

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1817
Wednesday, December 5, 1990, 1:30 p.m.
City Council Room, Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Carnes, 1st Vice Chairman	Draughon	Gardner	Linker, Legal
Coutant	Rice	Russell	Counsel
Doherty, Secretary		Stump	
Horner		Wilmoth	
Midget, Mayor's Designee			
Neely			
Parmeale, Chairman			
Wilson			
Woodard			

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, December 4, 1990 at 11:50 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Parmele called the meeting to order at 1:36 p.m.

Minutes:

Approval of the minutes of November 21, 1990, Meeting No. 1815:

On **MOTION** of **CARNES**, the TMAPC voted 9-0-0 (Carnes, Coutant, Doherty, Horner, Midget, Neely, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Rice "absent") to **APPROVE** the minutes of November 21, 1990 Meeting No. 1815.

REPORTS:

Committee Reports:

Mr. Doherty advised the **Rules and Regulations Committee** would be meeting immediately following the meeting to discuss the group homes study. Ms. Wilson stated that the **Budget and Work Program** would also be meeting following the TMAPC meeting and would be discussing the proposed 11th Street Revitalization Study.

Director's Report:

Mr. Jerry Lasker, INCOG, presented the 1991 Calendar of Meetings and Cut-off dates for the Tulsa County and City Boards of Adjustment and the Tulsa Metropolitan Area Planning Commission for approval by the TMAPC.

TMAPC ACTION: 9 members present;

On MOTION of MIDGET, the TMAPC voted 9-0-0 (Carnes, Coutant, Doherty, Horner, Midget, Neely, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Rice "absent") to APPROVE the 1991 Calendar of Meetings and Cut-off Dates for the Tulsa Metropolitan Area Planning Commission.

Mr. Lasker requested that TMAPC begin thinking about the work program for next fiscal year and to advise INCOG of any important issues they wish to see covered. He also commented that the study on code enforcement has been sent to the City. The City has asked for another ten days to review the study (until December 14). After comments have been received from the City, the study will be transmitted to TMAPC for review.

In response to questions by Mr. Midget, Mr. Lasker advised that Staff would be meeting with the City regarding next year's budget on December 18, 1990. He also advised that the code enforcement study had been given to Jim Miller, Gloria Bybee, Brenda Miller and Susan Savage at the City.

**PUBLIC HEARING
TO CONSIDER AMENDMENT TO THE TULSA COUNTY
ZONING CODE SECTION 110.3**

Mr. Doherty advised that at the request of the County Commission the Rules and Regulations Committee met regarding a jurisdiction pertaining to the State of Oklahoma. The amendment proposed by the County Commission on November 5, 1990 is to delete the underlined portion of Section 110.3A shown below.

"110.3 Jurisdiction

A. Territorial Jurisdiction

The zoning power hereby conferred shall not apply to the erection, installation and use of structures and equipment, by public service corporations subject to the jurisdiction and regulation of the Corporation Commission of the State of Oklahoma, or other similar state or federal regulatory bodies; nor to the erection of structures by the State of Oklahoma; nor to the erection or use of the usual farm buildings for agricultural purposes or the planting of agricultural crops. This Code shall be in full force and effect in the unincorporated areas of Tulsa County, Oklahoma, but not including those areas subject to the zoning powers of any incorporated municipality."

TMAPC ACTION: 9 members present;

On MOTION of MIDGET, the TMAPC voted 9-0-0 (Carnes, Coutant, Doherty, Horner, Midget, Neely, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Rice "absent") to APPROVE the above amendment to the Tulsa County Zoning Code.

SUBDIVISIONS:

FINAL APPROVAL AND RELEASE

Southern Pointe Second, Blocks 6-9 (1583)

Comments & Discussion:

The Final Plat of Southern Pointe Second, Blocks 6-9 met all the conditions set forth in the preliminary plat including the requirement that a connection be made across the creek at 86th Street. Therefore, staff recommended approval.

Interested Parties:

Mr. Pierre Smith

8815 South Lakewood, 74137

Mr. Smith gave a history of the development of the mile. He stated that he would like to confirm a few issues. First, the "Woodhill group" was not trying to stop the bridge. Secondly, he wanted to clarify that RS-3 zoning has been on the west side of the creek since 1979. He commented that Woodhill had no problems with the RS-3 zoning. He apologized for coming before TMAPC at final plat time. He realized that they should have "pleaded their case" at the hearing for the preliminary plat. He advised that all of the abutting property on the east side of Southern Pointe Second is owned by the principles and therefore they had not received notice of the preliminary plat.

Mr. Smith reviewed a map showing the Major Street & Highway Plan for the area as well as points of interest to the homeowners in the neighborhood. He stated that the Major Street & Highway Plan clearly showed there are plans for north-south and east-west access to the area by provision of residential collector streets. He noted that the points of interest marked on the map showed that most of their activity is southeast or east of their development area. He commented that before he built in Woodhill Heights, he inquired of traffic engineering regarding the intent to extend 86th Street to the west. His understanding of the answer he received from traffic engineering was that this was a part of an east to west collector street from Yale to Sheridan and the bridge would be completed when the road went through from Yale to Sheridan.

He felt that the overall master plan had been set aside. He referred to the fact that the collector street concept had been abandoned for this portion because no 60' streets were developed in Southern Pointe and there is not stub at either end of 86th Street.

Mr. Smith stated concerns, if the plan is approved as presented to TMAPC, regarding traffic speed and the safety and security of their children, homes and property. He expressed that opening the bridge would make Lakewood a collector street, thus replacing the collector streets to the north and south in the western quadrant of the mile. He was concerned that much of the construction traffic would be utilizing Lakewood and the increased traffic would endanger their children.

The following recommendations were presented by Mr. Smith:

- "A. As part of final plat approval, direction be given that the bridge be built and securely closed until revisited by the Planning Commission. (Bridge barricade must meet Fire Marshal requirements for emergency access.) Conditions for reconsideration will be completion of one or of the following:
- * A significant (75% to 80%) portion of Southern Pointe Second housing construction is complete.
 - * 86th Street to Sheridan Street access is open to public traffic.
 - * Granite Street access to 91st Street is open to public traffic.
- B. Planning Commission formally adopt a position that future development to the south must include access from Southern Pointe Second to 91st Street and development to the east must include Woodhill Estates to Sheridan access."

In response to Chairman Parmele's question regarding their primary objection to the bridge, Mr. Smith noted that their concern was traffic. Without relief to the south and to the east, 240 homes will be utilizing the east side of the mile as an access.

Mr. Coutant inquired as to the paving width of the street. Mr. Smith replied the width was 26'. Ms. Wilson reiterated that Mr. Smith and his group of homeowners did not object to the bridge or to its construction or to the development that is going on in the area. She confirmed that he was concerned about Lakewood and/or Joplin becoming a collector street.

Terry Largent

5941 East 88th Street, 74137

Ms. Largent commented that her concerns regarded the traffic. She was concerned with the safety of the children in the neighborhood when the traffic increased due to the opening of the bridge.

Steve Area

8912 South Joplin, 74137

Mr. Area reiterated Mr. Smith's comments in that Woodhill Estates was in favor of the bridge and further stated it was just a matter of timing. He felt they would not be against the bridge if there were other accesses into Southern Pointe Second. He stated concern that it appeared that Hudson Avenue should have been extended south providing another access. This access is not possible now because a house has been built where the street should have extended.

Mr. Area distributed copies of a letter from David Kimball, Fire Marshal for the City of Tulsa, stating the acceptable accessibility standards for subdivisions. The letter stated that points of entry may be closed to the public provided that a suitable barrier, one that can be opened with a minimum amount of force, is used.

Helen Vaslavsky

5014 East 88th Street, 74137

Ms. Vaslavsky, president of the Southern Pointe Homeowners Association, stated very strong concerns that one access into their addition was not enough for the area. She advised that when the Southern Pointe homeowners bought their homes they were told that a connection to the east would be completed.

Mr. Midget questioned her understanding regarding neighborhood access when she bought her home. She reiterated that her Realtor and neighbors told her that there would be another access out of the neighborhood.

Ed Schermerhorn

2820 South Utica, 74114

Mr. Schermerhorn stated that he was one of the developers of Southern Pointe. He advised that he had been a developer in the City of Tulsa for the past 17 years and has developed ten residential developments.

In response to Mr. Coutant, Mr. Schermerhorn stated that another access road had been looked into. During phase I of their development, they leased property from a private owner to provide a construction road for western access to the development. He commented that they are in negotiations with the owners of the land to the south to provide another construction road.

Ms. Wilson questioned whether it was a viable option to have construction traffic enter on Lakewood and travel up to 86th continuing west across the bridge. Mr. Schermerhorn stated that the streets were public streets and that it would be viable.

Lindsey Perkins

4735 South Atlanta Place, 74105

In response to Ms. Wilson's question regarding construction traffic, Mr. Perkins stated that the construction road to the west was built and was leased on a month-to-month basis. He advised that if it could be negotiated, they would build a temporary road to the south. He advised that they have met with the owners of the property to the south and were very optimistic that they would be able to provide a temporary access road to 91st Street.

Mr. Doherty stated concerns regarding the process encouraging Mr. Perkins to build the bridge before TMAPC approved the final plat. Mr. Perkins responded that there are procedures within the city which allow you to conduct preliminary work once all the necessary reviews have been made by the technical staff. He stated that they went through the process and received their permit to begin building the bridge. Mr. Doherty again stated concern regarding a process that allows a builder to begin building and then ask for approval with construction near completion.

Mr. Perkins advised that when they originally brought their plat for preliminary review all phases of the development were presented. He commented that staff, traffic engineering and all the necessary city departments had thoroughly reviewed the plat. He referred to the minutes of the meeting approving the preliminary plat for Southern Pointe where it stated the motion would be "locking in the bridge" for the second phase. He commented that they have represented to the homeowners association and future buyers coming into the first phase that there would be a bridge built when the second phase was developed, thus providing additional traffic relief. He believed they were following "clear direction" from the city.

Mr. Midget inquired whether notice was given to the abutting properties. Mr. Perkins responded that to his knowledge those people residing in Woodhill Estates had been notified. To that Mr. Stump responded that for subdivisions the requirement for notification is to adjacent property owners only, therefore the Woodhill Estates residents were not notified.

Gary Rathburn

5906 East 87th Street, 74137

Mr. Rathburn expressed he had not been notified the development was going to be established. He commented that he contacted the City and was told he did not have to be notified due to the fact he resided outside the limits.

Review and Discussion:

Chairman Parmele stated he would like to inform those present that the collector street, as shown on the Major Street & Highway Plan, was not a fixed location, it is merely a conceptual plan showing the desire to have an east-west and a north-south collector in each section. That does not make the location finite. He also commented that a mistake had been made in the section regarding the location of collector streets. He felt that problem should not be compounded by not requiring the bridge be built.

Mr. Carnes commented that when further development is made in the area, a 60' right-of-way collector street should be established going east and a 60' right-of-way collector street extending south should also be established to tie into the neighborhood.

Ms. Wilson reiterated Mr. Carnes' statement. She asked Mr. Linker, legal counsel, whether the TMAPC had the right to limit access on the bridge to emergency vehicles only. Mr. Linker replied that only the City could close a public right-of-way, therefore TMAPC would not have the authority. It would be questionable whether the City could legally close the bridge.

Mr. Midget commented that he felt very strongly regarding the fact that two 60' foot right-of-way collector streets, one extending east and one extending south, should be established when further development is undertaken. Mr. Midget stated concern regarding Lakewood becoming a collector street. He urged Mr. Lindsey to seek another construction road to help reduce the traffic using Lakewood as a collector street.

Mr. Doherty stated that TMAPC needs to accept responsibility for mistakes in planning made when the preliminary plat was approved. He encouraged the commission to take more responsibility when reviewing a plat and to not rely completely on the technical staff.

Mr. Coutant advised he was in favor of the motion to approve the final plat for two reasons. First, it clearly complies with the preliminary plat previously approved by TMAPC. Secondly, residential collectors are a very important aspect for major street and highway planning. He stated it was important for neighborhoods to connect. Therefore, the bridge is important to these neighborhoods.

TMAPC ACTION, 9 members present:

On MOTION of CARNES, the TMAPC voted 8-0-1 (Carnes, Coutant, Doherty, Horner, Midget, Parmele, Wilson, Woodard, "aye"; no "nays"; Neely "abstaining"; Draughon, Rice, "absent") to APPROVE the Final Plat for Southern Pointe Second, Blocks 6-9 and RELEASE same as having met all conditions.

Chairman Parmele requested the Rules and Regulations Committee to review the process by which TMAPC works under regarding reviewing plats in their preliminary stages to determine if they are in conformance with subdivision regulations.

LOT SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-17373 12929 E. 21st (Watts)

TMAPC ACTION, 9 members present:

On MOTION of CARNES, the TMAPC voted 8-0-1 (Carnes, Coutant, Doherty, Horner, Midget, Parmele, Wilson, Woodard, "aye"; no "nays"; Neely "abstaining"; Draughon, Rice, "absent") to RATIFY the Above Listed Lot Split which has received Prior Approval, as recommended by Staff.

CONTINUED OTHER BUSINESS:

PUD 179-C-7 Minor Amendment to re-allocate allowable building floor area South and west of the SW/c of East 71st Street South & South 85th East Avenue

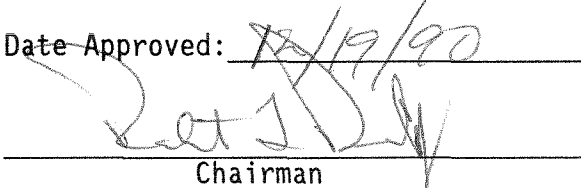
Chairman Parmele advised TMAPC that the applicant had requested a continuance. He commented that the request was not timely but Staff was in agreement that it be continued until December 19, 1990. There were no interested parties present. Ms. Wilson inquired as to the reason for the request. Chairman Parmele responded that there was a need to revise the site plan transmitted with the application to conform to a change in the facts and circumstances. Ms. Wilson inquired whether anyone had shown interest in this application even though there were no interested parties present. A representative of the applicant stated two people had been present, but he advised them that a continuance had been requested and also advised them of the December 19, 1990 date.

TMAPC ACTION: 9 members present;

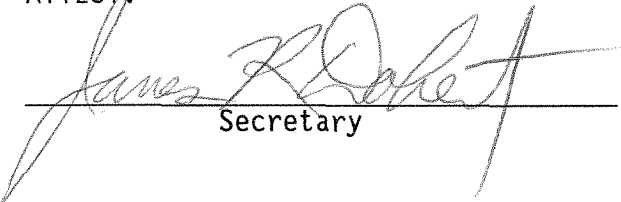
On **MOTION** of **MIDGET**, the TMAPC voted **9-0-0** (Carnes, Coutant, Doherty, Horner, Midget, Neely, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Rice "absent") to **CONTINUE** PUD 179-C-7 until December 19, 1990 at 1:30 p.m. in the Francis F. Campbell City Council Room, Plaza Level, Tulsa Civic Center.

There being no further business, the Chairman declared the meeting adjourned at 3:20 p.m.

Date Approved: 12/19/90


Chairman

ATTEST:


Secretary