

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2103

Wednesday, March 5, 1997, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

Members Present

Ballard
Carnes, Chairman
Dick
Doherty, 1st Vice Chairman
Gray
Horner
Pace
Westervelt, Secretary

Members Absent

Boyle
Ledford
Midget

Staff Present

Almy
Gardner
Jones
Stump

Others Present

Romig, Legal
Counsel

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, February 28, 1997 at 2:35 p.m., in the office of the County Clerk at 2:34 p.m., as well as in the Reception Area of the INCOG offices at 2:40 p.m.

After declaring a quorum present, Chairman Carnes called the meeting to order at 1:38 p.m.

Minutes:

Approval of the minutes of February 19, 1997, Meeting No. 2101:

On **MOTION** of **HORNER**, the TMAPC voted **7-0-1** (Carnes, Dick, Doherty, Gray, Horner, Pace, Westervelt "aye"; no "nays"; Ballard "abstaining"; Boyle, Ledford, Midget "absent") to **APPROVE** the minutes of the meeting of February 19, 1997 Meeting No. 2101.

REPORTS:

Chairman's Report:

Chairman Carnes presented a letter from Councilor Watts requesting the Renaissance Neighborhood be included as part of the Eleventh Street Corridor Study.

Chairman Carnes acknowledged a letter received from Blane Henshaw, Home Builders Association, thanking the Planning Commission for requesting input on the Budget and Work Program.

Committee Reports:

Budget and Work Program Committee

Mr. Horner feels the request from Councilor Watts should be included in the Budget and Work Program for FY 98. Mr. Gardner stated this will be considered for the Budget and Work Program and at the appropriate time decisions will be made as to which specific projects, depending on monies available, will be included in the program.

Rules and Regulations Committee

Mr. Doherty stated the Rules and Regulations Committee met today to discuss regulation of telecommunication towers. Mr. Doherty presented a letter from City Council requesting the Committee to discuss and review certain areas in regards to telecommunication towers.

Mr. Doherty stated there is also an item on today's agenda in regards to parking at special events.

Mr. Doherty stated there are zoning items scheduled for the March 6, 1997 City Council meeting and he will be in attendance.

Community Participation Committee

Ms. Gray stated the Community Participation Committee held its first training session/workshop for the year. She stated there were over 100 participants. The next training session/workshop is scheduled for May 6, 1997.

Ms. Gray feels the meeting was very informative and feels there is more information available.

Chairman Carnes stated the neighborhood turnout was the best it has been since he has been on the Commission and acknowledged the Committee's efforts.

SUBDIVISIONS:

Preliminary Plat:

61st and Mingo Center (3194)

(PD-18C) (CD-5)

Northeast corner of East 61st Street South and South Mingo Road

TAC Comments:

Jones presented the plat with Pat Garner in attendance.

McCormick stated that an overland drainage easement would be required to take water from the unplatted property to the east to South Mingo Road. In response to the request, Garner stated that a separate easement is being executed to take water to the abutting property to the north and on to South Mingo. McCormick requested that his office review the document and it be shown by book/page on the face of the plat.

Jones noted that Lee Miller requested a 17.5' utility easement along the north and east property lines. Garner stated that a car wash was planned which will be two feet off the north property line. Nelson recommended that the easement be outside the tract and filed by separate instrument since it is all under one ownership.

French stated that pursuant to an earlier agreement, an access control agreement will be filed for the abutting property to the north which provides proper separation between their access and this property.

61st and Mingo Center is a one lot commercial subdivision plat which contains 1.12 acres. An earlier draft of the preliminary plat was reviewed by the TAC at the October 3, 1996 meeting with only sketch plat approval being recommended.

Staff would offer the following comments and/or recommendations:

1. Identify abutting tract as "UNPLATTED".
2. Waiver of the Subdivision Regulations is required to permit the plat to be drawn at a scale of 1" = 20' (1" = 100' required).
3. Identify existing right-of-way with appropriate book/page information.
4. Add standard 17.5' utility easement to north and east property lines.
5. Key map must be complete with all subdivisions in the section.
6. Deed of dedication language is not appropriate; use standard language.

7. Building lines on Mingo and 61st are greater than required by the Zoning Code. Any setback greater than that required will be enforced by the owner.
8. 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.
9. 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.)
10. 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).
11. 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.
12. 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.
13. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).
14. Street names shall be approved by the Department of Public Works and shown on plat.
15. All curve data, including corner radii, shall be shown on final plat as applicable.
16. City of Tulsa Floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.
17. 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.
18. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
19. 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.
20. 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.)
21. 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.
22. All lots, streets, building lines, easements, etc. shall be completely dimensioned.

23. 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.)

24. 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.)

25. This plat has been referred to 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.

26. 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.)

27. Applicant is advised to contact the U.S. Army Corps of Engineers in regards to Section 404 of the Clean Waters Act.

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

On motion of McGill, the Technical Advisory Committee voted unanimously to recommend approval of the Preliminary Plat of 61st and Mingo Center, subject to all conditions listed above.

TMAPC Action; 8 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-0** (Ballard, Carnes, Dick, Doherty, Gray, Horner, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Ledford, Midget "absent") to **APPROVE** the Preliminary Plat of 61st and Mingo Center, subject to the conditions as recommended by TAC and Waiver of Subdivision Regulations to permit the plat to be drawn at a scale of 1" = 20'.

The Parke (PUD-236-C) (1183)

(PD-18) (CD-8)

West of the northwest corner of East 76th Street South and South Memorial Drive

TAC Comments:

Jones presented the plat with Bill Lewis in attendance.

McCormick stated that an overland drainage easement and storm sewer easements would be required and Lewis agreed.

The Parke is a one-lot subdivision plat which contains 4.0 acres and is part of PUD 236-C. The PUD included an additional approximately four acres abutting this property to the east. The proposed use of the property is for an elderly housing facility with 63 units and a 35' height limitation.

Staff would offer the following comments and or recommendations:

1. If required by the TMAPC, a separate instrument is to be filed of record for the east four acres which states the PUD restrictions and notifies potential buyers of the PUD.
2. Label PUD 236-C under title.
3. All conditions of PUD-236-C 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.
4. 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.
5. 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.)
6. 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).
7. 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.
8. 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.
9. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).
10. Street names shall be approved by the Department of Public Works and shown on plat.
11. All curve data, including corner radii, shall be shown on final plat as applicable.
12. City of Tulsa Floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.

13. 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.
14. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
15. 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.
16. 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.)
17. 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.
18. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
19. The key or location map shall be complete.
20. 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.)
21. 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.)
22. 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.
23. 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.)
24. Applicant is advised to contact the U.S. Army Corps of Engineers in regards to Section 404 of the Clean Waters Act.
25. All other Subdivision Regulations shall be met prior to release of final plat.

On motion of Nelson, the Technical Advisory Committee voted unanimously to recommend approval of the Preliminary Plat of The Parke, subject to all conditions listed above.

Applicant's Comments:

Bill Lewis, 5879 South Garnett, engineer for the applicant, stated the filing of a separate instrument which states the PUD restrictions and notifies potential buyers of the PUD on the balance of the property is an unusual request.

Charles Norman, attorney for the potential buyer, stated he is unaware of this process. Mr. Jones stated it has been required in the past, whenever a portion of a PUD is platted. Mr. Norman stated, in covenants that he has drafted, the property is referred to as development areas A, B, C and so forth under a planned unit development and the covenants do not include the legal description of the remainder of the property.

Mr. Gardner stated when a portion of a development area is amended, there also has to be an amendment to the PUD establishing the conditions and uses on the remainder of the property.

Roy Johnsen stated there is currently a minor amendment to the PUD in process and there will be documentation in the public hearing minutes referencing the allocation of the dwelling units. Mr. Gardner asked whether there is a condition included in the minor amendment to tie it to the preliminary plat. Mr. Johnsen feels it would be appropriate to have the preliminary plat and the minor amendment tied together.

TMAPC Action; 8 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-0** (Ballard, Carnes, Dick, Doherty, Gray, Horner, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Ledford, Midget "absent") to **APPROVE** the Preliminary Plat of The Parke, subject to the conditions as recommended by TAC and subject to approval of Minor Amendment PUD-236-C-3 for The Parke.

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The Village (PUD-378-A) (2683) (PD-16) (CD-6)
West of the southwest corner of East 101st Street South and South Memorial Drive

TAC Comments:

Jones presented the plat with Don East and Dwayne Wilkerson present.

Jones mentioned he talked with Lee Miller, ONG which requested gas service in the front yard of this development.

After considerable discussion regarding easements, it was determined that the engineer should discuss the needs of easements with each utility and Department of Public Works to provide service. Shelton and Nelson stated that locating utilities will be difficult due to lack of easements, private streets and zero lot lines.

French recommended that Traffic Engineering review the sight distance at the corner of Lot 1, Block 2 when final plats are being prepared. Also, final entry gate design shall be approved by Traffic Engineering and the Fire Department.

The Village is a residential single-family subdivision which contains 33 lots and 7.013 acres. The property is zoned RS-2, RM-1 and PUD 378-A and permits zero lot line development with a minimum building separation of seven feet. The sketch plat was reviewed by the TMAPC at the January 22, 1997 meeting.

Staff would offer the following comments and/or recommendations:

1. A waiver of the Subdivision Regulations to permit the plat to be drawn at a scale of 1" = 40' (1" = 100' required).
2. Remove "easement" from East 101st Street dedication.
3. On lots with 15' front building line, specify that garages shall be set back 35' from centerline of private street.
4. Lots 7-11, Block 1 should include a 5' building line along the east property line to accommodate proper turning space.
5. All conditions of PUD-378-A 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. 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.)
8. 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).
9. 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.
10. 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.
11. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).
12. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
13. Street names shall be approved by the Department of Public Works and shown on plat.

14. All curve data, including corner radii, shall be shown on final plat as applicable.
15. City of Tulsa Floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.
16. 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.
17. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
18. 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.
19. 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.)
20. 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.
21. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
22. The key or location map shall be complete.
23. 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.)
24. 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.)
25. This plat has been referred to Bixby, Jenks 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.
26. 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.)
27. Applicant is advised to contact the U.S. Army Corps of Engineers in regards to Section 404 of the Clean Waters Act.
28. All other Subdivision Regulations shall be met prior to release of final plat.

On motion of Garrison, the Technical Advisory Committee voted unanimously to recommend approval of the Preliminary Plat of The Village, subject to all conditions listed above.

TMAPC Comments:

Mr. Doherty verified the number of units for The Village. Mr. Jones stated the development consists of 33 lots on a seven-acre tract.

Mr. Doherty expressed concern with too many units on the tract with only one point of ingress/egress.

Ms. Gray questioned whether this is the complex, located off of 101st, that had several concerned parties in regards to drainage and stormwater runoff. Mr. Jones replied there are two developments, Castle Oaks and The Village, in this area. He stated the sketch plat was also reviewed by the Commission. At the sketch plat review, Mr. Jones pointed out the possibility of a landlock and that there is no other access point except for the secondary emergency access.

TMAPC Action; 8 members present:

On **MOTION** of **BALLARD**, the TMAPC voted **8-0-0** (Ballard, Carnes, Dick, Doherty, Gray, Horner, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Ledford, Midget "absent") to **APPROVE** the Preliminary Plat of The Village, subject to the conditions as recommended by TAC and Waiver of Subdivision Regulations to permit the plat to be drawn at a scale of 1" = 40'.

Z-6583 & Z-5683 (Unplatted) (3204)

(PD-16) (CD-6)

East of the southeast corner of East Pine Street and Garnett Road

TAC Comments:

Jones presented the request and noted he spoke with Roy Johnsen, who was out of town. Jones noted that Johnsen was in agreement with all conditions of approval.

Shelton stated that sewer would need to be extended from the west to serve the property.

These two rezoning applications approved light industrial zoning on approximately 1.01 acres. The applicant is requesting to waive the platting requirement and erect a new building.

Based on the size of the tract, staff is supportive of the requested plat waiver, subject to the following conditions:

1. Dedication of additional right-of-way for East Pine Street in order to meet the Major Street Plan (existing atlas shows 30' of R-O-W; 20' additional would be required).

2. Paving and drainage plan approval by the Department of Public Works in the permit process.
3. Access control agreement, if required by Department of Public Works (Traffic Engineering).
4. Utility easement or extensions if required.

On motion of French, the Technical Advisory Committee voted unanimously to recommend approval of the Plat Waivers for Z-6583 and Z-5683, subject to all conditions listed above.

TMAPC Action; 8 members present:

On **MOTION** of **Westervelt**, the TMAPC voted **8-0-0** (Ballard, Carnes, Dick, Doherty, Gray, Horner, Pace, Westervelt “aye”; no “nays”; none “abstaining”; Boyle, Ledford, Midget “absent”) to **APPROVE** the Plat Waivers for Z-6583 and Z-5683, subject to the conditions as recommended by TAC.

Tulsa Sterling House No. 2 (PUD) (190-F) (PD-18) (CD-8)
 Southwest corner of East 71st Street South and South Lakewood Avenue

Staff Comments:

Mr. Jones stated all release letters have been received. He reminded the Commission that Tulsa Sterling House No. 2 is a Planned Unit Development for an elderly assisted living facility. He stated everything is in order. However, Legal Department has not completed review of the final wording on the Deed of Dedication of Restrictive Covenants. Therefore, staff recommends approval subject to Legal’s final wording of the Deed of Dedication language.

TMAPC Action; 8 members present:

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Ballard, Carnes, Dick, Doherty, Gray, Horner, Pace, Westervelt “aye”; no “nays”; none “abstaining”; Boyle, Ledford, Midget “absent”) to **APPROVE** the Final Plat for Tulsa Sterling House No. 2, subject to Legal’s approval of final wording of the Deed of Dedication and Restrictive Covenants.

L-18396 (Unplatted) (3384)

(PD-19) (County)

South of the southeast corner of East 111th Street South and South 139th East Avenue

TAC Comments:

Jones presented the request with the applicants present.

The applicant requests waiver of the subdivision regulations which require residential streets with open drainage to be 60' in width. The street on the west side of the proposed lot-split is County-dedicated but not maintained by the County.

Staff can recommend approval of the request, since the County is only requiring a 25' right-of-way dedication, which the applicant is willing to give.

On motion of Rains, the Technical Advisory Committee voted unanimously to recommend approval of the Lot-split for Waiver subject to 25' of dedication by the applicant.

TMAPC Action; 8 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-0** (Ballard, Carnes, Dick, Doherty, Gray, Horner, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Ledford, Midget "absent ") to **APPROVE** the Lot-Split for Waiver of Subdivision Regulations requiring residential streets with open drainage to be 60' in width for L-18396 subject to 25' dedication by the applicant and conditions recommended by TAC.

CONTINUED ZONING PUBLIC HEARING:

Application No.: Z-6587

AG to IL

Applicant: David Cannon

(PD-17) (CD-6)

Location: East of southeast corner East Admiral Place and South 145th East Avenue

Staff Recommendation:

Relationship to the Comprehensive Plan:

The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the north 350' of the subject property as Medium Intensity Linear Development and the balance as Low Intensity - No Specific Land Use.

According to the Zoning Matrix the requested IL zoning **is** in accordance with the Plan Map on the north 350' but **is not** in accordance with the Plan Map on the balance of the property.

Staff Comments:

Site Analysis: The subject property is located east of the southeast corner of East Admiral Place and South 145th East Avenue and is approximately 9.09 acres in size. It is flat, non-wooded, vacant and zoned AG.

Surrounding Area Analysis: The subject tract is abutted on the north by industrial uses, zoned IL; to the east by vacant land, zoned SR; to the south by vacant property, zoned AG; and to the west by vacant land, zoned CG and RMH.

Zoning and BOA Historical Summary: The tracts located between I-244 and East Admiral Place have been in transition to IL zoning. The TMAPC has recommended approval of IL zoning on the north 350' of the abutting property to the east; final action is pending from City Council and IL and CS zoning is in place to a depth of 350' south of Admiral Place, west of 161st East Avenue.

Conclusion: Based on the existing zoning and development in this area, staff recommends **APPROVAL** of IL zoning on the north 350' and **DENIAL** of IL zoning on the remainder.

Applicant's Comments:

David Cannon stated he is in agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **PACE**, the TMAPC voted **8-0-0** (Ballard, Carnes, Dick, Doherty, Gray, Horner, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Ledford, Midget "absent ") to recommend **APPROVAL** of IL zoning on the north 350' and **DENIAL** of IL zoning on the remainder for Z-6587 as recommended by staff.

Legal Description for Z-6587:

The North 350' of the West Half of Government Lot 7 and the North 350' of the West Half of the East Half of Government Lot 7 of Section 3, T-19-N, R-14-E, Tulsa County, State of Oklahoma, and located east of the southeast corner of East Admiral Place and South 145th East Avenue, Tulsa, Oklahoma.

ZONING PUBLIC HEARING:

Application No.: PUD-190-E-5

(PD-18) (CD-8)

Applicant: Stephen Hewitt

Location: 7527 South Irvington Avenue

Presented to TMAPC: Stephen Hewitt

(Minor Amendment to reduce required rear yard.)

Staff Recommendation:

The applicant is requesting Minor Amendment approval to allow reduction of the rear yard setback along a public street from 25 feet required by the PUD to 19.7 feet.

Staff has reviewed the request and conducted a site visit which indicated that the lot is vacant, drops approximately 25 feet over more than one-half its depth to East 76th Street South and presents a very difficult building site. The abutting lot to the southwest is vacant. The lot to the northeast has been developed with a residential structure which received Minor Amendment approval to allow a reduction in the required front yard from 18 feet to 16 feet. The subject lot is one of two vacant lots at the end of a cul-de-sac.

Staff discussion with the applicant and builder indicates that the residential structure will be built based on comprehensive engineering services to include core drilling and design of the foundation and all retaining walls. The custom-built home meets side and front yard requirements of the PUD. The request to build 5.3 feet over the building line is intended to accommodate the size of the residence and the extreme slope of the lot.

Staff finds that the request would not alter the character or intent of the PUD or surrounding residential uses and is in keeping with existing residential development along Irvington Avenue. Single family dwellings to the south and southeast across 76th Street would not be visually impacted by the reduction in the rear yard setback.

Staff, therefore, recommends **APPROVAL** of the request as submitted.

Applicant's Comments:

Stephen Hewitt, 6026 East 79th Street, stated he is in agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **8-0-0** (Ballard, Carnes, Dick, Doherty, Gray, Horner, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Ledford, Midget "absent ") to **APPROVE** the Minor Amendment for PUD-190-E-5 to allow reduction of the rear yard setback along a public street from 25 feet required by the PUD to 19.7 feet as recommended by staff.

Application No.: PUD-388-B-2

(PD-18) (CD-8)

Applicant: Jon Brightmire

Location: Northwest corner 71st Street and South Trenton

Presented to TMAPC: Kevin Coutant

(Minor Amendment to permit a cellular transmission tower in Development Area 3.)

Applicant's Comments:

Kevin Coutant requested a two-week continuance to allow review of the conditions imposed by staff.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Ballard, Carnes, Dick, Doherty, Gray, Horner, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Ledford, Midget "absent ") to **CONTINUE** the Zoning Public Hearing for PUD-388-B-2 to March 19, 1997.

ZONING TEXT AMENDMENT PUBLIC HEARING:

Proposed Amendments to Title 42, Tulsa Revised Ordinances (Tulsa Zoning Code) and to the Tulsa County Zoning Code in regards to regulation of communication towers.

Rules and Regulations Committee Comments:

Mr. Doherty presented the latest draft of the proposed amendments to the Zoning Code in regards to regulation of communication towers. He stated that during the Rules and Regulations Committee meeting, held prior to the TMAPC meeting, members heard many comments and suggestions from interested parties.

Mr. Doherty presented a letter from the City Council expressing their concerns in regards to communication towers. The letter stated the objective for initiating the study is not necessarily to satisfy the needs of the communications industry, but rather as protection for the residential character and integrity of existing residential neighborhoods and districts and to preserve property values.

The letter stated the Council believes that residential neighborhoods should have an opportunity to participate in the process and provide a solid guideline for the BOA to make decisions on these facilities in the future, and that a removal bond or similar protection is needed to ensure that these facilities will be removed when the technology that created the need for them changes, or if a provider should fail economically.

Interested Parties Comments:

Darlene K. Moore, 1618 East 56th Place, 74105, presented a letter that was filed with the City Clerk, prior to today's meeting, requesting an estoppel until a formalized opinion is obtained from various agencies in regards to communication towers. Those agencies consist of the FCC for reference regulations; FAA for reference 2.512 miles; US Department of Interior for reference on wetlands, caves and historical importance; and Department of Agriculture in reference to defining agriculture.

Kevin Coutant, 320 South Boston, Suite 500, 74103, addressed material he presented at the Rules and Regulations Committee meeting. He noted regulations for communication towers were previously addressed by the Planning Commission and the City Council approximately five years ago.

Mr. Coutant stated at that time, all the issues addressed today were also addressed. He stated there were numerous debates and discussions and the result of those discussions is the current zoning code. The current zoning code has been enforced since that time and embodies several major public policy considerations. It includes the encouragement of tower location within commercial and industrial districts by making it easier for the industry to locate within these districts. Also it requires that special exceptions be obtained for a principal use tower located within an agricultural, office or residential district.

Mr. Coutant feels the guidelines that were adopted five years ago address towers proposed to be located within the more sensitive districts. He feels the Board of Adjustment has done a good job in regulating the location of towers. The industry has not always been allowed to locate where requested, but he feels the industry has been treated fairly and received the benefit of consistency of treatment from the Board of Adjustment.

Mr. Coutant addressed the previous adopted policy to point out that he feels the policy is appropriate and is working well for all those concerned.

Mr. Coutant expressed concerns with the proposed amendments. He pointed out they lack clarity on whether antennas are regulated under the proposed amendments. He used the heading of Section 1204.C.5 as an example. He feels antennas are not currently a building code issue. He feels the new proposal presumes there is a building inspector's decision for the installation of an antenna of any size. Mr. Coutant suggested language to clarify this matter.

In regard to aesthetic provisions in R and O Districts, Mr. Coutant expressed concern with the proposed amendment being too vague and subjective, and that it would require the zoning office to make a decision or interpret what is acceptable. He expressed the same concerns of being vague in regards to the setback of C, I and SR towers from R districts.

Mr. Coutant feels exemption of public lands from restrictions is inappropriate and is discrimination. He feels that the limit on the location of towers in the community should apply to both private and public land.

Randy Bunn, 7729 South Hudson, 74136, expressed concern with the language of the proposed amendments. He feels the language provides too much flexibility. He feels the word "encourages" should be replaced with "require" throughout the proposed amendment regarding to location and joint use of towers.

Mr. Bunn requested higher standards to even consider allowing placement of a tower in a residential area. He feels the standards should be used as a tool to protect the residential areas.

In regard to the clause referencing the removal of towers, Mr. Bunn would suggest a bond or a fund posted by the industry to ensure the removal of the towers.

Vicky Hale, 100 West 5th Street, Ste. 1000, 74103, expressed concern with Section 1204 C.3.g. in regard to the exterior ground-mounted equipment. She feels this is redundant of the landscaping provision in Section 1204.C.3.j. She recommended the provision read as follows: "Exterior ground-mounted equipment shall be screened from view from property used for residential purposes by suitable vegetation, fencing or other screening that complements the architectural character of the surrounding neighborhood." She feels section j should also read in the same manner.

In regard to Section 1204 C.5.c., Ms. Hale expressed concern with the words "professional" and "institutional" and feels the words should be defined. She also feels a new subsection be added to address the supporting structures for towers/antennas on top of building or roofs. Ms. Hale pointed out that in the first sentence of Section 1204 C.6., the section number referenced is incorrect.

Ms. Hale stated she would like to see more flexibility in AG districts. She suggested as a use by right on large tracts of AG.

Charles Norman, 2900 Mid-Continent Tower, 74103, expressed concerns and offered suggestions and comments on behalf of Cook Inlet Western Wireless. He reminded the Commission that Cook Inlet Western Wireless is the newest industry into the communication towers market. He feels that portions of the proposed amendments will have a serious and adverse effect on Cook Inlet since their construction has not began.

Mr. Norman presented written comments in reference to the previous proposal. He stated he understood that antennas were exempt from the regulations and feels Section 1901.D appears to grant the exemption. However, he feels commas should be inserted in Subsection D to clarify that the exempt antennas need not be "located inside of structures and that all other references in the draft ordinance to antennas should be deleted.

Mr. Norman feels Section 1903 sets forth general requirements for all towers which presumably would be administered by the building inspector. Section 1903.B.1 would involve discretion on the part of the building inspector, which he does not believe was

intended. Also, if the design requirement is to be retained, he feels it should be redrafted and relocated within Section 1906 as a guideline for the Board of Adjustment to consider in towers proposed for location in the single-family zoning districts only.

Mr. Norman feels Section 1903.B.2 requires monopole design in all districts other than the IM or IH industrial zoning districts unless a special exception is granted by the Board on the limited basis that an alternative design would better blend with the surrounding environment or that the required antennas cannot be supported by a monopole.

Mr. Norman stated there are numerous lattice-type towers that currently exist in the AG, CO, CH and CBD districts. He feels designs other than monopole would be appropriate within these districts without the requirement of a special exception on the basis of the design. He feels it is unlikely that a lattice tower, which is usually required for higher structures, could ever "better blend into the surrounding environment." Further, he feels it is unlikely that "required antennas" could not be supported by a monopole. The literal application of Section 1903.B.2 would probably eliminate lattice-type towers in all districts except the IM or IH.

Mr. Norman feels Section 1903.D that encourages a single application for multiple towers seems to be more of a purpose than a general requirement and could be made a part of Section 1900.

Mr. Norman feels the requirement of Section 1903.G that all utility buildings and structures be architecturally designed to blend with the surrounding environment is unnecessary in most, if not all, of the zoning districts. He stated there is no similar requirement in the Tulsa Zoning Code for any other type of building or structure. Ground-mounted equipment such as electrical transformers and air conditioning units are not required to be screened by vegetation in any other district. He feels if this section has any applicability at all, it should be relocated as a guideline for the Board of Adjustment in granting special exceptions in the single-family zoning districts.

Mr. Norman stated Section 1903.H.1 establishes the tower setback "from any adjoining lot line." He believes the intent, as reflected in Section 1905.A, is to establish a setback from an adjoining single-family residential district.

Mr. Norman noted a correction to the third line of Section 1903.J, he feels "use permit" should be replaced by "exception." However, he feels the entire Subsection J should be relocated as a guideline for the Board of Adjustment for screening tower utility buildings when located within the view of and within a specified distance from an adjoining single-family residential district.

Mr. Norman feels the word "professional" in Section 1905.C referring to a structure should probably be replaced with the word "office".

Mr. Norman presented an additional factor he feels should be considered by the Board of Adjustment in regard to the need for a communication tower within the immediate geographic area to provide an acceptable level of communications service to area residents. He suggested adding this provision to Section 1906.

Rosie Moon, 6601 East 60th Place, 74145, presented copies of a letter and pictures of existing communication towers by Jim Moon. The letter stated Mr. Moon was impressed with the improvements in communications, but he feels ground rules should be established and the industry should share tower facilities.

Ms. Moon asked that consideration be given to the spacing of the towers, located in cells around the city, be limited. She stated individuals do not want to give up the services provided by this industries; but want to protect their property and property value.

Mary Ann Swain, 3868 South Atlanta Place, 74105, expressed concern with communication towers being allowed in pastures or AG districts. She feels the City will continue to grow and more home will have to be built in AG districts. She questioned how homes and developments can be built in AG districts with communications tower strung out over the properties.

TMAPC Comments:

Ms. Pace asked whether the City Council enacted a moratorium in regard to communication towers. Mr. Doherty replied the City Council vote and approved the 60-day moratorium; however, they did not have a sufficient vote for the emergency clause. The emergency clause has been continued to the March 6, 1997 City Council meeting for consideration.

Chairman Carnes feels the City Council will have the final say on the amendments. He suggested that Mr. Doherty incorporate the changes presented today and forward them to the City Council for their review and consideration.

Mr. Doherty suggested, due to all the input received today, a continuance of the public hearing for one week to allow time to incorporate the changes.

Mr. Gardner feels page 6 of the proposed amendments needs to be clarified prior to TMAPC making a recommendation.

Ms. Pace expressed concern with the amendments and questioned what the urgency is to make a decision today. She feels there needs to be clarification on the authority of the building inspector and whether antennas are exempt.

TMAPC Action; 11 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **8-0-0** (Ballard, Carnes, Dick, Doherty, Gray, Horner, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Ledford, Midget "absent ") to **CONTINUE** the Zoning Text Amendment Public Hearings for Proposed Amendments to Title 42, Tulsa Revised Ordinances (Tulsa Zoning Code) and to the Tulsa County Zoning Code in regard to regulation of communication towers to March 12, 1997.

Proposed Amendments to Title 42, Tulsa Revised Ordinances (Tulsa Zoning Code) in regard to allowing special events parking on unpaved surfaces and providing for regulation of such parking.

Staff Comments:

Mr. Stump presented the following amendments, which were included in the agenda packets:

Amend Section 1303D. "Design Standards for Off-Street Parking Areas" as follows:

D. Un-enclosed off-street parking areas shall be surfaced with an all-weather material except non-required special event parking areas meeting the requirements of subsection F. below.

Add a new Section 1303F. as follows:

F. Special event parking areas are permitted accessory to only Use Unit 2 uses and shall comply with the following conditions:

- 1.) The special event parking shall not be used for more than 20 days in any one calendar year.
- 2.) Special event parking cannot occur for more than 10 days in any 30-day period.
- 3.) Special event parking shall be set back at least 50' from any off-site residentially-zoned lot or residential development area in a PUD.
- 4.) All special event parking areas shall be on the same lot or lots approved for the principal Use Unit 2 use to which they are accessory.

The number of days per year and the number of days within a 30-day period that special event parking is permitted may be increased with Board of Adjustment approval as a special exception.

Add a new Section 1608.A.16 as follows:

16. Increases in the number of days per year and the number of days within a 30-day period that special event parking is permitted.

Mr. Stump stated the proposed amendments were in response to questions by Legal Department in regards to the legality of current practices in various parks of having overflow parking on grassed areas. This proposal is an effort to legalize parking on unpaved surfaces and provide for regulation of such parking at special events.

Mr. Stump stated parking on paved surfaces is still required if the parking is required parking. This will allow overflow parking on unpaved surfaces for special events for up to 20 days per year, but only for Use Unit 2 uses which require special exception from the Board of Adjustment.

There were no interested parties wishing to speak.

TMAPC Comments:

Ms. Pace questioned whether a request would be required to be submitted to the Board of Adjustment. Mr. Stump replied in the negative.

Mr. Doherty stated that representatives of River Parks and Parks Department are present and questioned whether they are in agreement with the proposed amendments. They indicated they were in agreement with the proposed amendments.

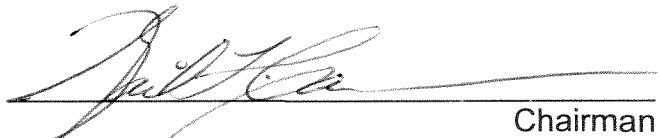
Mr. Doherty stated Rules and Regulations Committee reviewed the proposed amendments and recommended adoption of the proposed amendments to the Zoning Code.

TMAPC Action; 8 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-0** (Ballard, Carnes, Dick, Doherty, Gray, Horner, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Ledford, Midget "absent ") to recommend **APPROVAL** of the proposed Amendments to Title 42, Tulsa Revised Ordinances (Tulsa Zoning Code) in regards to allowing special events parking on unpaved surfaces and providing for regulations of such parking as recommended by staff.

There being no further business, the Chairman declared the meeting adjourned at 3:28 p.m.

Date Approved: 3/19/97


Chairman

ATTEST: 
Secretary