

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2035

Wednesday, September 6, 1995, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

Members Present

Carnes,
Chairman
Ballard
Doherty, 1st Vice
Chairman
Gray, Secretary
Horner
Ledford
Midget, Mayor's
Designee
Pace
Selph

Members Absent

Boyle
Taylor

Staff Present

Gardner
Hester
Jones
Matthews

Others Present

Linker, Legal
Counsel

The notice and agenda of said meeting were posted in the Office of the City Clerk on Tuesday, September 5, 1995 at 12:56 p.m., in the office of the County Clerk at 1:00 p.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Carnes called the meeting to order at 1:33 p.m.

Minutes:

Approval of the minutes of August 16, 1995, Meeting No. 2033:

On **MOTION** of **HORNER**, the TMAPC voted **7-0-1** (Ballard, Carnes, Doherty, Gray, Horner, Ledford, Pace "aye"; no "nays"; Selph "abstaining"; Boyle, Midget, Taylor "absent") to **APPROVE** the minutes of the meeting of August 16, 1995 Meeting No. 2033.

REPORTS:

Chairman's Report:

Chairman Carnes acknowledged receipt of a letter from Ellen Hartman requesting the Planning Commission to consider amending the portion of the Zoning Code dealing with satellite dishes. He referred this item to the Budget and Work Program Committee.

Committee Reports:

Rules and Regulations Committee

Mr. Doherty deferred his report to the end of the meeting.

At the conclusion of the regular business, Mr. Doherty reported on conversation with Councilor Gilbert concerning a City Council Committee meeting to discuss amendments to the Comprehensive Plan as it addresses apartments, densities and overuse of the infrastructure. He informed that Councilor Cleveland is expected to request the City Council to instruct the Planning Commission to study and recommend to the Council alternative methods of more closely timing or coordinating development with infrastructure improvements, evaluate the dispersion of development density, and if necessary, recommend policy or plan changes necessary to effect greater dispersion.

Mr. Doherty informed that he has asked that the compromise reached with the ad hoc Outdoor Advertising Committee regarding billboards be placed on the Planning Commission agenda for September 13, 1995.

Director's Report:

Mr. Gardner informed of zoning items on the City Council Agenda for Thursday, September 6, 1995.

SUBDIVISIONS:

FINAL APPROVAL AND RELEASE:

Wingo's on Mingo

North of the northeast corner of East 51st Street & South Mingo Road.

Staff Comments

Mr. Jones announced that the Planning Commission had earlier reviewed this commercial subdivision plat for a children's daycare nursery. He informed that all releases have been received and Staff recommends approval subject to final wording from the Legal Department of the Deed of Dedication and Restrictive Covenants.

TMAPC Action; 8 members present:

On **MOTION** of **BALLARD**, the TMAPC voted **7-0-1** (Ballard, Carnes, Doherty, Gray, Horner, Pace, Selph "aye"; no "nays"; Ledford "abstaining"; Boyle, Midget, Taylor "absent") to **APPROVE** the **FINAL PLAT** of Wingo's on Mingo and **RELEASE** same as having met all conditions of approval as recommended by Staff and subject to final approval from the Legal Department of wording on the plat.

PRELIMINARY PLAT:

The Rockland Center (594)

(PD-17)(CD-6)

Southeast corner of South 123rd East Avenue and the I-44 Expressway.

Jones presented the plat with Jerry Ledford, Jr. in attendance at the TAC meeting.

French recommended five additional feet of right-of-way for South 123rd East Avenue.

Matthews stated that this property is served by a privately-financed sanitary sewer and the developer must pay approximately \$34,000 to connect to the sanitary sewer. Jones clarified that this was not a condition of plat approval but must be paid prior to a building permit.

Edwards recommended a 20' restricted waterline easement along the frontage road with a 17.5' utility easement behind. Ledford was in agreement.

Hubert stated that language must be included to allow Lot 2 to receive runoff from Lot 1.

Pierce asked for a 10' utility easement between the two lots.

French recommended that access points on the frontage road be identified.

The Rockland Center is a 7.12 acre replat of corridor-zoned property. A corridor site plan has been submitted for Lot 2 for a commercial/manufacturing facility.

Staff would offer the following comments and/or recommendations:

1. All conditions of Corridor Site Plan Z-5110-SP-1 shall be met, including any applicable provisions in the covenants or on the face of the plat.
2. 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.
3. Water and sanitary sewer plans shall be approved by the Department of Public Works (Water & Sewer) prior to release of final plat. (Include language for W/S facilities in covenants.)
4. 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).
5. A request for creation of a Sewer Improvement District shall be submitted to the Department of Public Works (Water & Sewer) prior to release of final plat.
6. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater and/or Engineering) including storm drainage, detention design, and Watershed Development Permit application subject to criteria approved by the City of Tulsa.

7. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).
8. Street names shall be approved by the Department of Public Works and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. City of Tulsa Floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.
11. Bearings, or true N/S etc., shall be shown on perimeter of land being platted or other bearings as directed by the Department of Public Works.
12. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
13. Limits of Access or LNA as applicable shall be shown on plat as approved by the Department of Public Works (Traffic). Include applicable language in covenants.
14. It is recommended that the Developer coordinate with the Department of Public Works (Traffic) during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
15. 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.

16. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
17. The key or location map shall be complete.
18. 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.)
19. The restrictive covenants and/or deed of dedication shall be submitted for review with the preliminary plat. (Include subsurface provisions, dedications for storm water facilities, and PUD information as applicable.)
20. This plat has been referred to Catoosa because of its location near or inside a "fence line" of that municipality. Additional requirements may be made by the applicable municipality. Otherwise only the conditions listed apply.
21. 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.)

22. All other Subdivision Regulations shall be met prior to release of final plat.

On the **MOTION** of **MILLER**, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the **PRELIMINARY PLAT** of **THE ROCKLAND CENTER**, subject to all conditions listed above.

TMAPC Action; 9 members present:

On **MOTION** of **BALLARD**, the TMAPC voted **8-0-1** (Ballard, Carnes, Doherty, Gray, Horner, Midget, Pace, Selph "aye"; no "nays"; Ledford "abstaining"; Boyle, Taylor "absent") to **APPROVE** the **PRELIMINARY PLAT** of The Rockland Center as recommended by Staff.

* * * * *

Kelly Ann (PUD 469) (1814)
North 106th East Avenue at East 97th Street North

(PD-15) (Co.)

Jones presented the plat with Adrian Smith and Charlie Burris in attendance at the TAC meeting.

Rains recommended a temporary cul-de-sac on East 96th Place South and radius corners on the stub streets to the west.

Pierce noted that additional easements would be needed and Smith stated that an underground meeting would be held.

Rains stated he would verify street names.

Jones noted changes on the face of the plat.

Kelly Ann is a 54-lot residential single-family subdivision that contains 15 acres and is part of Planned Unit Development 469. The PUD established *RS* development standards for all lots except those which abut El Rio Vista 3 subdivision. The proposed subdivision borders the City of Owasso along the east property line.

Staff would offer the following comments and/or recommendations:

1. City of Owasso letter of release required as to water and sewer service.
2. Identify PUD-469 under title.
3. Provide maintenance of "Reserve A" by homeowners association in restrictive covenants.
4. Identify sliver at northwest corner of Lot 3, Block 3.

5. All conditions of PUD-469 shall be met prior to release of final plat, including any applicable provisions in the covenants or on the face of the plat. Include PUD approval date and references to Section 1100-1107 of the Zoning Code in the covenants.
6. 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.
7. 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).
8. Paving and drainage plans shall be approved by the County Engineer, including storm drainage and detention design (and other permits where applicable) subject to criteria approved by the County Commission.
9. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
10. Street names shall be approved by the County Engineer and shown on plat.
11. All curve data, including corner radii, shall be shown on final plat as applicable.
12. Bearings, or true N/S etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
13. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
14. It is recommended that the Developer coordinate with the County Engineer during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
15. Street lighting in this subdivision shall be subject to the approval of the County Engineer and adopted policies as specified in Appendix C of the Subdivision Regulations.
16. 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.
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. The restrictive covenants and/or deed of dedication shall be submitted for review with the preliminary plat. (Include subsurface provisions, dedications for storm water facilities, and PUD information as applicable.)
21. This plat has been referred to Collinsville and Owasso because of its location near or inside a "fence line" of that municipality. Additional requirements may be made by the applicable municipality. Otherwise only the conditions listed apply.
22. 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.)
23. All other Subdivision Regulations shall be met prior to release of final plat.

On the **MOTION** of **RAINS**, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the **PRELIMINARY PLAT** of **KELLY ANN**, subject to all conditions listed above.

Applicant's Comments

Mr. Burris requested that lots in Blocks 3, 4 and 5 be 55' wide as requested in the original plat submitted.

Mr. Jones informed that the original subdivision plat submitted did not meet PUD conditions. However, should Mr. Burris wish to have 55' lots, a minor amendment to the PUD must be filed.

Mr. Burris informed of accepting the 75' lot requirement on the eastern boundary of the subject tract abutting El Rio Vista and acknowledged that he was agreeable to filing a minor amendment for Blocks 3, 4, and 5 as discussed.

Mr. Doherty expressed concern of bar ditch construction.

Mr. Burris explained that this is done to keep the cost affordable to home buyers.

TMAPC Action; 9 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **9-0-0** (Ballard, Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace, Selph "aye"; no "nays"; none "abstaining"; Boyle, Taylor "absent") to **APPROVE** the **PRELIMINARY PLAT** for Kelly Ann as recommended by Staff.

Meadowbrook Estates (PUD-523)(1383)

(PD-18)(CD-8)

East of the southeast corner of East 81st Street South and South Memorial Drive.

Jones presented the plat with Dwayne Wilkerson present at the TAC meeting.

French recommended the side on the north side of 81st be shown.

Jones noted several corrections on the face of the plat including a 35' building line along East 81st Street.

Pierce recommended provisions for a pole line along the west property line.

Miller recommended that a sufficient easement, 10', be provided within the building setback to permit utilities to be located in the front yard.

McGill recommended a temporary turn-around on the two stub streets to the south.

Miller and Pierce recommended a utility easement along the road which crosses Reserve A.

Meadowbrook Estates is a residential single-family subdivision that was given sketch plat approval by the TAC on July 20, 1995. The applicant has now submitted the preliminary plat with one less lot and a slightly different street pattern (as recommended by Traffic).

Staff would offer the following comments and/or recommendations:

1. Waiver of the Subdivision Regulations is required in order to not construct the north/south street as a residential collector.
2. Identify "Right-of-Way Dedicated by This Plat" for East 81st Street South.
3. Show 35' building setback for lots along East 81st Street South.
4. Label streets with street names.
5. 5' building line on corner lots should be 15'.
6. Show addresses and disclaimer on plat.
7. Identify Meadowbrook Country Club as "Unplatted".
8. Add paragraph dealing with garage access to face of plat.
9. All conditions of PUD-523 shall be met prior to release of final plat, including any applicable provisions in the covenants or on the face of the plat. Include PUD approval date and references to Section 1100-1107 of the Zoning Code in the covenants.

10. 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.
11. Water and sanitary sewer plans shall be approved by the Department of Public Works (Water & Sewer) prior to release of final plat. (Include language for W/S facilities in covenants.)
12. 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).
13. A request for creation of a Sewer Improvement District shall be submitted to the Department of Public Works (Water & Sewer) prior to release of final plat.
14. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater and/or Engineering) including storm drainage, detention design and Watershed Development Permit application subject to criteria approved by the City of Tulsa.
15. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).
16. Street names shall be approved by the Department of Public Works and shown on plat.
17. All curve data, including corner radii, shall be shown on final plat as applicable.
18. City of Tulsa Floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.
19. Bearings, or true N/S etc., shall be shown on perimeter of land being platted or other bearings as directed by the Department of Public Works.
20. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
21. Limits of Access or LNA as applicable shall be shown on plat as approved by the Department of Public Works (Traffic). Include applicable language in covenants.
22. It is recommended that the Developer coordinate with the Department of Public Works (Traffic) during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
23. 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.
24. All lots, streets, building lines, easements, etc. shall be completely dimensioned.

25. The key or location map shall be complete.
26. 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.)
27. The restrictive covenants and/or deed of dedication shall be submitted for review with the preliminary plat. (Include subsurface provisions, dedications for storm water facilities, and PUD information as applicable.)
28. This plat has been referred to Bixby and Broken Arrow because of its location near or inside a "fence line" of that municipality. Additional requirements may be made by the applicable municipality. Otherwise, only the conditions listed apply.
29. 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.)
30. All other Subdivision Regulations shall be met prior to release of final plat.

On the **MOTION** of **FRENCH**, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the **PRELIMINARY PLAT** of **MEADOWBROOK ESTATES**, subject to all conditions listed above.

TMAPC Action; 9 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **9-0-0** (Ballard, Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace, Selph "aye"; no "nays"; none "abstaining"; Boyle, Taylor "absent") to **APPROVE** the **PRELIMINARY PLAT** for Meadowbrook Estates as recommended by Staff and **WAIVE** Subdivision Regulations to not construct the north/south street as a residential collector.

Southwest corner of the Creek Turnpike and South Memorial Drive.

Jones presented the plat with Ted Sack in attendance at the TAC meeting.

McGill stated that additional fire hydrants would be required.

French recommended a PFPI for a north bound left turn lane at the south median opening.

After considerable discussion, a 10' utility easement along South Memorial Drive was recommended by Miller and Pierce.

9600 Memorial is a two-lot commercial/office subdivision plat which contains 3.42 acres. The property is zoned *CO* corridor and a site plan will be reviewed by the TMAPC on August 23, 1995.

Staff would offer the following comments and/or recommendations:

1. All conditions of Corridor Site Plan Z-6410-SP-1 shall be met.
2. 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.
3. Water and sanitary sewer plans shall be approved by the Department of Public Works (Water & Sewer) prior to release of final plat. (Include language for W/S facilities in covenants.)
4. 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).
5. A request for creation of a Sewer Improvement District shall be submitted to the Department of Public Works (Water & Sewer) prior to release of final plat.
6. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater and/or Engineering) including storm drainage, detention design and Watershed Development Permit application subject to criteria approved by the City of Tulsa.
7. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).
8. Street names shall be approved by the Department of Public Works and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. City of Tulsa Floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.

11. Bearings, or true N/S etc., shall be shown on perimeter of land being platted or other bearings as directed by the Department of Public Works.
12. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
13. Limits of Access or LNA as applicable shall be shown on plat as approved by the Department of Public Works (Traffic). Include applicable language in covenants.
14. It is recommended that the developer coordinate with the Department of Public Works (Traffic) during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
15. 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.
16. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
17. The key or location map shall be complete.
18. 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.)
19. The restrictive covenants and/or deed of dedication shall be submitted for review with the preliminary plat. (Include subsurface provisions, dedications for storm water facilities and PUD information as applicable.)
20. This plat has been referred to Bixby and Broken Arrow because of its location near or inside a "fence line" of that municipality. Additional requirements may be made by the applicable municipality. Otherwise, only the conditions listed apply.
21. 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.)
22. All other Subdivision Regulations shall be met prior to release of final plat.

On the **MOTION** of **McGILL**, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the **PRELIMINARY PLAT** of **9600 MEMORIAL**, subject to all conditions listed above.

Interested Parties

Bob Keathley

7635 East 98th Street 74133

Mr. Keathley, owner of the property immediately west of the subject tract, voiced concerns of erosion from the north side of the subject tract adding to an existing silt problem. He suggested that water be directed northward to control erosion and to allow him an easement across the tract for a waterline.

Mr. Sack, engineer for the applicant, was present and Mr. Doherty suggested that Mr. Keathley work with Mr. Sack to address these concerns.

Mr. Jones pointed out that based on the Department of Public Works review of this subdivision plat, they determined to allow fees-in-lieu-of providing on-site detention, and a watershed development permit will be required, as well as an earth-change permit and a stormwater drainage permit.

Responding to inquiry from Ms. Pace, Mr. Sack explained there would not be an extension of the water-line along the frontage of the subject tract. He informed that there is water across the street along Memorial which meets the City requirement, and he explained how the subject tract would access water.

TMAPC Action; 9 members present:

On **MOTION** of **LEDFOORD**, the TMAPC voted **9-0-0** (Ballard, Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace, Selph "aye"; no "nays"; none "abstaining"; Boyle, Taylor "absent") to **APPROVE** the **PRELIMINARY PLAT** for 9600 Memorial as recommended by Staff.

PLAT WAIVER, SECTION 213 :

PUD-535 (Brockman's Subdivision)(2492)

(PD-6)(CD-9)

Southwest corner of East 39th Street South and South Peoria Avenue.

Jones presented the plat waiver with a representative present at the TAC meeting.

A new plan was submitted and reviewed.

French recommended 5' additional right-of-way be dedicated on East 39th Street South, in addition to a 10' radius on the driveway to South Peoria Avenue.

Matthews stated that the additional utility easement was sufficient.

PUD-535 is a 1.23-acre commercial development that is located at the southeast corner of East 39th Street South and South Peoria Avenue. The applicant is requesting to waive the platting requirement per the site plan submitted.

Based on the size of the tract and it being located in a platted subdivision, Staff is supportive of the plat waiver. Staff, however, would point out that there are several discrepancies between the submitted site plan and the PUD development standards.

On the **MOTION** of **McGILL**, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the **PLAT WAIVER** for **PUD-535**, subject to all conditions listed above.

Staff Comments

Regarding the requirement that PUD conditions be filed of record by separate instrument, Mr. Jones informed that the Legal Department is in the process of reviewing the restrictions. Mr. Jones does not recommend that the Planning Commission take action on that document today, since he and the Legal Department have not reviewed the restrictions. Mr. Jones noted that there are no assurances that this document will ever be filed of record if the building permit is released first.

TMAPC Action; 9 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **9-0-0** (Ballard, Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace, Selph "aye"; no "nays"; none "abstaining"; Boyle, Taylor "absent") to **APPROVE** the **PLAT WAIVER** for **PUD-535** as recommended by Staff, subject to condition of subsequent approval by the Planning Commission of the content and filing of record of appropriate PUD conditions by separate instrument.

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CONTINUED LOT-SPLIT FOR WAIVER OF SUBDIVISION REGULATIONS:

L-18127 Howard Remodeling, Inc. (W. Howard)(1893)
2304 S. Lewis Ave.

(PD-6)(CD-9)
RS-2

TMAPC Comments

Mr. Doherty revealed ex parte communication with the applicant, Mike Buchert of the Public Works Department and Ken Matthews of the Utility Department. Mr. Doherty informed that the best solution appears to be a waiver of the Utility Authority's policy on requiring a lot to front a sewer main and allow an easement instead. With the Chairman's permission, Mr. Doherty drafted a letter to the Utility Authority requesting their consideration of the proposal and to allow the applicant time to determine if this will address the problem.

TMAPC Action; 9 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **9-0-0** (Ballard, Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace, Selph "aye"; no "nays"; none "abstaining"; Boyle, Taylor "absent") to **CONTINUE** **L-18127 LOT-SPLIT FOR WAIVER OF SUBDIVISION REGULATIONS** to September 27, 1995.

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LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-18094 Leamon & Mary Beeler (D. Beeler) (1482) 8217 S. Maybelle	(PD-8)(CD-2) AG
L-18139 Hillcrest Real Estate Dev. Co. (B. Bolzle) (793) Northeast Corner of E. 15th St. & S. Utica	(PD-4)(CD-4) OL
L-18140 R. McGlothlin (Randy McGlothlin) (3374) 17717 S. 129th E. Ave.	(PD-20)(CD-County) AG
L-18142 Various (City of Tulsa) (1583) Southeast Corner of E. 81st St. & S. Yale	(PD-18b)(CD-8) CS
L-18143 Mangat & Eva Tharpar (D. Hagaman) (2893) 4325 E. 51st St. S.	(PD-18b)(CD-7) OM
L-18145 Tuttle Papock Ltd. Part. (City of Tulsa) (1283) 7111 S. Memorial	(PD-18c)(CD-7) CS

Staff Comments:

Mr. Jones announced that Staff has found the above-listed lot-splits to be in conformance with the lot-split requirements.

TMAPC Action; 9 members present:

On **MOTION** of **HORNER**, the TMAPC voted **9-0-0** (Ballard, Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace, Selph "aye"; no "nays"; none "abstaining"; Boyle, Taylor "absent") to **RATIFY** the above-listed lot-splits having received prior approval and finding them to be in accordance with subdivision regulations.

OTHER BUSINESS:

PUD-378: Detail Site Plan - Lots 1 and 3, Block 1 of the Memorial Crossing Addition, Southwest Corner of 101st Street and Memorial Drive

The applicant is requesting site plan approval for two retail additions to the previously-approved site plan for Albertson's. The two additions will be on the west and east side of the approved store and will be expansions of 10,800 SF and 9,200 SF respectively.

Staff has reviewed the request and finds the following:

The request as proposed shows 55 parking spaces for the 10,800 SF area and 42 parking spaces for the 9,200 SF retail area. This proposed parking provides approximately 1 space per every 200 SF of retail area. While this parking allocation is sufficient for most uses allowed by the underlying CS district, it is not sufficient for Use Unit 12 uses, which include eating establishments, bars and the like .

Circulation, floor area, landscaped area and parking otherwise conform to the requirements of the PUD.

Therefore, Staff recommends **APPROVAL** of the requested revisions to the previously-approved site plan. Based on the amount of parking provided by the proposed plan, Use Unit 13 and 14 uses will be the only uses allowed in the indicated retail areas at this time.

Interested Parties

Jane Allingham

10142 South 77th East Avenue 74133

Ms. Allingham resides directly downhill from the Albertson's site. She called attention to the erosion along 101st Street caused by Albertson's construction. Ms. Allingham presented photographs of the erosion and urged repair of the culvert before additional construction is permitted on the site.

Applicant's Comments

Mr. Alberty informed that his client has purchased property from Albertson's. He suggested that this problem be presented to the City regarding location of the drainage problem.

Mr. Ledford informed that this problem is currently under contract to be repaired, which the City has been made aware of.

TMAPC Action; 9 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-1** (Ballard, Carnes, Doherty, Gray, Horner, Midget, Pace, Selph "aye"; no "nays"; Ledford "abstaining"; Boyle, Taylor "absent") to **APPROVE** PUD 378 **DETAIL SITE PLAN** for Lots 1 and 3, Block 1 of the Memorial Crossing Addition as recommended by Staff.

* * * * *

Consider adopting an amended fee schedule for filing and processing of zoning map amendments other zoning related items and Board of Adjustment applications within the unincorporated areas of Tulsa County

ADOPTING AN AMENDED FEE SCHEDULE
FOR FILING AND PROCESSING OF ZONING MAP AMENDMENTS,
OTHER ZONING RELATED ITEMS AND BOARD OF ADJUSTMENT
APPLICATIONS WITHIN THE UNINCORPORATED AREAS OF
TULSA COUNTY

WHEREAS, the Tulsa County Zoning Code provides for the establishment of filing and processing fees for zoning map amendments and Board of Adjustment applications, the amount of which shall be established by Resolution adopted by the Tulsa Metropolitan Area Planning Commission and approved by the Board of County Commissioners; and

WHEREAS, the Tulsa Metropolitan Area Planning Commission (TMAPC) last amended the fee schedule December 21, 1988 and the Board of County Commissioners did approve the amended fee schedule February 27, 1989; and

WHEREAS the Board of County Commissioners of Tulsa County did amend Section 1730.5 of the Tulsa County Zoning Code May 1, 1995, providing for a zoning ordinance publication fee, said fee to be in accordance with the adopted schedule of fees; and

WHEREAS, the Tulsa Metropolitan Area Planning Commission, after due study and deliberation did review and adopt in a public meeting on September 6, 1995 the schedule of fees attached hereto as Exhibit A.

NOW, THEREFORE BE IT RESOLVED, pursuant to the authorization set forth in the Tulsa County Zoning Code that the fees as shown on Exhibit A attached hereto and made a part hereof shall be paid by persons filing rezoning and Board of Adjustment applications within the unincorporated areas of Tulsa County.

BE IT FURTHER RESOLVED THAT this Resolution shall take effect immediately upon its adoption by the Tulsa Metropolitan Area Planning Commission and the Board of County Commissioners.

Exhibit A
Tulsa County
Rezoning and Board of Adjustment Fees Schedule

I. ZONING MAP AMENDMENTS

ZONING CATEGORIES	BASE FEE	SLIDING FEE
A. Low Intensity AG, AG-R, RE, RS, RS-1, RS-2, RS-3, RS-4, RD		
1. 5.0 ACRES OR LESS	\$ 150.00	
2. each additional acre increment and/or fraction thereof		\$ 2.00
3. Maximum	300.00	
B. Medium Intensity RT, RM-T, RMH, RM-O, RM-1, RM-2, PK, OL, OM		
1. 5.0 ACRES OR LESS	250.00	
2. each additional acre increment and/or fraction thereof		5.00
3. Maximum	700.00	
C. High Intensity RM-3, OMH, OH, CS, CG, CH, CO, SR, IR, IL, IM, IH		
1. 5.0 ACRES OR LESS	450.00	
2. each additional acre increment and/or fraction thereof		10.00
3. Maximum	800.00	
D. Multiple Zoning Classifications *		
1. Highest of base fees ** (A-1, B-1, C-1)		
2. Plus per acre cost per category *** (A-2, B-2, C-2)		
3. Maximum	800.00	

*In addition to charging the highest base fee in the multiple zoning application (See above) the highest sliding fee shall be charged for the total area included in a multiple zoning classification request, unless the applicant calculates and records on the zoning application the specific number of acres for each classification requested.

** Only one base fee (**A-1, B-1, C-1**) shall be charged for the multiple zoning classification requests and it shall be the highest of the base fees per type of zoning requested.

***The applicant shall be charged, in addition to the highest of the base fees, a sliding fee (**A-2, B-2, C-2**) for each acre of each category requested, except the first 5 acres of the highest category which has already been charged in the base fee.

E. HP Zoning and FD Floodway Zoning District Fees based on Item (**A**) Low Intensity

F. CORRIDOR SITE PLAN REVIEW fee is determined by intensity of use and based on Items **A, B & C**

G. Planned Unit Development

1. Residential	BASE fee	Sliding
o 10.0 ACRES OR LESS	\$ 300.00	
oo Each additional acre or fraction thereof over 10.0 up to & including 100.0		\$ 5.00
ooo Each acre or fractional thereof over 100.0		\$ 1.00
oooo Maximum	\$1,000.00	
2. Nonresidential		
o 10.0 ACRES OR LESS	450.00	
oo Each additional acre or fraction thereof over 10.0 up to & including 100.0		\$ 5.00
ooo Each acre or fractional thereof over 100.0		\$ 1.00
oooo Maximum	1,000.00	

H. MAJOR AMENDMENT to PUD shall be considered a <i>new</i> application with fees as per G-1 and G-2 except as specified below	
a. Special Exception uses as PUD Amendments in Low Intensity (A)	\$ 200.00
b. Special Exception uses as PUD Amendments in Medium & High Intensities (B & C)	\$ 200.00
I. ABANDONMENT of a Planned Unit Development	\$ 200.00

II. BOARD OF ADJUSTMENT FEES

Category	Fee
A. Variance	\$ 100.00
B. Special Exception	125.00
C. Minor variance	75.00
D. Special exception for mobile home	75.00
E. Use variance (county only)	200.00
F. Appeal of building inspectors' decision	15.00

III. OTHER FEES

A. Zoning Letters	\$ 10.00
B. Any item requiring placement on the Agenda for which no fee is established	\$ 25.00
C. Zoning Resolution Publication Fee	\$ 75.00
D. Minor Amendment to a CO Site Plan NO Publication, MAIL 300' radius	\$ 150.00
E. MINOR Amendment to PUD (NO Publication, NOTIFY 300' by mail)	\$ 150.00
F. PUD Sign Plan, Site Plan or Landscape Plan EACH	\$ 25.00

The above fees do not include the cost of publication, notice, posting of signs, notice to property owners (within 300' radius of property), or postage.

Staff Comments

Mr. Gardner informed that this is a follow-up to the resolution recently adopted and approved for the City of Tulsa. He reminded the Planning Commission of the provision in the Tulsa County Zoning Code indicating that when an item is to be rezoned a fee must be remitted to the county. The old fee was not adequate to cover expenses the county was incurring. The solution was to amend the County Zoning Code to establish all fees by resolution and not specifically list them in the Ordinance. This allows fees to be increased without amending the Zoning Code, but rather amend the fee schedule.

Mr. Doherty informed that this is consistent with the action taken by the Rules and Regulations Committee to make the changing of the fees more flexible.

TMAPC Action; 9 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **9-0-0** (Ballard, Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace, Selph "aye"; no "nays"; none "abstaining"; Boyle, Taylor "absent") to recommend **ADOPTION** of an amended fee schedule for filing and processing of zoning map amendments, other zoning related items and Board of Adjustment applications within the unincorporated areas of Tulsa County.

* * * * *

PUD 148-4: Minor Amendment - Northeast corner of 31st Ct and .129th East Ave - Lot 1, Block 2 of Briarglen South.

The applicant is requesting a minor amendment to the standards of the PUD to allow the reduction of the rear yard requirement of Lot 1 from 20 feet to 10 feet. The applicant states that this request will be in conformance with four other duplexes which were built with the requested 10-foot rear yard minimum.

Staff has reviewed the request and finds the following:

The provisions of the PUD which refers to CDP #45 and the U2 - A district of the 1968 zoning code require a 30 foot setback from the rear property line for duplexes.

No previous amendments have been found which requested the reduction in rear setback.

The aerial photographs seem to confirm the applicant's belief that the adjacent duplexes to the east were built to a 10 foot setback. However, they are inconclusive.

The plot plan as submitted by the applicant shows the proposed structure at 14.17 feet from the rear property line. The requested 10 foot setback is shown at approximately 4 feet from the rear of the structure.

The lot is abutted on the rear by mini-storage.

Based on the above, Staff recommends **APPROVAL** of a reduction of the required rear yard setback from 30 feet to 14 feet. In Staff opinion a 10 foot rear yard falls below minimum requirements for light and air.

TMAPC Action; 9 members present:

On **MOTION** of **HORNER**, the TMAPC voted **9-0-0** (Ballard, Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace, Selph "aye"; no "nays"; none "abstaining"; Boyle, Taylor "absent") to **APPROVE** PUD 148-4 MINOR AMENDMENT as recommended by Staff.

PUBLIC HEARING ON COMPREHENSIVE PLAN AMENDMENT:

Consider Amendment To The District 8 Plan Map And Text

Revisions to text items 6.6.2.5 and 6.6.2.8 and map representation of water tank storage facilities.

PROPOSED AMENDMENTS

Staff Comments

Ms. Matthews informed of the request from the City Utility Board to review a proposed location for the new water tanks and find it in accord with the Comprehensive Plan. She advised that because of the specific language in the District 8 Plan text the request was found not to be in accord since the proposal is for the west side of Elwood. Ms. Matthews informed that at the request of the Planning Team, the language that was specific was added during the 1986 and 1987 update of the Comprehensive Plan, and was approved by the Planning Commission as part of the District 8 Plan text. The tank also appears on the map. Ms. Matthews advised that after reviewing other District Plans, it was discovered that none of the other District Plans, with the exception of District One which is a Special District Plan, is site specific as to infrastructure. She presented the following:

PLANNING DISTRICT 8 MAP AND TEXT

Plan Map:

Remove water storage facility symbol from 61st Street and Elwood Avenue.

Plan Text:

6.6.2.5 Staff recommends changing it to read as follows.

Construction of proposed water storage facilities in the vicinity of 61st and Elwood Avenue should commence as soon as possible.

Alternatively, 6.6.2.5 could be deleted entirely. However, because of its importance to the future development of Planning District 8, Staff believes the facility should be referred to in the Plan text.

6.6.2.8 Delete it entirely.

Interested Parties

Sandra Alexander, Chair

City of Tulsa Utility Board

Ms. Alexander informed that the Board has endeavored to bring forth a project which will be an integral part of the process leading toward the distribution of water into the subject area to serve its citizens. She reported on engineering studies regarding installation of water storage tanks on the west side of Arkansas River have recommended that the most optimum site for placement of the tank is on the west side of Elwood Avenue south of 66th Street, and would permit the addition of tanks as needed without the necessity of searching for other sites within the area. Ms. Alexander commented on River Parks' intent to preserve the east side of Elwood as a wilderness area in the site designated by the Comprehensive Plan. She declared that the Board's interest would be diametrically opposed to the interests of River

Parks and that they could not peacefully coexist on the same property. Ms. Alexander explained that in order for the Board to fulfill its responsibility for the development of the tank system, it would inhibit the establishment of a wilderness area on the designated site. She declared that the site identified in the Plan is not the optimum site that was identified in the engineering studies, but rather on the east side of Elwood. Ms. Alexander asked that the Planning Commission amend the Comprehensive Plan recognizing the decisions made by the Utility Board for the placement of the tanks that would serve the community in an optimum fashion.

Al Hamlett, Deputy Director Engineering

Mr. Hamlett answered questions regarding the engineering studies and as to how the site was selected. He informed that economics, ability to operate the system, tanks, chlorination system, environmental impacts, impacts on community and park users and private land owners were taken into consideration by the engineering firm in making its recommendation in the 1994 study.

Commissioner Selph referred to the 1988 FHC Study which indicates the difference in cost between the two sites is approximately \$90,000 difference.

Mr. Hamlett responded that this figure was correct for the 1988 Study. He informed that the basis for the recent site did not outline a monetary value. Mr. Hamlett noted that the site on the west side of Elwood is as good a site for water tank construction as is available regarding elevation and geology. He cited problems with the site on the east side of Elwood, such as erosion control, clearing the site and drainage.

Commissioner Selph asked Mr. Hamlett to comment on the suggestion that tanks on the east side of Elwood could be situated in an existing saddle and could be partially buried.

Mr. Hamlett acknowledged that the site is a saddle, but that the tanks would not be buried. There would be clearing to the east with a sloped area that would require drainage considerations, as well as stability of the cut slope in addition to downstream drainage from the north. Mr. Hamlett stated that the major criteria that they wish to meet are that overflow elevation of the tank and operating level of the tank be so that it floats on the system with the tanks at 61st and Sheridan. He stated that the highest part of the hill to the south would have to be excavated, but there is no site on which a buried tank could be placed, unless considerations are deleted and would have to be pumped out of tanks at 61st and Sheridan.

Commissioner Selph inquired regarding cost estimates from the 1988 FHC Study and asked whether those estimates included the cost involved in purchasing the property on the west side of Elwood as well as potential damages to the property owner.

Mr. Hamlett informed that the cost of purchasing the property was considered in the total evaluation.

Responding to inquiry from Ms. Pace, Ms. Alexander explained that they have attempted to make this facility as aesthetically pleasing as possible and have included this consideration into the cost of the project.

Jackie Bubenik

Director, River Parks Authority

707 South Houston 74127

Mr. Bubenik expressed support of Staff recommendation and urged the Planning Commission to remove the site specific language from the Comprehensive Plan. He concurred that no matter how attractive one might be able to make the water tanks appear, to place them in the urban wilderness area would be to gut the area and to destroy a valuable resource.

Mr. Bubenik answered questions from the Planning Commission regarding protection of the area from overutilization.

Commissioner Selph mentioned the offer from Sam Viersen to donate 13 acres of land immediately adjacent to the existing River Parks Authority land to compensate for area that would be cleared for tanks and asked for Mr. Bubenik's comments.

Mr. Bubenik acknowledged that the offer is very generous; however, the property offered for donation is not contiguous with the urban wilderness and would not be an acceptable trade-off for intrusion in the area.

Roy Heim

6303 South 30th West Avenue 74132

Planning District 8 Chair

Mr. Heim gave a history of citizen involvement in drafting the Comprehensive Plan for District 8. He reported on the 1988 FHC Study concluded that Turkey Mountain was the most desirable site because the tank could be concealed. Mr. Heim informed of cost considerations when the sites were considered. Mr. Heim commented on the large amount of public land available for construction of the water tank compared to the land owned by private property owners.

Craig Ferris

1437 South Main 74119

Mr. Ferris, President, Turkey Mountain Property Owners Association, expressed opposition to any change in the District 8 Comprehensive Plan. He presented a letter and various items relating to the subject property. He then presented a history of the designated site of the water tank. Mr. Ferris commented on Mr. Viersen's offer to donate approximately 13 acres of land to River Parks, subject to placing the water tanks on the River Park site as currently set forth in the District 8 Plan. Mr. Ferris informed that the proposed water tanks on the west side of Elwood will fall in the middle of a PUD which is planned for a golf course. He urged the Planning Commission to not amend the District 8 Comprehensive Plan.

Darla Hall

Councilor Hall declared that a water tank is desperately needed in west Tulsa. She acknowledged that from an engineering perspective, it may not be as easy to place the tank on the east side of Elwood as the west. Councilor Hall expressed concern that if the Comprehensive Plan is changed, this issue may end up in court since the tanks will not be placed on land the City of Tulsa specifically purchased for this purpose. She declared that River Parks has become greedy by not being willing to sacrifice a small portion of the wilderness area. Councilor Hall declared that placing the tank in a saddle on the east side surrounded by trees will be less obtrusive than placing it on the west side on pasture land on top of the mountain. That will destroy Mr. Viersen's land and be very obtrusive. She urged support of not changing the Comprehensive Plan.

Ms. Gray suggested a compromise by using part of the parking lot, moving Elwood to the west, and all of the affected parties giving up a portion of their land. She suggested that all parties involved contribute to a new engineering study to make this feasible for everyone.

Rina Henderson

6341 South 30th West Avenue 74132

Dewanda Humphries

3306 East 58th 74135

The above-listed individuals asked that the Planning Commission not amend the Comprehensive Plan.

Jim Selman

1209 South Walnut, Broken Arrow 74012

Mr. Selman expressed support of Staff recommendation and urged that the Planning Commission consider its responsibility to the users of the area. Regarding reference to the donation of 13 acres of property, he informed that the donated land could not be utilized for the storage facilities.

Other Interested Parties

Mr. & Mrs. Dyer

Route 2, Box 413, Wagoner 74467

Rita Henderson

6341 South 30th West Avenue 74132

TMAPC Review Session

There was discussion over the procedure for condemnation of both public and private lands and possible solutions of compromise.

Mr. Horner declared that the Planning Commission's role is not to work out a compromise, but rather to decide whether or not to amend the Comprehensive Plan. He then made a motion to deny revising the Comprehensive Plan for District 8. The motion was seconded by Ms. Pace.

Ms. Gray reported that at the August 9, 1995 Comprehensive Plan Committee meeting the Committee unanimously agreed that the wording be changed to remove site-specific wording from the Comprehensive Plan to allow the parties more flexibility in the decision of where the tanks should be located.

Commissioner Selph expressed being anxious about discussions regarding relinquishing River Parks land; however, he expressed support of the time citizens spent developing the Comprehensive Plan for District 8, and declared that to change the plan at this time without considering alternatives would be a violation of the Comprehensive Plan. Commissioner Selph stated that he cannot support the change at this time.

Ms. Pace informed that as a member of the Comprehensive Plan Committee, she initially supported changing the site specific language; however, has since changed her mind because the location on the west side would gut the property. She perceives no problem with mixed use of public land and does not foresee it being injurious to River Parks.

Mr. Doherty declared that site specific language should never have been included in the Comprehensive Plan. He deemed that the final decision as to where the tanks are placed should be made by elected official and not appointed officials. Mr. Doherty stated that he cannot support leaving the site-specific language in the Comprehensive Plan which removes from the City Council the option of voting on placement of the tank.

There was discussion as to the procedure for amending Planning Commission action regarding this item. Mr. Linker explained that if the Planning Commission does not take action on amending the Plan it will not go forward. He pointed out that approval of the Utility Board plans is a separate item.

TMAPC Action; 9 members present:

On **MOTION** of **HORNER**, the TMAPC voted **6-3-0** (Ballard, Carnes, Horner, Ledford, Pace, Selph "aye"; Doherty, Gray, Midget "nay"; none "abstaining"; Boyle, Taylor "absent") to **DENY** the request to amend the District 8 Comprehensive Plan.

Consider a request from City of Tulsa Utility Board to approve their plans to build water storage tanks in Planning District 8. Determine if the proposed location of the water storage tanks is in conformance with the District 8 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area as required by Title 19, O.S. - Section 863.8. (Continued from 8-9-95 meeting.)

Mr. Doherty made a motion to table this item. Mr. Midget seconded the motion.

Mr. Doherty declared Mr. Gardner out of order when he attempted to explain the result of tabling the motion, stating that a motion to table is not debatable.

TMAPC Action; 9 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **2-7-0** (Doherty, Midget "aye"; Ballard, Carnes, Gray, Horner, Ledford, Pace, Selph "nay"; none "abstaining"; Boyle, Taylor "absent") to **TABLE** the request for City of Tulsa Utility Board to approve their plans to build water storage tanks in Planning District 8.

MOTION FAILED.

Commissioner Selph asked for Mr. Gardner's comments.

Mr. Gardner advised that State Statutes allow 45 days within which to make a decision, and he informed that 45-day period is up in less than one week. Under these circumstances he deemed that the Planning Commission would have to deny the Utility Board's request, since the Plan was not changed. He informed that the Plan could be approved, but that would be contrary to the previous action.

Mr. Doherty declared that it would be foolish to approve the Plan after voting not to amend the Comprehensive Plan.

Chairman Carnes asked for a motion to deny. There was none.

Ms. Gray urged the Utility Board, River Parks and area residents to work toward a compromise and commented on the danger that the lack of water pressure can be to the area.

There being no further business, the Chairman declared the meeting adjourned at 4:10 p.m.

Date Approved: 9/20/95


Chairman

ATTEST:


Secretary