

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1729
Wednesday, January 18, 1989, 1:30 p.m.
City Commission Room, Plaza Level, Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Carnes Coutant, Secretary Doherty Draughon Kempe, Chairman Paddock, 2nd Vice- Chairman Parmele, 1st Vice- Chairman Selph Wilson Woodard	Randle	Gardner Matthews Setters Stump Wilmoth	Linker, Legal Counsel

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, January 17, 1989 at 10:20 a.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

Approval of the Minutes of January 4, 1989, Meeting #1727:

On **MOTION** of **WOODARD**, the TMAPC voted **9-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Randle, Selph, "absent") to **APPROVE** the **Minutes of January 4, 1989, Meeting #1727.**

REPORTS:

Report of Receipts & Deposits for the Month Ended December 31, 1988:

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Randle, Selph, "absent") to **APPROVE** the **Report of Receipts & Deposits for the Month Ended December 31, 1988.**

Committee Reports:

Mr. Carnes advised the **Comprehensive Plan Committee** would be meeting January 25th to review and discuss the FY 89-90 Capital Improvements Program (CIP) project list.

REPORTS: Committee - Cont'd

Mr. Paddock reviewed the **Rules & Regulations Committee** recommendations on the following:

- a) Amendment to the TMAPC General Policies as relates to "Major Amendments to a PUD or Corridor (CO) Site Plan", specifically in regard to home occupations and minor building setback variances. He commented the intent was to make the TMAPC requirements similar to the notice requirements of the Board of Adjustment. Mr. Paddock pointed out the addition of the word "principal" in regard to changes in uses in the original PUD/CO.

TMAPC ACTION: 10 members present

On **MOTION** of **PADDOCK**, the TMAPC voted **10-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Randle, "absent") to **APPROVE** the following amendments to the TMAPC General Policies, as recommended by the Rules & Regulations Committee:

"MAJOR AMENDMENT TO A PUD AND CORRIDOR (CO) SITE PLAN"

Amend Item 2) Changes in the **principal** uses permitted in the original PUD/CO.

Add: Home occupations and building setback variances 20% or less from yards which do not abut a public street are considered minor amendments. However, home occupations require publication and written notice to property owners within 300 feet, and minor setback variances require only notice to the abutting property owners.

- b) Amendment to the TMAPC Rules of Procedure, specifically Section F.3 of General Procedures, in regard to requests for continuance. Mr. Paddock reviewed the Committee's recommendation for additional wording stipulating that, "if Monday is a designated holiday, a timely request must be received by 12:00 noon of the first working day following the holiday." Discussion followed with some Commissioners suggesting the Friday preceding the holiday as the appropriate date, as 24 hours notice on a Tuesday might not be adequate.

TMAPC ACTION: 10 members present

On **MOTION** of **PADDOCK**, the TMAPC voted **7-3-0** (Carnes, Coutant, Draughon, Kempe, Paddock, Wilson, Woodard, "aye"; Doherty, Parmele, Selph, "nay"; no "abstentions"; Randle, "absent") to **APPROVE** the Amendment to the TMAPC Rules of Procedure, Section F.3, as recommended by Rules & Recommendation Committee to add the following wording: "If Monday is a designated holiday, a timely request must be received by 12:00 noon of the first working day following the holiday."

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Mr. Parmele requested a **Budget & Work Program Committee** meeting be scheduled with the INCOG Staff for early February.

Director's Report:

Mr. Doherty initiated discussions regarding House Bill 1828 which prohibited the granting of principal use variances by city Boards of Adjustment, including the City of Tulsa. He suggested a review of this document in order to encourage the State Legislature to adopt a similar law to prohibit such action by the Tulsa County Board of Adjustment. After discussion among Staff, Legal and Commission members, Chairman Kempe advised the consensus of the TMAPC was to have Staff forward a letter to Representative Russ Roach requesting the Oklahoma Statutes be amended to make the powers of the Tulsa County Board of Adjustment consistent with those of the City of Tulsa Board of Adjustment in regard to principal use variances.

RESOLUTIONS:

Resolution No. 1725:677

Amending the **District 1** Plan Map and Text, for the Central Business District and surrounding downtown area.

Resolution No. 1727:678

Amending the **District 18** Plan Map and Text as relates to general update or housekeeping-type amendments.

TMAPC ACTION: 10 members present

On **MOTION** of **PARMELE**, the TMAPC voted **10-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Randle, "absent") to **APPROVE** Resolution No. 1725:677 for District 1, and Resolution No. 1727:678 for District 18, as outlined above respectively, and on file at the INCOG offices.

SUBDIVISIONS:

FINAL PLAT APPROVAL & RELEASE:

Little Light House (PUD 410)(2293) East of 36th Street & South Yale (RM-1, RD)

Staff requested this item be stricken. Hearing no objection from the Commission, Chairman Kempe directed this be stricken from the agenda.

EXTENSION OF APPROVAL: (Both plat, 5th extension)

Quail Ridge II (PUD 221-B)(2894) 44th Street & So 135th E Ave (RM1, RD, RS3)

8800 Quebec Ext. (1683) East 87th Street & South Pittsburg Avenue (RS-3)

This is the fifth request on both of the above referenced plats for an extension of time to file the final plat. Both plats are essentially in the final stages, and layouts, graphics, etc. are already complete. Both plats are single-family residential and had no protests or problems when originally approved by the TMAPC. Staff sees no reason for these plats to lose their approval due to the slow economy. When the market redevelops, then these plats can be completed and the land readied for construction with a minimum of delay. Therefore, Staff recommends the approval be extended for one year in accordance with the provisions of the Subdivision Regulations.

TMAPC ACTION: 10 members present

On **MOTION** of **CARNES**, the TMAPC voted **10-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Randle, "absent") to **APPROVE** a **One Year Extension of Approval for Quail Ridge II and 8800 Quebec Ext.**, as recommended by Staff.

REQUEST FOR WAIVER (Section 260):

BOA-14997 Michael Jane Addition (2492) 109 East 38th Place (RS-3)

This is a request to waive plat on Lot 11, Block 1 at the above location approved for day care center by the BOA in an existing dwelling. Since this is already platted, improvements are in, and the building already exists, Staff sees nothing to be gained by replatting. It is recommended the request be approved as submitted.

TMAPC ACTION: 10 members present

On **MOTION** of **CARNES**, the TMAPC voted **10-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Randle, "absent") to **APPROVE** the **Waiver Request for BOA 14997 Michael Jane Addition**, as recommended by Staff.

LOT SPLITS FOR WAIVER:

L-17131 C & C Properties (2393) 6500 Block of East Skelly Drive (IL)

This is a request to divide an unplatted tract containing four buildings into four separate lots as per plot plan submitted. Since this property fronts the service road for Skelly Drive (I-44), only one of the tracts will meet the 150' minimum frontage required. Two tracts will have 10' "handles" and one will have 118.85' of frontage. A mutual access easement is provided across all the lots and each has parking on site. However, it appears that Tracts C & D will not have access to water and sewer. We also note, that the building on Tract B encroaches into the sewer easement by 4.4'. The following conditions shall apply:

1. Board of Adjustment approval required for frontages as submitted.
2. Extension of water and sewer mains as applicable to serve all lots.
3. Extension of other utilities and/or easements as recommended by TAC, including gas and telephone.
4. Satisfy Water and Sewer Department as to remedies for the encroachment into their easement.
5. Satisfy Department of Stormwater Management for any drainage plans required for new construction and/or paving and/or drainage.

The applicant was represented by Bud Walts.

The TAC and Staff explained the conditions, and even suggested that Tracts A & C could be combined and Tract D & B combined to solve the water and sewer access problem. Gas and telephone also had a problem with the split as submitted. Water and Sewer Department advised that a "Notice of Encroachment" will be filed on the building over the easement. Should applicant wish to redesign the split, TAC will work with him. All of the above conditions will apply to the request as submitted. No deeds can be released until all conditions are satisfied.

The TAC voted unanimously to recommend **approval** of L-17131, subject to the conditions outlined by Staff and TAC.

TMAPC ACTION: 10 members present

On **MOTION** of **PARMELE**, the TMAPC voted **10-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Randle, "absent") to **APPROVE L-17133 C & C Properties**, subject to the conditions as recommended by the TAC and Staff.

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L-17133 B. D. Jones (3392) NE/c of S. 49th W. Ave. & W. 60th St. S. (IL)

This lot split is a request to create a separate lot for Shoney's Restaurant, which is the south 125' of Lots 9 & 10, Block 3, Bozarth Acres. A Texaco Station and truck stop is located on the remainder of Lots 9 & 10 as well as Lots 11 & 12. Since South 49th West Avenue is an arterial street, the minimum frontage is 150' feet, so this request will require Board of Adjustment approval. A previous Board Case #719 allowed the restaurant in an IL District and granted a variance of the setback from 60th Street to 15'. It would first appear that a waiver of the Major Street Plan requirement of 50' of right-of-way from centerline would be required. However, Staff research indicates that a total of 130' of right-of-way already exists, acquired in the improvement of I-44 and South 49th West Avenue Interchange. Therefore, the actual centerline of the right-of-way is 65' and the actual location of Shoney's Restaurant is exactly 100' from the centerline of the right-of-way, not the section line. It is the opinion of the Staff that the Major Street Plan requirements have already been met. The only variance then would be for the lot frontage. The applicant has provided enough parking on the lot to meet the zoning requirements, plus overflow into the truck stop Texaco property as well as mutual access easements. Since all facilities are existing including curb cuts and utilities, the Staff recommends approval, subject to the following:

1. County Board of Adjustment approval of the 125' lot frontage on South 49th West Avenue.
2. The remainder of Lots 9 & 10 to be tied to Lot 11 (and/or 12) as part of the Texaco facility.

The applicant was not represented.

The Water and Sewer Department noted a sewer extension might be needed. However, if the remainder of Lots 9 & 10 were tied to both Lots 11 & 12, this may take care of that condition.

The TAC voted unanimously to recommend **approval** of L-17133 subject to the conditions outlined by Staff and TAC.

TMAPC ACTION: 10 members present

On **MOTION** of **CARNES**, the TMAPC voted **9-0-1** (Carnes, Doherty, Draughon, Kempe, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; Coutant, "abstaining"; Randle, "absent") to **APPROVE L-17133 B.D. Jones**, subject to the conditions as recommended by the TAC and Staff.

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L-17134 Burd (1213)

8718 East 116th Street North

(AG)

This is a request to split approximately 1.5 acres from a ten acre tract at the above location. The area is mostly rural and the tract being split out contains an existing single-family home. Although the tract to be created is 200' wide, with a 30' access handle, it is only 1.5 acres in size, which does not meet the minimum two acres of the AG District. The total frontage of the ten acre tract is 184.19' so the remainder will have approximately 154.19' of frontage. The average width of the remainder would probably be over 200' since the rear of the tract is 496.2'. (This is only mentioned for the record. The only lot within the lot split jurisdiction will be the 1.5 acre tract, and the remainder will be about 8.5 acres.) Staff has no objection to the request, subject to the applicant meeting the following conditions:

1. County Board of Adjustment approval of the lot size and width as submitted, Case #866.
2. Dedication of right-of-way on East 116th Street North in accordance with Major Street Plan which would be 60' from centerline.
3. Provide 17.5' utility easement parallel to the right-of-way dedication for future utility relocations.
4. Provide 11' utility easement parallel to west property line.
5. Health Department approval of septic system.

NOTES: This is inside Owasso Fence Line and has been referred to them for their review and/or recommendation.

Staff can find no record of any lot splits for the 2.4 acre and 2.49 acre tracts to the east of this application.

The applicant was not present.

The TAC voted unanimously to recommend **approval** of L-17134, subject to the conditions outlined by Staff and TAC.

Comments & Discussion:

Mr. Wilmoth advised that he has discussed this with the Owasso planning staff, and they had no problem with this proposal.

TMAPC ACTION: 10 members present

On **MOTION** of **PARMELE**, the TMAPC voted **10-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Randle, "absent") to **APPROVE L-17134 Burd**, subject to the conditions as recommended by the TAC and Staff.

LOT SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-17130 (1582) Turney
L-17132 (2892) Baird
L-17135 (1893) McCracken

L-17136 (1993) McKee
L-17137 (1392) Trebilcock

On **MOTION** of **DOHERTY**, the TMAPC voted **10-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Randle, "absent") to **APPROVE** the Above Listed Lot Splits for Ratification of Prior Approval, as recommended by Staff.

NEW BUSINESS:

Ms. Wilson initiated discussions regarding inclusion of the Boards of Adjustment and the District Planning Team chairmen in the mailing of special studies and/or reports of the TMAPC Work Program; i.e. the Surplus School Site Inventory Study. The Commission agreed that these groups be considered for receiving TMAPC special project studies and information, even though the TMAPC might only be receiving and filing a particular study without any formal action to make the study a part of the Comprehensive Plan.

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

Date Approved

Feb 1, 1989
[Signature]

Vice Chairman

ATTEST:

[Signature]
Secretary