

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2208

Wednesday, June 16, 1999, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Carnes	Boyle	Beach	Swiney, Legal
Dick	Ledford	Bruce	Counsel
Harmon		Chronister	
Hill		Dunlap	
Horner		Huntsinger	
Jackson		Matthews	
Midget		Stump	
Pace			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, June 14, 1999 at 8:50 a.m., posted in the Office of the City Clerk at 8:41 a.m., as well as in the office of the County Clerk at 8:37 a.m.

After declaring a quorum present, Vice-Chair Westervelt called the meeting to order at 1:30 p.m.

REPORTS:

Committee Reports:

Policies and Procedures Committee

Mr. Carnes stated that there will be a work session immediately following the TMAPC meeting today. He explained that the work session is to review the preliminary fee study.

Director's Report:

Mr. Stump reported that the staff has recently distributed the final report of the Infill Development Task Force to all interested parties and Infill Task Force members.

Mr. Stump stated that there are two items on the City Council agenda for Thursday, June 17, 1999.

SUBDIVISIONS

LOT-SPLITS FOR WAIVER OF SUBDIVISION REGULATIONS:

L-18833 – Irene Cody (1582)

(PD-8) (CD-2)

2515 West 91st Street South

STAFF RECOMMENDATION:

The applicant has applied to split her property into two tracts. On April 27, 1999, the City of Tulsa Board of Adjustment (BOA) approved variances of the required lot width, lot area, and land area for the purpose of a lot-split.

Because the proposed configuration of Tract A has four side-lot-lines, the applicant is requesting a waiver of the subdivision regulations. The item was placed on the June 2, 1999, agenda, at which time an interested party advised the Planning Commission that she owned the east 12', reflected in the applicant's plot plan. With the ownership of the 12' strip being unclear, the Planning Commission continued this item to June 9, 1999, for the issue to be resolved by the two parties.

On June 9, 1999, the Planning Commission approved a continuance to June 16, 1999, to allow the applicant additional time to provide additional information on the ownership of the east 12' strip.

Staff has not yet received any additional information regarding the ownership of the east 12' strip. If the applicant indeed owns the east 12' strip, or no further information is provided to determine the ownership, staff would recommend **APPROVAL**, subject to removal of the existing accessory building on the lot which straddles the property line between Tracts A and B and extension of the 30' roadway easement to the north boundary of Tract A. However, if provided information reflects that the applicant does not own the 12' strip, the necessary variances would differ from those approved by the BOA, and staff would recommend the application be **STRICKEN**.

APPLICANT'S COMMENTS:

Darrell Brown, Attorney representing the applicant, 744 East 90th Place, Tulsa, Oklahoma 74132, submitted several deeds (Exhibit A-1). Mr. Brown stated that after reviewing the deeds submitted there is no issue regarding ownership of the 12-foot strip of property. He explained the events that produced the submitted deeds to the Planning Commission.

TMAPC COMMENTS:

Mr. Westervelt stated that the Planning Commission would have preferred to have the submitted deeds in advance in order for Legal to review.

Mr. Swiney stated that he glanced at the submitted deeds and looked at them cold. He commented that it appears that this is a threshold demonstration of title. He explained that Mr. Brown and his applicant has shown a prima facie case of ownership. This appears to meet the threshold requirement, subject to any further information submitted today.

APPLICANT'S COMMENTS: continued

Mr. Brown stated that apparently staff viewed an aerial photo of the subject property and determined that there was a structure that needed to be removed. Mr. Brown submitted photographs (Exhibit A-2). He stated that the question is whether the structure is on or within six feet of the property lines. He indicated that his client measured the distance because he did not have time to hire a surveyor. The general measurement indicates that the structure is more than six feet from any proposed property line and twelve or seventeen feet from the south or east property line. He indicated that his client intends to tear down the structure.

Mr. Midget in at 1:40 p.m.

INTERESTED PARTIES COMMENTS:

Joe Ferris, 525 South Main, Suite 1000, Tulsa, Oklahoma 74103, representing Mr. & Mrs. Kendall Crabtree, owners of the adjacent property, submitted letters of protest (Exhibit A-3). Mr. Ferris stated that there are three interested parties protesting this lot-split due to the 2½ minimum acre restriction.

Mr. Ferris stated that the applicant just conceded that the fence-line has been in place for more than 15 years and there is a question of whether or not the adjacent landowners, which would be the Crabtrees, have acquired this by adverse possession. Because this has been under a fence, notoriously open, occupied, etc., for more than 15 years the Crabtrees own the property in question.

Mr. Ferris stated that he has not seen the deeds that Mr. Brown submitted, but he does have his client's abstract where they acquired title. Mr. Ferris indicated that he had a summary of the abstract and there has been a consistent legal description since his clients acquired title in 1987. He stated that he believes that because of the conflicting legal description and because of the claim of adverse possession, the issues should be settled before the Planning Commission acts on the lot-split. He commented that he feels that this is a real title question and it should be settled in District Court with a quiet title suit.

Mr. Ferris commented that the Planning Commission does not have the jurisdiction to decide questions of title and it should be resolved elsewhere. He requested that the Planning Commission deny this application.

TMAPC COMMENTS:

Mr. Westervelt stated that the Planning Commission does not want to make the decision regarding ownership of the subject property; however, the Planning Commission is empowered to make land use decisions today. He explained that the ownership issues will have to be handled in District Court.

Mr. Swiney asked Mr. Ferris if he intends to proceed with a quiet title action. In response, Mr. Ferris answered affirmatively. Mr. Swiney stated that it is a correct statement that the Planning Commission doesn't have any jurisdiction to try title and it is also a true statement that any decision made by this Commission does not affect the title to the land. The Planning Commission's jurisdiction is limited to zoning, land use and in this case a lot-split, which will not affect the title regardless of the outcome of the vote. Obviously if there is doubt regarding the ownership of the 12' strip of land, it would be disagreeable to make a decision with two attorneys representing to the Commission that there are two different parties claiming the same piece of land. Mr. Swiney reiterated that the Planning Commission does have the power to make a decision on the land use or table the application pending a quiet title action.

Mr. Carnes stated that the Planning Commission has never acted when there has been a dispute of title. He suggested that the Planning Commission should table the application until the title issue is resolved.

Ms. Pace asked if there are any covenants prohibiting lot-splits for less than the size requested. In response, Mr. Ferris stated that it is his understanding that there is a regulation prohibiting the lot-split of this size; however, he stated that he has not had enough time to review the abstract thoroughly. Ms. Pace asked if there are private restrictions that would prohibit the smaller lots and if so, does the Planning Commission have to look at the private regulations. In response, Mr. Stump stated that the Planning Commission does not have to look at private regulations. Mr. Swiney asked if the subject property has been platted. Mr. Stump answered negatively. Mr. Swiney stated that the property is not a part of subdivision because it is all unplatted property.

Mr. Jackson asked Mr. Ferris if he was implying that since the fence was across the line for 15 years that his client has ownership solely upon that or by title. Mr. Ferris stated that his client has ownership by both legal title and by right of adverse possession.

Applicant's Rebuttal:

Darrell Brown stated that these issues are not for this Commission to decide. He commented that the lot-split was advertised and before the Board of Adjustment and there were no objections at that time. He stated that it is incorrect that he concedes that the fence is on the hash mark indicated on the case map, but that the fence is on the property line, which is the heavy line on the case map.

Mr. Brown stated that there was a question about the septic system. He explained that the applicant provided a perc test, which was done in the past on the entire property. The Board of Adjustment is requiring a new perc test and the arrangements have been

made to conduct that. He stated that the deed will not be stamped immediately because the BOA made a condition that the approval is subject to a perc test. He requested an approval of the lot-split and the legal issue can be settled at court.

Ms. Pace asked if the lot-split is granted will everyone have access to a public street. In response, Mr. Stump stated answered affirmatively.

Mr. Midget stated that he is uncomfortable approving the lot-split when there is a question of ownership. He agreed that the Planning Commission has never acted on an application when there was a question of ownership.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **9-0-0** (Carnes, Dick, Harmon, Hill, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Ledford "absent") to **TABLE** this request until proper ownership is shown and the title is quieted, subject to be reactivated upon reapplication by the parties, and subject to no additional application fees.

LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

- L-18798 – Mary Rozell (1923)** (PD-13) (County)
2515 West 91st Street South
- L-18865 – Oleta Boman (874)** (PD-19) (County)
12112 East 132nd Street South
- L-18866 – Thomas McClain (1423)** (PD-14) (County)
15900 North Memorial
- L-18870 – City of Tulsa (794)** (PD-5) (CD-5)
East 12th Street and South 107th East Avenue
- L-18874 – Stone Hallquist (983)** (PD-18) (CD-8)
3898 East 72nd Street South

STAFF RECOMMENDATION:

Mr. Beach stated that all these lot-splits are in order and there are no disputes of title. Staff recommends approval of the above-listed lot-splits.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HORNER**, the TMAPC voted **9-0-0** (Carnes, Dick, Harmon, Hill, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Ledford "absent") to **RATIFY** these lot-splits given Prior Approval, finding them in accordance with Subdivision Regulations.

FINAL PLAT:

Red Crown Federal Credit Union (1583)

(PD-18) (CD-8)

East of the northeast corner East 91st Street and South Yale Avenue

STAFF RECOMMENDATION:

Mr. Beach stated that all release letters are in order and staff recommends approval, subject to subject to final review of the deed-of-dedication language.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Carnes, Dick, Harmon, Hill, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Ledford "absent") to **APPROVE** the Final Plat for Red Crown Federal Credit Union, subject to final review of the deed-of-dedication and restrictive covenants as recommended by staff.

Village Park of Tulsa (PUD-587) (1683)

(PD-18) (CD-8)

Southwest corner East 81st Street and South Yale Avenue

STAFF RECOMMENDATION:

Mr. Beach stated that all release letters are in order except for one additional release letter from Public Works and staff recommends approval, subject to compliance with the revisions that were required by Traffic Engineering and Stormwater Management.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **9-0-0** (Carnes, Dick, Harmon, Hill, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Ledford "absent") to **APPROVE** the Final Plat for Village Park of Tulsa, subject to compliance with the revisions required by Traffic Engineering and Stormwater Management and subject to final review of deed of dedication and restrictive covenants as recommended by staff.

CHANGE OF ACCESS TO RECORDED PLAT:

Lot 1, Block 1, Lewis Square

North side of Skelly Drive and west of Lewis Avenue

STAFF RECOMMENDATION:

Mr. Beach stated that this application has been reviewed by Traffic Engineering and by staff and recommend approval.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Carnes, Dick, Harmon, Hill, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Ledford "absent") to **APPROVE** the Change of Access to Recorded Plat for Lot 1, Block 1, Lewis Square as recommended by staff.

PRELIMINARY PLAT:

Frenchman's Reserve (3483)

(PD-26) (CD-8)

East 118th Street South, east of South Fulton Avenue

STAFF RECOMMENDATION:

This is a subdivision of 2.5 acres into six lots and one block for residential purposes. The site is bounded on the north by the Reserve at Forest Hills, on the east by the area approved under the Frenchman's Creek preliminary plat, on the south by unplatted land and on the west by the Forest Hills Estates. The site is at the half section between Yale and Sheridan.

The following were discussed **June 3, 1999** at the Technical Advisory Committee meeting:

1. Streets/access:

- Bruce, staff, noted that the PUD required a publicly-accessible turnaround within the PUD where 118th Street ends. Entry gates or gatehouses must have detail site plan approval from Traffic Engineering prior to building permits. Staff also noted that the grades in the cul-de-sac may create drainage to the driveway of lot 4. This should be avoided.
- Eshelman, Traffic, indicated that the cul-de-sac was not needed if the turnaround occurred at the western end of the site. Bruce questioned as to the design of the entry and as to whether it would be gated. Mr. Sack indicated that the decision had not been made at this time. Mr. Eshelman indicated that the design for the entry would have to be approved prior to the final plat.

- Somderceff, Streets, indicated that the covenants should be changed to standardize the name of the owner; that the legal description should be revised and that the dedication of streets to the public should be removed.

2. Sewer:

- Bruce, staff, noted that sanitary was available in the easement to the west of the project.
- Vaverka, Wastewater, had no questions.

3. Water:

- Bruce, staff, indicated that water was available in 118th Street to the west.
- Lee, Water, requested additional information regarding the location of other utilities in the front setback around the cul-de-sac.

4. Storm Drainage:

- Bruce, staff, noted that an easement was provided to drain stormwater to the proposed Frenchman's Creek system.
- McCormick, Stormwater, indicated a \$4,000/acre stormwater development fee will be required for this site.

5. Utilities:

Staff recommends approval of the preliminary plat subject to the following:

Waivers of Subdivision Regulations:

1. None needed.

Special Conditions:

1. Traffic Engineering approval of entry details and on-site public turnaround.

Standard Conditions:

1. All conditions of PUD-601 shall be met prior to release of the final plat, including applicable covenants on the face of the plat. The PUD approval date and references to Section 1100-1107 of the Zoning Code should be included in the covenants.
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. Any 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. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).
8. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
9. Street names shall be approved by the Department of Public Works and shown on plat.
10. All curve data, including corner radii, shall be shown on final plat as applicable.
11. City of Tulsa Floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.
12. 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.
13. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
14. 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.
15. 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.)
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. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
18. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
19. The method of water supply and plans therefor shall be approved by the City/County Health Department.
20. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
21. The key or location map shall be complete.
22. 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.)
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 of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
25. If the owner is a Limited Liability Corporation (L.L.C.), a letter from an attorney stating that the L.L.C. is properly organized to do business in Oklahoma is required.
26. The plat has been referred to the City of Bixby because of its location near that municipality. Additional requirements may be made by the applicable municipality.
27. All other Subdivision Regulations shall be met prior to release of final plat.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Carnes, Dick, Harmon, Hill, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Ledford "absent") to **APPROVE** the Preliminary Plat for Frenchman's Reserve subject to conditions recommended by staff.

STAFF RECOMMENDATION:

This is a subdivision of 2.2 acres into two lot and one block for commercial purposes. The site is located at the southeast corner of East 81st Street and 107th East Avenue approximately 1/4 mile east of Highway 169. The site is bounded on the north by 81st Street, on the east by unplatted land, on the south and west by the Stonehaven at Meadowbrook Addition. The site comprises Development Area A of the PUD. The PUD allows 18,750 square feet of development in Development Area A. A Phillips 66 convenience store is proposed for the site.

The following were discussed **June 3, 1999** at the Technical Advisory Committee meeting:

1. Streets/access:

- Bruce, staff: noted that lots 1 and 2 would be accessed from 81st Street. They also would access 107th East Avenue via a joint access easement along the common property line. Staff questioned as to the need for a LNA along 107th.
- Eshelman, Streets, indicated that a 90' LNA south from 81st Street would be appropriate. Mr. Ledford, Jr. indicated that the access into Lot 1 was a little less than 90' from the intersection. Mr. Eshelman indicated that an 85' LNA would be acceptable.
- Ledford, Jr., indicated that the intersection of 107th Street at 81st Street was not exactly lining up with the onramp on the north side of 81st. Sack indicated that he would look into the current status of the design on the north side.

2. Sewer:

- Bruce, staff, noted that the atlas showed sewer on the west side of Highway 169 on 81st Street. The PUD indicated sewer to be constructed as a part of the PUD development, connecting to existing sewer in the Oak Tree Village to the southeast
- Vaverka, Wastewater, had no comment.

3. Water:

- Bruce, staff, indicated that water was available on the south side of 81st Street.
- Lee, Water, had no comment.

4. Storm Drainage:

- Bruce, staff, indicated that the drainage easement was located in the eastern portion of the PSO easement. Mr. Ledford, Jr. indicated that the system was underground at that point. Pierce, PSO, indicated that underground was acceptable.
- Rollins, Development Services, indicated that fees-in-lieu was acceptable.

5. Utilities:

Staff recommends approval of the preliminary plat subject to the following:

Waivers of Subdivision Regulations:

None needed.

Special Conditions:

1. Limits of No Access should be established along South 107th Street, south from 81st Street. This area should be approximately 85' in length and should correspond to the site plan.

Standard Conditions:

1. The conditions of PUD 569 shall be met prior to release of the final plat including applicable covenants on the face of the plat. The PUD and references to Sections 1100-1107 of the Zoning Code should also be included in the covenants.
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. Any 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. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).
8. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
9. Street names shall be approved by the Department of Public Works and shown on plat.

10. All curve data, including corner radii, shall be shown on final plat as applicable.
11. City of Tulsa Floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.
12. 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.
13. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
14. 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.
15. 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.)
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. [The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
18. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
19. The method of water supply and plans therefor shall be approved by the City/County Health Department.
20. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
21. The key or location map shall be complete.
22. 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.)
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 of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
- 25. If the owner is a Limited Liability Corporation (L.L.C.), a letter from an attorney stating that the L.L.C. is properly organized to do business in Oklahoma is required.
- 26. All other Subdivision Regulations shall be met prior to release of final plat.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action: 9 members present:

On **MOTION** of **HORNER**, the TMAPC voted **9-0-0** (Carnes, Dick, Harmon, Hill, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Ledford "absent") to **APPROVE** the Preliminary Plat for Phillips 66 Centre No. 57348, subject to conditions as recommended by staff.

Preston Trails (2738)
111th and Hudson

(PD-26) (CD-8)

STAFF RECOMMENDATION:

This is a subdivision of 20 acres into 59 lots and four blocks for residential purposes. The site is located on the north side of 111th Street, approximately midway between Yale and Sheridan. It is bounded on the west by the Southern Woods Estates and on the north by the Southern Park Estates.

The following were discussed **June 3, 1999** at the Technical Advisory Committee meeting:

1. Streets/access:

- Bruce, staff, noted that the plat dedicated 50' of right-of-way on 111th Street. It will connect via 109th Street to the addition to the west and via Hudson Street to 108th Street South in the north. East 110th Place will stub to the east. The Hudson entry to the addition will have a median.
- Eshelman, Traffic, requested additional information regarding the entry.

2. Sewer:

- Bruce, staff, noted that force main was available in the easements to the west and north of the project. Staff also noted that the PUD indicated a proposed gravity line in the 11' easement to the east.

- Vaverka, Wastewater, indicated that the 11' easement would be acceptable and that additional easement should be obtained when the property to the east was platted.
- 3. Water:**
- Bruce, staff, indicated that water was available on the south side of 109th and the east side of Hudson in the north.
 - Lee, Water, indicated that easement for water should be indicated in the setback around the cul-de-sacs and that he would be working with the consultant on the water line layout.
- 4. Storm Drainage:**
- McCormick, Stormwater, questioned the consultant regarding drainage to Hunter's Bend. Sack indicated that the Hunter's Bend system was sized to receive stormwater from this site. McCormick indicated that the covenants should reflect shared cost of maintenance between the Hunter's Bend and Preston Trails developments.
- 5. Other:**
- Pierce, PSO, indicated that the 11' easement would be sufficient if additional easement was obtained on the property to the east via separate instrument. He also requested that 10' easement in the south along 111th Street be widened to 17.5'.

Staff recommends approval of the preliminary plat subject to the following:

Waivers of Subdivision Regulations:

1. None needed.

Special Conditions:

1. Easements in favor of water should be shown in the front setback of the east/west streets, particularly in the cul-de-sacs.
2. Covenants should be included that reflect shared maintenance responsibility for the drainage facilities located in Hunter's Bend and utilized by this development.

Standard Conditions:

1. The conditions of PUD 611 shall be met prior to release of the final plat including applicable covenants on the face of the plat. The PUD and references to Sections 1100-1107 of the Zoning Code should also be included in the covenants.
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. Any 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. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).
8. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
9. Street names shall be approved by the Department of Public Works and shown on plat.
10. All curve data, including corner radii, shall be shown on final plat as applicable.
11. City of Tulsa Floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.
12. 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.
13. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
14. 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.
15. 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.)
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. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
18. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
19. The method of water supply and plans therefor shall be approved by the City/County Health Department.
20. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
21. The key or location map shall be complete.
22. 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.)
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 of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
25. If the owner is a Limited Liability Corporation (L.L.C.), a letter from an attorney stating that the L.L.C. is properly organized to do business in Oklahoma is required.
26. All other Subdivision Regulations shall be met prior to release of final plat.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HORNER**, the TMAPC voted **9-0-0** (Carnes, Dick, Harmon, Hill, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Ledford "absent") to **APPROVE** the Preliminary Plat for Preston Trails, subject to conditions as recommended by staff.

The Tulsa Commons (PUD-601) (684)

(PD-18) (CD-8)

Northeast corner of East 71st Street and South U.S. 169

STAFF RECOMMENDATION:

This is a subdivision of 55.3 acres into 17 lots and four blocks for commercial and office purposes. The site is located on the north side of 71st Street between US 169 and Garnett Road. It is bounded on the east by the Eastside Market Addition and the Southbrooke II Addition. It is located in a CO district. The PUD and concept site plans were approved by the Council in February 1999. The PUD allows a variety of commercial and office uses including hotel and conference space. Some 400,000 SF of floor area is allowed for the hotel/conference use with an additional 190,000 SF in other uses in that development area. The remainder of the floor area allocation for the PUD is determined on a per-lot ratio basis.

The PUD to the south across 71st Street allows 303,000 SF of commercial floor area with 110,000 of that in theater use. The Eastside Market PUD allows 275,000 SF of floor area.

The following were discussed **June 3, 1999** at the Technical Advisory Committee meeting:

1. Streets/access:

- Bruce, staff, noted that the primary access to the site was via the four way at 71st Street in the Eastside Market Addition. The right-of-way of way for this internal collector was 60'. A condition of approval of the Eastside Market Addition was that additional detail be provided regarding this entry, including expanded right-of-way past the first access into the parking lot and two left-turn lanes onto 71st. A secondary access to the internal collector was proposed between the four way and the Highway 169 on-ramp. A 60' east/ west connection to Garnett Avenue was proposed. TMAPC discussions during the PUD included the potential of closing off 67th Street to the north with a through-connection being maintained to 61st Street. Lot 6 of Block 1 would require a joint-access agreement to obtain access. Staff questioned the capacity of a 60' right-of-way to carry anticipated traffic in this area.
- Eshelman, Traffic, requested additional information regarding the curb return radii at the east/west collector and Garnett. After discussion he indicated that the 80' right-of-way for a collector in commercial areas had not typically been required. Following extensive discussion regarding closing East 67th Street South he indicated that additional study was required, but that he was inclined to recommend that the street be left open for access into the commercial area.

2. Sewer:

- Bruce, staff, noted that sewer was available on the north side of 67th Place South and would be available in the Eastside Market Addition.
- Vaverka, Wastewater, had no comment.

3. Water:

- Bruce, staff, indicated that water was located on Garnett and that an east/west easement along the proposed 69th Street should be indicated.
- Lee, Water, indicated that an easement would be required along the north side of 69th Street and that the system should include a loop in the northerly portion of the PUD. The plat should show easement for the backbone system along 107th Street; separately recorded instruments would be acceptable for easements on individual lots.

4. Storm Drainage:

- Rollins, Development Services, noted that on-site detention was being provided on a portion of the site and would be required for areas that drained east to Broken Arrow. Fees-in-lieu would be acceptable for areas that drained to Haikey or Mingo Creek.

5. Other:

- Pierce, PSO, indicated that the note on the plat regarding easement vacation in Lot 1, Block 3 should be changed to read that 3' of the 18' easement had been vacated. He also requested that the covenants reflect overhead lines along the west and north perimeters and that the building line easement along the north boundary of Block 1 and the north and east boundaries of Lot 1 Block 4 include a notation as a utility easement. A utility easement should also be shown along the north side of South 67th Place South. The 10' building line and a portion of Reserve A on the north side of Block 4 should also be noted as utility easement.

Staff recommends approval of the preliminary plat subject to the following:

Waivers of Subdivision Regulations:

- 1 Waiver to Section 4.2.6 requiring 80' right-of-way on commercial collectors.

Special Conditions:

1. Additional detail is needed regarding the access to 71st Street. This should correspond to the work being prepared for the Eastside Market.
2. Water line easement should be shown along the north side of the proposed East 69th Street South.
3. Easement for backbone water should be shown along the 107th Street collector.
4. Notation should be shown including utility easement in the building setback line and Reserve Area A along the north boundary of Blocks 1 and 4 and along the east boundary of Lot 1, Block 4.
5. Joint access shall be shown to serve Lot 6, Block 1.

Standard Conditions:

1. The conditions of PUD-601 shall be met prior to release of the final plat including applicable covenants on the face of the plat. The PUD and references to Sections 1100-1107 of the Zoning Code should also be included in the covenants.
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. Any 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. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).
8. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
9. Street names shall be approved by the Department of Public Works and shown on plat.
10. All curve data, including corner radii, shall be shown on final plat as applicable.
11. City of Tulsa Floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.
12. 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.
13. All adjacent streets, intersections and/or widths thereof shall be shown on plat.

14. 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.
15. 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.)
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. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
18. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
19. The method of water supply and plans therefor shall be approved by the City/County Health Department.
20. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
21. The key or location map shall be complete.
22. 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.)
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 of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
25. If the owner is a Limited Liability Corporation (L.L.C.), a letter from an attorney stating that the L.L.C. is properly organized to do business in Oklahoma is required.
26. All other Subdivision Regulations shall be met prior to release of final plat.

TMAPC COMMENTS:

Mr. Harmon stated that he personally does not want to waive additional right-of-way because 71st Street traffic will be getting heavier in the near future.

APPLICANT'S COMMENTS:

Don Walker, 9168 South Florence Place, Tulsa, Oklahoma 74137, representing the Hammond's Group, stated that he is in agreement with staff's recommendation.

TMAPC COMMENTS:

Mr. Westervelt asked Mr. Walker if he would be in agreement with the Planning Commission approving the plat with the condition that a traffic-calming device be looked into for this particular location. Mr. Westervelt stated that a traffic-calming device would minimize the impact on the adjacent residential street. In response, Mr. Walker stated that he would consider a traffic-calming device for the subject area.

INTERESTED PARTIES COMMENTS:

Frank Gravette, 6802 South Garnett, Tulsa, Oklahoma 74012, expressed concerns regarding the detention pond on the north side of the property.

Mr. Westervelt stated that the Planning Commission does not deal with stormwater issues, but his concerns will be in the record. Mr. Westervelt explained that the Planning Commission deals with land use issues only. Mr. Westervelt suggested that Mr. Gravette contact Public Works Department with his concerns.

TMAPC COMMENTS:

Inaudible.

TMAPC Action; 9 members present:

On **MOTION** of **HORNER**, the TMAPC voted **9-0-0** (Carnes, Dick, Harmon, Hill, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Ledford "absent") to **APPROVE** the Preliminary Plat for Tulsa Commons subject to consulting Traffic Engineering and the neighborhood in order to consider a traffic calming device and subject to conditions as recommended by staff.

* * * * *

Trinity Park (3304)

(PD-16) (CD-6)

Northeast of I-244 and North 129th East Avenue

STAFF RECOMMENDATION:

This is the second amendment to a previously-platted area, adding 60 acres to the previous 40-acre Trinity Park addition. The revised addition includes two lots in one block. The subject site is located north of the Martin Luther King, Jr. expressway, south of the southeast corner of Pine and North 129th Avenue East. It is the site of the Church On The Move. The site is accessed via 129th East Avenue along the western boundary.

The following were discussed **June 3, 1999** at the Technical Advisory Committee meeting:

1. Streets/access:

- Bruce, staff, noted that a 60' street right-of-way dedicated to the City of Tulsa runs east/west through the site. Two access points are indicated off of 129th East Avenue in addition to the dedicated right-of-way. The plat indicated 50' of right-of-way on the east side of 129th with 30' previously dedicated.
- Eshelman, Traffic, indicated that the return radius of the east/west street at 129th should be 30'.
- Somderceff, Streets, indicated that the plat should dedicate the additional 20' along the east side of 129th Avenue.

2. Sewer:

- Bruce, staff, noted that sanitary was available in the southeastern portion of the site.
- Vaverka, Wastewater, had no comments.

3. Water:

- Bruce, staff, indicated that water was available in 118th Street to the west.
- Lee, Water, indicated that the waterline easement layout shown on map had not been reviewed by his office and that additional discussion regarding that layout would be required prior to approval of the final plat.

4. Storm Drainage:

- Bruce, staff, noted that detention was not addressed by the plat.
- McCormick, Stormwater, indicated that easements would be required for any detention facilities.

5. Utilities:

- Pierce, PSO, requested labeling of the 17.5' easement on the south, and extension of the 17.5' utility easement on the east and west through the existing PSO easement.

Staff recommends approval of the preliminary plat subject to the following:

Waivers of Subdivision Regulations:

1. None needed.

Special Conditions:

1. Dedication of 20' right of right-of-way along the east side of 129th East Avenue.
2. Additional discussion with and review and approval by Water Department regarding location of easements.

Standard Conditions:

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. 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.)
3. 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).
4. Any 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.
5. 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.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).
7. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
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. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. (Percolation tests (if applicable) are required prior to preliminary approval of plat.)
17. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
18. The method of water supply and plans therefor shall be approved by the City/County Health Department.
19. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
20. The key or location map shall be complete.
21. 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.)
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. Applicant is advised to of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
24. If the owner is a Limited Liability Corporation (L.L.C.), a letter from an attorney stating that the L.L.C. is properly organized to do business in Oklahoma is required.

25. The plat has been referred to the City of Bixby because of its location near that municipality. Additional requirements may be made by the applicable municipality.

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

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **9-0-0** (Carnes, Dick, Harmon, Hill, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Ledford "absent") to **APPROVE** the Preliminary Plat for Trinity Park subject to conditions as recommended by staff.

PLAT WAIVER:

PUD-131-E (794)

(PD-17) (CD-5)

South of southwest corner I-44 and South Garnett

STAFF RECOMMENDATION:

The trigger case was heard and approved by the Council on May 27, 1999, amending the PUD. The changes include an addition (drive-through window) to the east side of the existing Braum's Store and new parking to the west. The waiver is requested for the purpose of allowing the construction of these additional facilities.

Staff comments and recommendation:

The subject parcel is a portion of Lots 1 and 2 and all of Lot 5 of Block 1 of the original "Strawberry Creek " addition, now named "Interstate Park". It is located north of the northwest corner of South Garnett Road and 14th Street South. A Braum's store is located on the site, which is accessed primarily via Garnett Road along its easterly boundary. A secondary access will be available south to 14th Street. The purpose of the request is to allow expansion as described above.

At the TAC meeting of June 3, 1999 the only item of significant discussion was the paving of the existing 15' utility easement in the far western portion of the site. There were no objections from TAC members.

Based on the checklist below which reflects the policies of TMAPC, **Staff recommends approval** of the request for plat waiver.

It shall be the policy of the Tulsa Metropolitan Area Planning Commission that all requests for plat waivers shall be evaluated by the staff and by the Technical Advisory

Committee based on the following list. After such evaluation, TMAPC Staff shall make a recommendation to the TMAPC as to the merits of the plat waiver request accompanied by the answers to these questions:

A YES answer to the following 3 questions would generally be FAVORABLE to a plat waiver:

- | | YES | NO |
|--|-------------------------------------|--------------------------|
| 1) Has property previously been platted? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2) Are there restrictive covenants contained in a previously filed plat? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3) Is property adequately described by surrounding platted properties or street R/W? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

A YES answer to the remaining questions would generally NOT be favorable to a plat waiver:

- | | | |
|--|--------------------------|-------------------------------------|
| 4) Is right-of-way dedication required to comply with major street and highway plan? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5) Will restrictive covenants be filed by separate instrument? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 6) Infrastructure requirements | | |
| a) Water | | |
| i) Is a main line water extension required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ii) Is an internal system or fire line required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iii) Are additional easements required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Sanitary Sewer | | |
| i) Is a main line extension required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ii) Is an internal system required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iii) Are additional easements required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Storm Sewer | | |
| i) Is a P.F.P.I. required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ii) Is an Overland Drainage Easement required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iii) Is on-site detention required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iv) Are additional easements required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 7) Floodplain | | |
| a) Does the property contain a City of Tulsa (Regulatory) Floodplain? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Does the property contain a F.E.M.A. (Federal) Floodplain? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 8) Change of Access | | |
| a) Are revisions to existing access locations necessary? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- 9) Is the property in a PUD? ✓
 - a) If yes, was plat recorded for the original PUD ✓

- 10) Is this a Major Amendment to a PUD? ✓
 - a) If yes, does the amendment make changes to the proposed physical development of the PUD? ✓

If, after consideration of the above criteria, a plat waiver is granted on *unplatted* properties.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of CARNES, the TMAPC voted **9-0-0** (Carnes, Dick, Harmon, Hill, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Ledford "absent") to **APPROVE** the Plat Waiver for PUD-131-E subject to a current ALTA/ACSM/NSPS Land Title Survey (and as subsequently revised) shall be required. Said survey shall be prepared in a recordable format and filed at the County Clerk's office as recommended by staff.

CONTINUED ZONING PUBLIC HEARING

Application No.: Z-6503-SP-1a

Applicant: Gary Johnson (PD-18) (CD-8)

Location: South of southwest corner East 91st Street and Highway 169
(Minor Amendment to Corridor Site Plan)

STAFF RECOMMENDATION:

The applicant is requesting Minor Amendment approval to remove an existing outdoor advertising sign and erect a new sign. The existing sign location has been purchased by the Turnpike Authority to accommodate the acquisition of additional Highway 169 right-of-way and subsequent improvements required for the Broken Arrow South Turnpike. The applicant would like to establish a new sign within the Corridor District.

Staff has also reviewed the proposed location of the new sign and finds it is 940 feet from a proposed new outdoor advertising sign to the south that replaces another sign that is now in the expressway right-of-way. Staff finds the 1,200-foot minimum spacing required by the Tulsa Zoning Code cannot be met for the new sign.

Staff, therefore, recommends **DENIAL** Z-6503-SP-1a as not meeting Section 1221F of the Tulsa Zoning Code.

Mr. Stump stated that he discussed the spacing issue with Mr. Moody, applicant, and Mr. Moody stated that he will not move forward with the proposed sign to be located 940' to the south until he receives a variance or finds another location that will meet the spacing requirement. Mr. Stump stated that with that caveat staff would change their recommendation to **APPROVAL** of this minor amendment.

TMAPC COMMENTS:

Mr. Westervelt stated that it is important to have the agreement between staff and Mr. Moody in the record so that by some occurrence the second sign should obtain a permit without receiving its corridor site plan approval.

APPLICANT'S COMMENTS:

John Moody, 7146 South Canton, Tulsa, Oklahoma 74136, stated that there are two signs that have to be relocated because of the highway expansion. He indicated that he agreed with staff not to go forward with the other sign, even though a permit has been issued, unless he is first granted a variance by the Board of Adjustment. He explained that he is trying to work with the property owner to see if there is a better location in order to meet the spacing requirement.

Mr. Moody requested the Planning Commission to approve this application with staff's comments.

TMAPC COMMENTS:

Mr. Westervelt asked if the signs are condemned when the frontage is taken and then the owners are compensated for the signs. Mr. Moody stated that he understands that his client was paid the cost of the materials in the signs. It is actually costing his client more to rebuild the signs than what he was paid. Mr. Moody stated that he does not know if the property owner has been compensated for the loss of the revenue based upon the fair income value. His client settled for the cost of the sign. Mr. Moody indicated that his client was not compensated for the loss of income generated by the sign.

Mr. Harmon asked staff how this application will be monitored since they already have a permit for the second sign. In response, Mr. Stump stated that staff will have to take the applicant's word that he will not proceed with the second sign. Mr. Stump indicated that he has discussed the issue with the people who issued the permit and reminded them that a corridor site plan was not approved in the subject location, but would have to be in order to obtain a building permit that complied with zoning requirements. Mr. Stump commented that he hopes that the permit will either be relinquished or that the City will revoke the permit.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **9-0-0** (Carnes, Dick, Harmon, Hill, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Ledford "absent") to **APPROVE** the Minor Amendment to Corridor Site Plan for Z-6503-SP-1a as recommended by staff and subject to the applicant applying and receiving approval for a variance from the Board of Adjustment or applicant finding another location that will meet the spacing requirement for the sign proposed 940' south of the subject sign.

* * * * *

Application No.: Z-5763-SP-1

Applicant: R.L. Reynolds

(PD-17) (CD-6)

Location: North of northwest corner East 7th Street and South 129th East Avenue
(Corridor Site Plan)

STAFF RECOMMENDATION:

The applicant is requesting Detail Corridor Site Plan approval for a 12,500 SF one-story building on a 2.12 acre (net) lot. The retail facility will sell truck parts and accessories.

Staff has reviewed the Detail Site Plan (including plans for landscaping and signage) and Board of Adjustment Case 18380. Staff finds conformance to provisions outlined in the Corridor District Chapter of the Zoning Code including bulk, building area, parking, site screening and total landscaped area. Staff notes approval of a BOA variance from the building setback and access requirements of the Zoning Code allowing a 100-foot minimum setback from 129th East Avenue and eliminating the access requirement of an internal collector street.

Staff requested comments from Traffic Engineering relating to mutual access and limits to access along 129th East Avenue. Traffic Engineering has approved the access and circulation as proposed in the plan.

Staff notes that a truck-loading area and dumpster are located on the west side of the site abutting residential uses. The applicant, in addition to an eight-foot screening fence along the western boundary, is providing a landscape buffer consisting of 15 deciduous and evergreen trees interspersed with existing trees. Staff believes the combination of landscaping, fencing and distance from abutting residential dwellings provide sufficient buffering and site screening.

Staff, therefore, recommends **APPROVAL** of Corridor Site Plan Z-5763-SP-1 as submitted.

Mr. Swiney out at 2:45 p.m.

There were no interested parties wishing to speak.

TMAPC COMMENTS:

Mr. Midget asked the applicant if the truck parts are new or used. In response, **R. L. Reynolds**, 2727 East 21st Street, Tulsa, Oklahoma 74114, stated that it will be new truck parts. He explained that it is a retail concept called "Truck Pro" and it is a division of Autozone.

Ms. Hill asked the applicant if there will be repair on site or just selling parts. In response, Mr. Reynolds stated that there would be no repair on site. Mr. Reynolds stated that none of the employees of Truck Pro will be making repairs on vehicles in the parking lot or onsite.

Ms. Hill asked the applicant if the dumpster in the back will create too much noise for the residential use that abuts the subject property. In response, Mr. Reynolds stated that his client expects to receive deliveries on a once-a-week basis. He commented that there is landscaping in the back where the dumpster will be located. He indicated that the nearest house to the adjacent property is approximately 160' from the back of the store.

Mr. Jackson asked the applicant if the parts are for light passenger trucks. Mr. Reynolds stated it would be for all trucks.

TMAPC Action; 9 members present:

On **MOTION** of **HORNER**, the TMAPC voted **9-0-0** (Carnes, Dick, Harmon, Hill, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Ledford "absent") to recommend **APPROVAL** for the Corridor Site Plan for Z-5763-SP-1 as recommended by staff.

Legal Description for Z-5763-SP-1:

Lot 2, less the East 25' thereof, Plainview Heights Addition, a subdivision of the SE/4, Section 5, T-18-N, R-14-E, Tulsa County, State of Oklahoma.

OTHER BUSINESS:

Application No.: PUD-567-B

Applicant: Darin Akerman (PD-18) (CD-8)

Location: West of southwest corner East 71st Street and South Garnett
(Detail Site Plan)

STAFF RECOMMENDATION:

The applicant is requesting Detail Site Plan approval for a 9,105 SF automotive service facility on .98 acres within Development Area C.

The parcel was designated as Tract D and allocated 10,000 SF of building floor area as part of a lot-split and plat waiver application approved by TMAPC March 3, 1999. Minor amendment PUD-567-B also approved automotive wheel, tire, muffler and repair uses within the north 275 feet of Lot 1, Block 2.

Staff has reviewed the Detail Site Plan for conformance to the bulk and area, building square footage and height, setback, access and mutual access, circulation, parking screening and total landscaped area standards of PUD-567/567-B, Development Area C, as amended. Staff finds conformance to the approved development standards.

Staff, therefore, recommends **APPROVAL** of the Detail Site Plan as submitted.

NOTE: Detail Site Plan approval does not constitute Landscape or Sign Plan approval.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

Mr. Midget out at 2:46 p.m.

TMAPC Action; 8 members present:

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Carnes, Dick, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Ledford, Midget "absent") to **APPROVE** the Detail Site Plan for PUD-567-B as recommended by staff.

Mr. Midget in at 2:48 p.m.

Application No.: PUD-523-A

Applicant: William LaFortune

(PD-18) (CD-8)

Location:

(Detail Site Plan)

STAFF RECOMMENDATION:

The applicant is requesting Detail Site Plan approval for a 37,570 SF single-story office facility on the 104,381 SF tract that constitutes Development Area B-1.

Staff notes that Minor Amendment PUD 523-A-2 modified the building floor area ratio (FAR) from .35 to .36, maximum building height from 35 feet to 39 feet and the parking area setback along South Memorial from ten feet to five feet.

Staff review of the Detail Site Plan finds conformance to area and bulk, floor area, building height and setback, parking setback, required parking, site screening, access, circulation and total landscaped area standards of PUD-523-A as amended.

Staff, therefore, recommends **APPROVAL** of the Detail Site Plan for PUD-523-A Development Area B-1 as submitted.

NOTE: Detail Site Plan approval does not constitute Landscape or Sign plan approval.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES** TMAPC voted **9-0-0** (Carnes, Dick, Harmon, Hill, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Ledford "absent") to **APPROVE** the Detail Site Plan for PUD-523-A as recommended by staff.

Home Ownership Tulsa Local Partnership Agreement

Mr. Westervelt stated that this is a request for the Planning Commission to become a partner of Home Ownership Tulsa.

Mr. Westervelt commented that Ms. Pace has already explained the Planning Commission's part in this. Mr. Westervelt asked for a motion from the floor for the Planning Commission to become a partner of Home Ownership Tulsa.

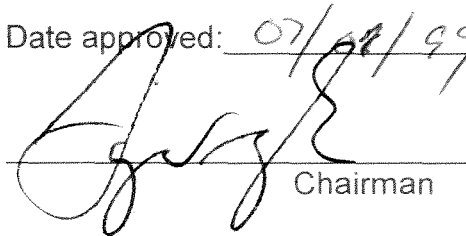
Mr. Midget stated that this is part of the Planning Commission's work program and has been part of the work program for the past two years.

TMAPC Action; 9 members present:

On **MOTION** of **HARMON**, the TMAPC voted **9-0-0** (Carnes, Dick, Harmon, Hill, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Ledford "absent") to **APPROVE** that the Planning Commission become a partner to Home Ownership Tulsa.

There being no further business, the Vice-Chairman declared the meeting adjourned at 2:50 p.m.

Date approved: 07/02/99


Chairman

ATTEST. 
Secretary

