hardship exists on 181st, but dedication of the required amount of right-of-way on Yale would be a hardship, so the Staff agrees with the County Engineer. (The applicant has been advised that the Planning Commission cannot REQUIRE dedication as a condition of approval, but if the applicant volunteered to meet the Major Street Plan as recommended by the County Engineer, there would be no objections by the T.A.C. or Staff.)

The Technical Advisory Committee and Staff recommended approval of L-15431, subject to the conditions.

Murrel Wilmoth advised that the problems have been worked out, mainly the right-of-way problem. The Staff has discussed this with the County Engineer and the applicant has agreed to furnish a right-of-way easement which will satisfy the County Engineering Department. However, they will still require waiver on the minimum lot size and the width of street on Yale.

On MOTION of HENNAGE, the Planning Commission voted 7-0-0 (Freeman, Hennage, Higgins, Hinkle, Kempe, Parmele, Petty, "aye"; no "nays"; no "abstentions"; Gardner, Rice, Young, Inhofe, "absent") to approve L-15431, subject to the following conditions:

- (a) Health Department approval of septic systems, and
- (b) waiver of the Subdivision Regulations requiring conformance with the Major Street Plan as recommended by the County Engineer.
- (c) Board of Adjustment approval of lot area.

For Waiver of Lot Splits: (continued)

L-15442 Robert Wiruth (3193) South side of 55th Street, East of Quincy Ave.
(RS-3)

The Staff presented the plat with the applicant not represented.

This is a request to create a lot-split with a handle design for access and utilities. The applicant has informed us that the property now has an old residence that will be removed, to provide for the construction of two duplexes. The only waiver asked for is the frontage to permit the handle design. Approval of the Water and Sewer Department is needed. The Board of Adjustment application was applied for both, the lot-split and the duplex use. (Case #11932 was approved on April 15, 1982.)

The Technical Advisory Committee and Staff recommended approval of L-15442, subject to the conditions.

On MOTION of HIGGINS, the Planning Commission voted 7-0-0 (Freeman, Hennage, Higgins, Hinkle, Kempe, Parmele, Petty, "aye"; no "nays"; no "abstentions"; Gardner, Rice, Young, Inhofe, "absent") to approve L-15442, subject to the following conditions:

- (a) Sewer main extension, and
- (b) utility easements as needed. (Tentatively a 10-foot utility easement on the east side of Tract "A")

L-15440 J. D. Deason (3623) The SW corner of East 136th Street North and
North 95th East Avenue (AG-R)

The Staff presented the request with the applicant not represented.

The applicant is asking for a waiver of the area requirement from 1-acre to allow two (2) tracts of .79 acre and .90 acre. The lot width of 150' is met by both lots. Also the approval of the Health Department for the septic systems will be required, and County Board of Adjustment for a minor variance to permit the lot-split.

There are other lots in the area of similar size so the Staff sees no objection to the request.

The Technical Advisory Committee and Staff recommended approval of L-15440, subject to the conditions.

On MOTION of HIGGINS, the Planning Commission voted 7-0-0 (Freeman, Hennage, Higgins, Hinkle, Kempe, Parmele, Petty, "aye"; no "nays"; no "abstentions"; Gardner, Rice, Young, Inhofe, "absent") to approve L-15440, subject to the following conditions:

- (a) Board of Adjustment approval of area, and
- (b) Health Department approval of septic systems.

OTHER BUSINESS:

Minor Amendment - PUD #215 - Chimney Hills South, Lot 12, Block 21

Planned Unit Development No. 215 runs between 81st Street South and 91st Street South and is located about halfway between Memorial Drive and Sheridan Road. It is commonly known as Chimney Hills South and the applicant is requesting a minor amendment on Lot 12, Block 21 to allow construction of a house that will encroach 5 feet into a 25-foot side yard setback.

The Staff has reviewed the subject tract and find that the requested setback is consistent with the setbacks on the adjacent homes and, therefore, recommend APPROVAL of the requested minor amendment, per submitted Plot Plan.

Instruments Submitted: Plat of the area (Exhibit "C-1")
Plot Plan (Exhibit "C-2")

TMAPC Action: 7 members present.

On MOTION of HIGGINS, the Planning Commission voted 7-0-0 (Freeman, Hennage, Higgins, Hinkle, Kempe, Parmele, Petty, "aye"; no "nays"; no "abstentions"; Gardner, Rice, Young, Inhofe, "absent") to approve this request for Minor Amendment to PUD #215, per plot plan submitted.

There being no further business, the Chair adjourned the meeting at 2:10 p.m.

Date Approved _____

May 5, 1982



Chairman

ATTEST:


Secretary