

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2228

Wednesday, February 16, 2000 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, February 14, 2000 at 9:20 a.m., posted in the Office of the City Clerk at 9:09 a.m., as well as in the office of the County Clerk at 9:06 a.m.

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

Minutes:

Approval of the minutes of January 19, 2000 Meeting No. 2227

On **MOTION** of **HARMON** the TMAPC voted **9-0-0** (Carnes, Collins, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Midget "absent") to **APPROVE** the minutes of the meeting of January 19, 2000 Meeting No. 2227.

Approval of the minutes of January 26, 2000 Meeting No. 2228

On **MOTION** of **HORNER** the TMAPC voted **9-0-0** (Carnes, Collins, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Midget "absent") to **APPROVE** the minutes of the meeting of January 26, 2000 Meeting No. 2228.

Approval of the minutes of February 2, 2000 Meeting No. 2229

On **MOTION** of **HILL** the TMAPC voted **9-0-0** (Carnes, Collins, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Midget "absent") to **APPROVE** the minutes of the meeting of February 2, 2000 Meeting No. 2229.

REPORTS:

Chairman's Reports:

Mr. Westervelt announced that he will be abstaining from Z-6744 and Z-6745 Plat Waivers. He indicated that Vice-Chair Jackson would chair during these two items.

Committee Reports:

Budget and Work Program Committee

Mr. Horner reported that the committee had a meeting today at 11:30 a.m. and the next time the Budget and Work Program is discussed, the findings will be brought to the Planning Commission for their support and then on to the Mayor's office.

Comprehensive Plan Committee

Mr. Ledford reported that the committee had a meeting today at 11:30 a.m. and the proposed amendments for the Kendall-Whittier Neighborhood Master Plan and the Major Street and Highway Plan will be on today's agenda. He indicated that both items were approved. He stated that the CIP requests were also discussed today and were found to be in compliance with the Comprehensive Plan and will be brought to the Planning Commission February 23, 2000.

Rules and Regulations Committee

Mr. Westervelt asked Mr. Stump what date the public hearing should be set for the proposed Subdivision Regulations amendments. Mr. Stump stated that staff recommends the March 22nd meeting for the public hearing. Mr. Stump reminded the Planning Commission that the Rules and Regulations Committee met on these proposals two weeks ago.

Mr. Westervelt directed staff to set the Subdivision Regulations amendments to be on the March 22 TMAPC meeting agenda.

Director's Report:

Mr. Stump stated that there is one item which is a zoning item on the City Council agenda.

ZONING PUBLIC HEARING

APPLICATION NO.: Z-6750

Applicant: Kenneth McEver

Location: Northwest corner of West 61st Street and South 32nd West Avenue

RS-3 TO CS

(PD-8) (CD-2)

Staff Recommendation:

RELEVANT ZONING HISTORY:

BOA-18559 January 2000: The Board of Adjustment denied a request for a variance of the required parking spaces on property located on the northeast corner of W. 61st Street S. and South 32nd West Avenue and across 32nd West Avenue from the subject tract. This property was previously occupied by an adult entertainment establishment (bar). A Certificate of Occupancy has been denied and the business is presently empty because the occupant cannot meet parking requirements.

Z-6543/CZ-226 August 1996: A request to rezone a tract located south of the southwest corner of West 59th Street S. and South 33rd West Avenue from residential to commercial. The tract included two 110' lots within the city limits and additional 62' strip adjoining the lots on the west that are in the County. The request was to rezone from RS-3 and RS to CS for a laundromat business. All concurred in approval of the request.

Z-6298 April 1996: A request was filed to rezone three residential lots, abutting the subject tract on the northwest, from RS-3 to CG. Staff and TMAPC recommended denial of the requested CG zoning and all concurred in approval of CS zoning.

Z-6091 February 1986: All concurred in approval of a request to rezone the half-acre tract located in the northeast corner of West 61st Street South and South 33rd West Avenue and abutting the subject tract on the west, from RS-3 to CS.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately .87 acres in size and is located on the northwest corner of West 61st Street South and South 32nd West Avenue. The property is sloping, non-wooded, vacant, and zoned RS-3.

STREETS:

<u>Existing Access</u>	<u>MSHP Design.</u>	<u>Exist. No. Lanes</u>	<u>Surface</u>	<u>Curbs</u>
W. 61 st Street South	100'	2 lanes	Paved	No
S. 32 nd West Ave.	50'	2 lanes	Paved	No

The Major Street Plan designates West 61st Street South as a secondary arterial street. The City of Tulsa 1996 – 1997 traffic counts indicate 7,300 trips per day on South 33rd West Avenue at West 61st Street South.

UTILITIES: Water and sewer are available to the site.

SURROUNDING AREA: The subject tract is abutted on the north by vacant property, zoned RS-3; to the west by a strip shopping center, zoned CS; to the south by a shopping center, zoned CS; to the southeast by a vacant bar and parking lot, zoned CS; and to the northeast by newly-constructed single-family dwellings, zoned RS-3 and to the east by vacant property. It appears the properties immediately to the north have been cleared for development in conjunction with the single-family residential units to the northeast, as well.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 8 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Medium Intensity – No Specific Land Use.

According to the Zoning Matrix the requested CS zoning **is** in accordance with the Plan Map

STAFF RECOMMENDATION:

This neighborhood has not experienced commercial intrusion or otherwise experienced transition at this time. Although there is a small strip shopping center abutting the subject tract on the west, the traffic generated by the shopping center is from South 33rd West Avenue. The CS zoning on the lots that are located east of the subject tract and are on the northeast corner of West 61st Street and South 32nd West Avenue front West 61st Street and the CS zoning does not exceed a depth of 118’.

New construction of single-family dwellings is taking place on both sides of South 32nd West Avenue north of the subject property and the existing single-family homes in this area represent a well-established and maintained neighborhood.

Staff can recommend **APPROVAL** of CS zoning on the south 118’ fronting West 61st Street to a depth that would be in alignment with the existing CS zoning to the east, and recommends **DENIAL** of CS zoning on the remainder of the tract, finding that additional commercial zoning north of the 118’ depth would front single-family residential uses and represent a non-residential penetration into the neighborhood.

TMAPC Comments:

Mr. Harmon asked staff if the 118’ recommended for CS zoning equate to one lot. In response, Ms. Matthews stated that the 118’ is the first lot, which fronts onto the arterial.

Applicant's Comments:

Kenneth McEver, 6530 West 78th Street, Tulsa, Oklahoma 74130, stated that he agrees with the staff recommendation.

Interested Parties Comments:

Councilor Darla Hall, Tulsa City Council District 2, stated that she is in agreement with the staff recommendation, which implies that the northernmost lots remain residential. She commented that the CS zoning on the 118' does line up with the established commercial line and she does not object to the CS zoning on the 118' of the lot fronting West 61st Street South.

Ms. Hall indicated that there is new development of homes in the subject area and she would like to see the northernmost lots remain residential. She stated that commercial encroachment on the northernmost two lots would be detrimental to the subject area.

Jeffrey Case, 5911 South 32nd West Avenue, Tulsa, Oklahoma 74107, informed the Planning Commission that there are seven new homes in the subject area and he owns one of the new homes. He stated that he objects to the entire rezoning. He explained that the rezoning of the first 118' will be detrimental to the area and new homes will not continue to be built.

TMAPC Comments:

Mr. Westervelt asked Mr. Case if he was aware that there would be a screening requirement for the CS-zoned property. Mr. Case stated that if he had known that the subject lot was to be rezoned CS, he would not have purchased his home.

Interested Parties Comments:

Marvin McDonald, 3036 West 78th Street, Tulsa, Oklahoma 74107, stated that he is the property owner directly east of three lots with the proposed zoning change. He indicated that he is building new homes directly across from the lots with the proposed change. He stated that he does not have a problem with the southernmost lot being zoned commercially, but he does object to the northernmost two lots being rezoned.

Mr. McDonald concluded that he appreciates the staff recommendation and hopes that the Planning Commission follows through with the screening fence requirement. He indicated that the property next to the proposal did not have to install a screening fence.

Councilor Darla Hall asked why the request was not proposed as an OL district. She explained that she understands that the applicant wants to use the property for light office use.

Mr. Stump stated that because of the established zoning pattern it seemed to be more consistent to propose CS zoning in order to line up the CS zoning line. Councilor Hall commented that CS zoning is broader regarding allowed uses than OL zoning. Councilor Hall expressed concerns regarding the new homes north of the proposed rezoning. Councilor Hall stated that the current owner intends to sell the property for OL use, but it does not mean that the new owner will use it for OL if it is zoned CS.

Mr. Westervelt asked Mr. McEver if he would consider accepting OL zoning rather than CS zoning.

Applicant's Rebuttal:

Becky Hadley stated that the applicant is her father and she will represent him. She indicated that she would like to have the proposed property zoned OL because it is more restrictive.

Ms. Hadley stated that she would like to see light office space or a retail company use the proposed lot.

TMAPC Comments:

Mr. Westervelt informed Ms. Hadley that a retail company or boutique is not allowed in OL districts.

Mr. Stump informed Ms. Hadley that she would need commercial zoning in order to have a retail shop.

Mr. Westervelt stated that the applicant needs to articulate to the Planning Commission what zoning is preferred for the subject property. Ms. Hadley reiterated that she would prefer OL zoning.

Ms. Pace encouraged the neighborhood to call the Neighborhood Inspection Department regarding the existing CS property to the west that does not have a screening fence. Ms. Pace asked Ms. Hadley to point out which lot would be zoned OL. In response, Ms. Hadley stated that the proposal is for Lot 17, first 118'.

Mr. Horner asked Ms. Hadley if she was aware what OL zoning allowed and if it is truly what she would like the subject property rezoned. Ms. Hadley stated that the CS zoning is too broad and she would prefer OL zoning because it is more restrictive.

TMAPC Action; 9 members present:

On **MOTION** of **JACKSON**, the TMAPC voted **9-0-0** (Carnes, Collins, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Midget "absent") to recommend **APPROVAL** of OL zoning on the south 118' fronting West 61st Street (Lot 17) to a depth that would be in

alignment with the existing CS zoning to the east, and recommends **DENIAL** of CS zoning on the remainder of the tract, finding that additional commercial zoning north of the 118' depth would front single-family residential uses and represent a non-residential penetration into the neighborhood as modified by TMAPC.

Legal Description for Z-6750:

Lot 17, less the South 10', Block 1, Summit Parks Additions to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof, from RS-3 (Residential Single-family High Density District) to OL (Office Light District).

SUBDIVISIONS

LOT-SPLITS FOR WAIVER OF SUBDIVISION REGULATIONS:

L-19017 – Steven D. Hardenbrook (363) (PD-20) (County)
18621 South 62nd East Avenue

The applicant has applied for a lot-split to take the south 70' from Tract 1 and add it to Tract 2, and to split the south 25' off Tract 2 and tie it to Tract 3. All three tracts meet the zoning requirements for AG-R zoning; however Tract 1 will not perc and the applicant will need to install an alternative system, requiring a waiver of the Subdivision Regulations. Therefore, the applicant is asking for a waiver of Subdivision Regulation 6.5.4.(e) requiring a passing soil percolation test.

Proposed Tract 1 will have approximately 2.5 acres, exceeding the Department of Environmental Quality's lot size standards of ½ acre for an alternative system. With the proposed revisions to the Subdivision Regulations regarding alternative sewage systems, staff believes this lot-split would not have an adverse effect on the surrounding properties and would therefore recommend **APPROVAL** of the waiver of Subdivision Regulations and of the lot-split.

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, Collins, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Midget "absent") to **APPROVE** the waiver of the Subdivision Regulations and of the lot-split for L-19017.

RESCIND LOT-SPLIT TIE AGREEMENT:

L-19019 – John Muselmann (1193)

(PD-5) (CD-5)

1266 South Memorial

Staff Recommendation:

In 1991 the staff approved a lot-split (#17376) that split a 415.5' X 30' strip (Tract 2) from Tract 1. With the approval, Tract 2 was required to be tied to Tract 3.

The applicant desires to re-purchase Tract 2 and tie it back to the original Tract 1. Tract 1 and Tract 3 meet all the zoning requirements; however, the tie-agreement does not allow Tract 2 to be sold separately from Tract 3. The applicant is requesting that the tie-agreement from Lot-Split #17376 be rescinded and that Tract 2 be tied back to the original Tract 1.

The proposed split would revert the properties to their original tracts. Staff believes this lot-split would not have an adverse effect on the surrounding properties and would therefore recommend **APPROVAL** of the request to rescind the 17376 tie-agreement and of the lot-split, with the condition that Tract 2 be tied to Tract 1.

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, Collins, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Midget "absent") to **APPROVE** the request to rescind the 17376 tie-agreement and of the lot-split, with the condition that Tract 2 be tied to Tract 1 as recommended by staff.

LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-18975 – Executive Title (1282)

7171 South Elwood

L-18998 – Bryan H. Herman (2092)

5302 West 39th Street

L-19220 – Bob Buss (1292)

Northeast corner East 16th Street & Pittsburgh

L-19011 – White Surveying Company (283)

South of southwest corner East 61st Street & Garnett

L-19012 – John H. Jones (1792)

6240 West 22nd Street

L-19015 – Tulsa Development Authority (2502)

2232 North Owasso

L-19018 – Kelly Legnon (1582)

8102 South Yukon

Staff Recommendation:

Mr. Beach stated that these lot-splits are all in order and staff recommends approval.

TMAPC Action; 9 members present:

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

* * * * *

PLAT WAIVER:

Reconsider Z-6734 (393)

(PD-3) (CD-3)

63 North Yale

Staff Recommendation:

Mr. Beach stated that previously staff thought there was a dedication requirement; however, based on the applicant's submittal of the site plan it would appear that the building was located 30' from the centerline of Yale and it would have prevented dedication of additional right-of-way to meet the MSHP requirements. After the Planning Commission meeting, it was discovered that in fact the building is farther than 30' from the centerline of Yale and the full width of right-of-way can be dedicated. Staff is requesting that the Planning Commission reconsider and approve this plat waiver with the full width right-of-way being required.

Approval of a rezoning from RM-1 to IL triggered the platting requirement. This property with the existing building is planned to be used for a tool grinding shop. The building was formerly used for a church. There will be no new construction or paving.

Staff Comments and Recommendation:

Considering that the purposes of the Subdivision Regulations would not be compromised and the City would have nothing to gain by requiring the property be platted, **staff recommends APPROVAL** of the plat waiver.

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 type="checkbox"/> | √ |
| 2) Are there restrictive covenants contained in a previously filed plat? | <input type="checkbox"/> | √ |
| 3) Is property adequately described by surrounding platted properties or street R/W? | <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? | √1 | <input type="checkbox"/> |
| 5) Would restrictive covenants or deeds of dedication be needed by separate instrument? | <input type="checkbox"/> | √2 |
| 6) Infrastructure requirements | | |
| a) Water | | |
| i) Is a main line water extension required? | <input type="checkbox"/> | √ |
| ii) Is an internal system or fire line required? | <input type="checkbox"/> | √ |
| iii) Are additional easements required? | <input type="checkbox"/> | √ |
| b) Sanitary Sewer | | |
| i) Is a main line extension required? | <input type="checkbox"/> | √ |
| ii) Is an internal system required? | <input type="checkbox"/> | √ |
| iii) Are additional easements required? | <input type="checkbox"/> | √ |
| c) Storm Sewer | | |
| i) Is a P.F.P.I. required? | <input type="checkbox"/> | √ |
| ii) Is an Overland Drainage Easement required? | <input type="checkbox"/> | √ |
| iii) Is on-site detention required? | <input type="checkbox"/> | √ |
| iv) Are additional easements required? | <input type="checkbox"/> | √ |
| 7) Floodplain | | |
| a) Does the property contain a City of Tulsa (Regulatory) Floodplain? | <input type="checkbox"/> | √ |
| b) Does the property contain a F.E.M.A. (Federal) Floodplain? | <input type="checkbox"/> | √ |
| 8) Change of Access | | |
| a) Are revisions to existing access locations necessary? | <input type="checkbox"/> | √ |
| 9) Is the property in a P.U.D.? | <input type="checkbox"/> | √ |
| a) If yes, was plat recorded for the original P.U.D.? | N/A | |
| 10) Is this a Major Amendment to a P.U.D.? | <input type="checkbox"/> | √ |
| a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.? | N/A | |

- 1 Dedication is required to a total width of 50 feet east of the centerline of Yale Avenue.
- 2 If the right-of-way dedication were made, a separate instrument would be required if the property were not platted. See No. 1.

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, Collins, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Midget "absent") to **APPROVE** the plat waiver for Z-6734 subject to the full dedication being required to a total width of 50 feet east of the centerline of Yale Avenue as recommended by staff.

Z-6744 (294)

(PD 17) (CD 6)

16601 East Admiral Place

Staff Recommendation:

Approval of a rezoning from RS-1 to IL triggered the platting requirement. This property is abutting an existing QuikTrip site. It will be developed as an accessory truck parking lot for the convenience store.

Staff Comments and Recommendation:

Considering the size of this property, the significance of this development, the growth in the area, and the requirements detailed in the accompanying checklist, **staff recommends DENIAL** of the plat waiver. The purposes of the Subdivision Regulations would be better served by platting this property.

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 type="checkbox"/> | √ |
| 2) Are there restrictive covenants contained in a previously filed plat? | NA | |
| 3) Is property adequately described by surrounding platted properties or street R/W? | <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? | √1 | <input type="checkbox"/> |
|--|----|--------------------------|

- | | | |
|--|--------------------------|--------------------------|
| 5) Would restrictive covenants or deeds of dedication be needed by separate instrument? | √2 | <input type="checkbox"/> |
| 6) Infrastructure requirements | | |
| a. Water | | |
| i. Is a main line water extension required? | <input type="checkbox"/> | √ |
| ii. Is an internal system or fire line required? | <input type="checkbox"/> | √ |
| iii. Are additional easements required? | <input type="checkbox"/> | √ |
| b. Sanitary Sewer | | |
| i. Is a main line extension required? | <input type="checkbox"/> | √ |
| ii. Is an internal system required? | <input type="checkbox"/> | √ |
| iii. Are additional easements required? | <input type="checkbox"/> | √ |
| c. Storm Sewer | | |
| i. Is a P.F.P.I. required? | <input type="checkbox"/> | √ |
| ii. Is an Overland Drainage Easement required? | <input type="checkbox"/> | √ |
| iii. Is on-site detention required? | √ | <input type="checkbox"/> |
| iv. Are additional easements required? | <input type="checkbox"/> | √ |
| 7) Floodplain | | |
| a. Does the property contain a City of Tulsa (Regulatory) Floodplain? | <input type="checkbox"/> | √ |
| b. Does the property contain a F.E.M.A. (Federal) Floodplain? | <input type="checkbox"/> | √ |
| 8) Change of Access | | |
| a. Are revisions to existing access locations necessary? | √3 | <input type="checkbox"/> |
| 9) Is the property in a P.U.D.? | <input type="checkbox"/> | √ |
| a. If yes, was plat recorded for the original P.U.D.? | N/A | |
| 10) Is this a Major Amendment to a P.U.D.? | <input type="checkbox"/> | √ |
| a. If yes, does the amendment make changes to the proposed physical development of the P.U.D.? | N/A | |

1. Dedication of ten feet is required on Admiral Place.
2. Separate instruments would be required for the right-of-way dedication and the access limits if this property were not platted.
3. The access locations shown are acceptable but need to be recorded.

Applicant's Comments:

Steve Schuller, 100 West 5th Street, Suite 500, Tulsa, Oklahoma 74103, stated that he is representing the QuikTrip Corporation. He indicated that the proposal is for an expansion of a convenience store.

Mr. Schuller stated that the proposal would basically be a parking area with some driveway access lanes to gasoline pumps on the adjoining property. The only real improvement on the subject property, other than the paving of the parking area, is a portion of some truck scales.

Mr. Schuller commented that if there are additional street rights-of-way needed to be dedicated, then it can be done by separate instrument describing the dedication. He reiterated that the proposal is a very simple development with open space and paving. He indicated that if there are any infrastructure improvements required, the applicant can construct it and any easements required could be granted.

Mr. Schuller stated that the proposal is not located in any regulatory floodplain and his client is not changing the access location. He explained that currently there is a church on the subject property and it has an access point and an additional access point that QuikTrip will be eliminating. He stated that his client will be reducing the number of access points to one, and if during the permitting process it is determined that it is necessary to have an access limitation document, it can be easily drafted.

Mr. Schuller reiterated that the subject property would basically be a parking lot. He indicated that there would be no separate uses for which one would want to have a subdivision plat. He commented that the proposal is similar to other instances in which the Planning Commission has waived the platting requirement for a simple one-use development. Issues that would be addressed by a subdivision plat are already covered by existing ordinances and by the permitting process. He commented that requiring the subject property to be platted would be a redundant-repetitive exercise and an unjustifiable cost. He urged the Planning Commission to waive the platting requirement for the subject property.

TMAPC Comments:

In response to Ms. Pace, Mr. Schuller informed her that the subject property was rezoned to IL and that is what triggered the platting requirement.

In response to Ms. Pace, Mr. Schuller stated that his client would comply with the landscaping ordinance.

Mr. Ledford stated that he agrees with the staff recommendation. The subject property was rezoned in order to meet the requirements of a lot and block. He explained that this will require a sewer extension and if QuikTrip doesn't do this, then someone else will have to do this. He commented that he disagrees with the fact that QuikTrip is developing a parking lot only. He stated that the subject property will be totally impervious and will create runoff, which means the stormwater issues will have to be addressed. Mr. Ledford concluded that the Planning Commission should accept the staff's recommendation of denial.

Applicant's Rebuttal:

Mr. Schuller stated that requiring the platting of the subject property would be repetitive. He explained that easements can be covered by instruments of record and the permitting process will address the stormwater issues. He commented that he doesn't know if a subdivision plat would add to the process.

TMAPC Comments:

Mr. Harmon stated that the Planning Commission has looked at situations where several separate instruments would be required to accomplish what is needed. The Planning Commission has determined in the past that a plat serves better in order to have all of the information in one place.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HARMON**, the TMAPC voted **8-0-1** (Carnes, Collins, Harmon, Hill, Horner, Jackson, Ledford, Pace "aye"; no "nays"; Westervelt "abstaining"; Boyle, Midget "absent") to **DENY** the plat waiver for Z-6744 as recommended by staff.

Z-6745 (693)

(PD 3) (CD 3)

Southwest corner of Admiral Place and Utica Avenue

Approval of a rezoning from RM-2 to CS triggered the platting requirement. This property is abutting an existing QuikTrip site. It will be developed as an accessory parking lot for the rebuilt and expanded convenience store.

Staff Comments and Recommendation:

Considering the requirements detailed in the accompanying checklist, **staff recommends DENIAL** of the plat waiver. The purposes of the Subdivision Regulations would be better served by replatting this property.

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 type="checkbox"/> |
| 2) Are there restrictive covenants contained in a previously filed plat? | √ | <input type="checkbox"/> |
| 3) Is property adequately described by surrounding platted properties or street R/W? | √ | <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? | √1 | <input type="checkbox"/> |
| 5) Would restrictive covenants or deeds of dedication be needed by separate instrument if this waiver were granted? | √2 | <input type="checkbox"/> |
| 6) Infrastructure requirements | | |
| a. Water | | |
| i. Is a main line water extension required? | <input type="checkbox"/> | √ |
| ii. Is an internal system or fire line required? | <input type="checkbox"/> | √ |
| iii. Are additional easements required? | <input type="checkbox"/> | √ |
| b. Sanitary Sewer | | |
| i. Is a main line extension required? | √3 | <input type="checkbox"/> |
| ii. Is an internal system required? | √3 | <input type="checkbox"/> |
| iii. Are additional easements required? | √3 | <input type="checkbox"/> |
| c. Storm Sewer | | |
| i. Is a P.F.P.I. required? | √4 | <input type="checkbox"/> |
| ii. Is an Overland Drainage Easement required? | <input type="checkbox"/> | √ |
| iii. Is on-site detention required? | <input type="checkbox"/> | √ |
| iv. Are additional easements required? | √4 | <input type="checkbox"/> |
| 7) Floodplain | | |
| a. Does the property contain a City of Tulsa (Regulatory) Floodplain? | <input type="checkbox"/> | √ |
| b. Does the property contain a F.E.M.A. (Federal) Floodplain? | <input type="checkbox"/> | √ |
| 8) Change of Access | | |
| a. Are revisions to existing access locations necessary? | √5 | <input type="checkbox"/> |
| 9) Is the property in a P.U.D.? | <input type="checkbox"/> | √ |
| a. If yes, was plat recorded for the original P.U.D.? | N/A | |
| 10) Is this a Major Amendment to a P.U.D.? | <input type="checkbox"/> | √ |
| a. If yes, does the amendment make changes to the proposed physical development of the P.U.D.? | N/A | |
1. Dedication of ten feet is required on Utica; 30' radius at the northeast corner; and alley relocation.
 2. Separate instruments would be required for the right-of-way dedication, all easements, and the access limits if this property were not platted.

3. The existing eight-inch sanitary sewer running east-west through the middle of the property needs to be relocated to avoid conflict with the new building.
4. A PFPI would be required if the internal storm drains are connected to the off-site storm sewer. This would require additional easements. No drainage plans were submitted.
5. The access locations shown on Utica and the I-244 service road are acceptable. The access on Admiral Place is not permitted because there is a screening requirement from the abutting residential district along this side. Limits of access need to be recorded.

Staff Comments:

Mr. Stump reminded the Planning Commission that Admiral Place in this subject area is not an arterial street and the entrance onto Admiral Place would not be permitted by the Zoning Code because a screening fence is required along the entire northern boundary, which is across from residential uses.

Applicant's Comments:

Steven Schuller, 100 West 5th, Suite 500, Tulsa, Oklahoma 74103, stated that the subject property has been previously platted, which is Lots 1-5, Block 8 of the Lynch and Foresythe Addition. The property is bounded by Utica Avenue, Admiral Place and the platted subdivision lots and alley on the south side. The boundaries are well defined on the subject property.

Mr. Schuller stated that street rights-of-way could be dedicated by separate instrument and his client will have to comply with the zoning in every way. He indicated that the screening fence mentioned before would have to be installed, unless the Board of Adjustment waived the requirement. He indicated that the subject proposal is a small-scale development and is a single-use on a single piece of property. He commented that to require a subdivision plat on this type of development and this scale is redundant, unnecessary exercise and process.

TMAPC Comments:

Mr. Carnes asked staff why the subject property needed to be platted with everything already developed surrounding it. In response, Mr. Stump stated that subject property is unique because the applicant will be dedicating a new alleyway, which is a significant dedication of a new public way and that is normally always shown on a plat. Mr. Stump explained that when new streets are involved, lot-splits are not allowed and a new plat is required to show the new right-of-way boundaries. Mr. Stump stated that there are several issues that would be addressed if the property were platted. Mr. Stump indicated that the subject property is made up of six separate lots and it is going to be a benefit to the applicant to replat the property into one lot and an alleyway. Mr. Stump explained that by replatting there will not be any problems of being across property lines and other issues that come up with this many lots being combined for one use.

Ms. Pace asked the staff what, if any, was the City's policy regarding alleyways. In response, Mr. Stump stated that he is not aware of any policy that the City has adopted against alleyways. Mr. Stump explained that because the applicant wants to close a portion of this alley, the applicant is diverting it to the north in order to have a continuous alley from end to the other. Mr. Stump informed Ms. Pace that the alleyway would be an existing public way and with this alteration, it will still be a continuous alley.

Mr. Schuller stated that the property where the existing QuikTrip store is and all of the property to the west along Admiral Boulevard is zoned CH and the commercial businesses along there are making use of the alley.

Mr. Beach informed the Planning Commission that during TAC review for this application the alleyway was discussed and Traffic Engineering was supportive of it.

Mr. Ledford stated that the plat waiver process is not to solve these types of issues. The plat waiver process was developed to give relief when there is absolutely no reason to go through the platting process. When the platting process is diverted, then the Planning Commission is asking the Public Work staff to review this application, as not a team but as individuals. Mr. Ledford concluded that he does not agree with this application having the platting process waived.

TMAPC Action; 9 members present:

On **MOTION** of **LEDFORD**, the TMAPC voted **8-0-1** (Carnes, Collins, Harmon, Hill, Horner, Jackson, Ledford, Pace "aye"; no "nays"; Westervelt "abstaining"; Boyle, Midget "absent") to **DENY** the plat waiver for Z-6745 as recommended by staff.

* * * * *

PUBLIC HEARING FOR COMPREHENSIVE PLAN AMENDMENTS

AMENDMENTS FOR THE KENDALL-WHITTIER NEIGHBORHOOD MASTER PLAN TEXT, A part of the Comprehensive Plan for the Tulsa Metropolitan area.

Staff Recommendation:

Ms. Matthews stated that the amendments to the Kendall-Whittier Neighborhood Master Plan Text are to delete the following text on pages 13, item C. "The 'boulevarding' of Delaware is proposed for the same reasons as those of Harvard (street capacity, neighborhood greenstrip/buffer) as well as adequate right-of-way for the straightening of the Delaware Avenue alignment. In the case of Delaware the needed right-of-way is gained by acquiring one lot of depth along

the east side of the street between Admiral and Third Street. Most of these houses are rented and have deteriorated as a result of siding to the arterial street. This project can also be phased by acquiring the lots as they become available and then building the street as future funding for street projects is gained through city or University initiatives." and 43, item 10. "Acquisition of residential lots along the eastern edge of Delaware Avenue from First Street to Third Street to remove blight and provide right-of-way for eventually building a boulevard along Delaware – done in a lot-by-lot fashion as lots and funds become available."

RESOLUTION NO. 2230:826

**A RESOLUTION AMENDING
THE KENDALL-WHITTIER NEIGHBORHOOD MASTER PLAN TEXT,
A PART OF THE COMPREHENSIVE PLAN FOR THE
TULSA METROPOLITAN AREA**

WHEREAS, Pursuant to Title 19, OSA, Section 863.7, the Tulsa Metropolitan Area Planning Commission (TMAPC) did, by Resolution on the 29th day of June 1960 adopt a Comprehensive Plan for the Tulsa Metropolitan Area, which Plan was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma, and was filed of record in the Office of the County Clerk, Tulsa, Oklahoma, all according to law; and

WHEREAS, the TMAPC is required to prepare, adopt and amend, as needed, in whole or in part, an official Master Plan to guide the physical development of the Tulsa Metropolitan Area; and

WHEREAS, on the 10th day of April, 1991, this Commission, by Resolution No. 1619:628, did adopt the Kendall-Whittier Neighborhood Master Plan Map and Text as a part of the Comprehensive Plan for the Tulsa Metropolitan Area, which was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma; and

WHEREAS, a public hearing was held on the 16th day of February 2000, and after due study and deliberation, this Commission deems it advisable and in keeping with the purpose of this Commission, as set forth in Title 19, OSA, Section 863.7, to modify its previously adopted Kendall-Whittier Neighborhood Master Plan Text as follows:

Delete the following text on pages 13, item C. "The 'boulevarding' of Delaware is proposed for the same reasons as those of Harvard (street capacity, neighborhood greenstrip/buffer) as well as adequate right-of-way for the straightening of the Delaware Avenue alignment. In the case of Delaware, the

needed right-of-way is gained by acquiring one lot of depth along the east side of the street between Admiral and Third Street. Most of these houses are rented and have deteriorated as a result of siding to the arterial street. This project can also be phased by acquiring the lots as they become available and then building the street as future funding for street projects is gained through city or University initiatives." and 43, item 10. "Acquisition of residential lots along the eastern edge of Delaware Avenue from First Street to Third Street to remove blight and provide right-of-way for eventually building a boulevard along Delaware – done in a lot-by-lot fashion as lots and funds become available".

NOW, THEREFORE, BE IT RESOLVED by the TMAPC that the amendments to the Kendall-Whittier Neighborhood Master Plan Map and Text, as set forth above, be and are hereby adopted as part of the Kendall-Whittier Neighborhood Master Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area.

DATED this ____ day of _____, 2000.

TULSA METROPOLITAN AREA PLANNING COMMISSION

Chair

ATTEST:

Secretary

APPROVED by the City Council of the City of Tulsa, Oklahoma this ____ day of _____, 2000.

Mayor

Council Chair

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney

Interested Parties Comments:

Maria Barnes, 2252 East 7th Street, Tulsa, Oklahoma, 741, President of Kendall-Whittier Neighborhood Association, stated that she has no problem with the amendment, but she wants to make sure that Delaware will remain a four-lane street.

TMAPC Comments:

Mr. Westervelt assured Ms. Barnes that the four-lane issue was discussed during the work session and the urban arterial designation is shown with a four-lane cross section, but to clarify it further, the reference was made to a four-lane street in addition.

TMAPC Action; 9 members present:

On **MOTION** of **HARMON**, the TMAPC voted **9-0-0** (Carnes, Collins, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Midget "absent") to recommend **ADOPTION** of Resolution No. 2230-826, to reclassify Delaware from boulevard to urban arterial, which provides four lanes of traffic as recommended by the Comprehensive Plan Committee.

* * * * *

AMENDMENTS FOR THE TULSA METROPOLITAN MAJOR STREET AND HIGHWAY PLAN, A part of the Comprehensive Plan for the Tulsa Metropolitan Area.

Staff Recommendation:

Ms. Matthews stated that the amendment for the Tulsa Metropolitan Major Street and Highway Plan is to redesignate South Delaware Avenue between I-244 and East 11th Street from a secondary arterial street to an urban arterial street.

RESOLUTION NO. 2230:827

**A RESOLUTION AMENDING
THE TULSA METROPOLITAN MAJOR STREET AND HIGHWAY PLAN,
A PART OF THE COMPREHENSIVE PLAN
FOR THE TULSA METROPOLITAN AREA**

WHEREAS, Pursuant to Title 19, OSA, Section 863.7, the Tulsa Metropolitan Area Planning Commission (TMAPC) did, by Resolution on the 29th day of June 1960, adopt a Comprehensive Plan for the Tulsa Metropolitan Area, which Plan was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma, and was filed of record in the Office of the County Clerk, Tulsa, Oklahoma, all according to law; and

WHEREAS, the TMAPC is required to prepare, adopt and amend, as needed, in whole or in part, an official Master Plan to guide the physical development of the Tulsa Metropolitan Area; and

WHEREAS, on the 28th day of February, 1968 this Commission, by Resolution No. 696:289, did adopt the Tulsa Metropolitan Major Street and Highway Plan as a part of the Comprehensive Plan of the Tulsa Metropolitan Area, which was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma; and

WHEREAS, a Public Hearing was held on the 16th day of February, 2000, and after due study and deliberation, this Commission deems it advisable and in keeping with the purpose of this Commission, as set forth in Title 19, OSA, Section 863.7, to modify its previously adopted Tulsa Metropolitan Area Major Street and Highway Plan by redesignating South Delaware Avenue between I-244 and East 11th Street from a secondary arterial street to an urban arterial street.

NOW, THEREFORE, BE IT RESOLVED by the TMAPC, that the amendment to the Tulsa Metropolitan Major Street and Highway Plan Map, as above set out, be and is hereby adopted as part of the Comprehensive Plan for the Tulsa Metropolitan Area.

DATED this ____ day of _____, 2000.

TULSA METROPOLITAN AREA PLANNING COMMISSION

Chair

ATTEST:

Secretary

APPROVED by the City Council of the City of Tulsa, Oklahoma this ____ day of _____, 2000.

Mayor

Council Chair

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HORNER**, the TMAPC voted **9-0-0** (Carnes, Collins, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Midget "absent") to recommend **ADOPTION** of Resolution No. 2230-827 amending the Tulsa Metropolitan Major Street and Highway Plan, A part of the Comprehensive Plan for the Tulsa Metropolitan area to redesignate South Delaware Avenue between I-244 and East 11th Street from a secondary arterial street to an urban arterial street, which provides four lanes of traffic as recommended by the Comprehensive Plan Committee.

* * * * *

CONTINUED ZONING PUBLIC HEARING

APPLICATION NO.: Z6733

RS-3 TO CS

Applicant: Wesley Pitcock

(PD-5) (CD-5)

Location: Southeast corner of East 21st Place and South 91st East Avenue

Staff Recommendation:

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The District 5 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Special District One – Indian Acres Area. Plan text policies encourage compatibility of development with existing surrounding uses.

According to the Zoning Matrix the requested CS zoning **may be found** in accordance with the Plan Map by virtue of a portion of the site's location within a Special District.

Staff Comments:

Site Analysis: The subject property is approximately 180' x 232' in size and is located on the southeast corner of East 21st Place and South 91st East Avenue. The property is flat, partially wooded, contains a single-family dwelling, and is zoned RS-3.

Surrounding Area Analysis: The subject tract is abutted on the north across East 21st Place South by a church and accessory uses, zoned RS-3; to the south and east by single-family dwellings, zoned RS-3; and to the west by the U.S. Post Office distribution center, offices and parking, zoned CS/PUD-550.

Zoning and BOA Historical Summary: In 1996 the tract located directly west of the subject property was approved for CS zoning with a Planned Unit Development for the construction of a U.S. Post Office Distribution Center and office uses.

Conclusion: The Comprehensive Plan designates this area as being within a Special District and Plan policies call for development to be compatible with adjacent land uses. Staff cannot support the requested CS zoning due to the surrounding existing single-family uses. Therefore, staff recommends **DENIAL** of CS and **APPROVAL** of OM in the alternative.

Applicant's Comments:

Mike Hackett, 406 South Boulder Avenue, Tulsa, Oklahoma 74103, stated that he representing Mr. and Mrs. Pitcock. He indicated that his clients are in agreement to amending their application to OM zoning.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Ledford, Midget "absent") to recommend **DENIAL** of CS and **APPROVAL** of OM in the alternative as recommended by staff.

Legal Description for Z-6733:

Lot 5, Block 2, Memorial Acres Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, **from RS-3 (Residential Single-family High Density District) to OM (Office Medium Intensity District).**

Mr. Westervelt recognized Kaye Price.

TMAPC Comments:

Mr. Westervelt informed Ms. Price that zoning case Z-6750 was taken out of order and has already been acted on.

Mr. Westervelt stated that the action taken on Z-6750 was to approve OL zoning on the first 118' of the property, which is the southern 118' of Lot 17. He explained to her that the staff had recommended CS zoning on the first 118', but the applicant modified his application to OL. He commented that the OL zoning

is more compatible with residential areas and provides a buffer from the existing CS zoning.

Mr. Westervelt stated that usually an applicant does not come before the Planning Commission and modify their application for a lesser zoning. He commented that the interested parties present during the presentation were satisfied with the modified request.

Interested Parties Comments:

Kaye Price, 5815 South 31st West Avenue, Tulsa, Oklahoma 74107, submitted a petition opposing the proposed zoning change (Exhibit A-1). Ms. Price stated that she represents 44 homeowners who would not be happy with the OM or CS zoning. She commented that she wished she had known that the case was moved to the beginning of the agenda.

Mr. Westervelt explained that the Planning Commission heard the subject zoning case out of order due to a conflict in meetings for Councilor Darla Hall. Mr. Westervelt commented that he wished that Ms. Price were present at the starting time of the meeting in order to hear her comments. He urged Ms. Price to submit her petition in order to be a part of the record.

Ms. Price stated that Summit Park is the poster child for the Mayor's infill movement. She explained that there are twelve new homes in the subject area and more planned in the future. She stated that seven of the new homes are directly across the street from the subject property.

Mr. Dunlap indicated on the case map where the OL zoning would be allowed on the first 118' of Lot 17. He demonstrated how the OL zoning would line up with the existing CS on each side.

Mr. Westervelt explained to Ms. Price that if the applicant had stayed with the request for CS zoning and the Planning Commission denied this request and the City Council had as well, then the applicant would have a good case at District Court and would be granted their CS zoning. He stated that the applicant modified their request from CS to a light zoning like OL, which does not negatively impact residential zoning. The Planning Commission was delighted to grant the applicant the modified OL zoning.

Ms. Price stated that the neighborhood's main objection was not to a particular rezoning of the property as far as usage. She explained that the major concern was the impact on the twelve new homes in the subject area. She expressed concerns regarding the condition of the streets in the subject area. She indicated that the streets in the subject area cannot handle additional traffic.

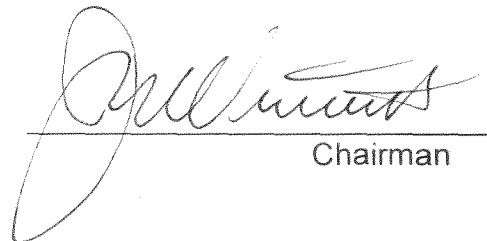
Mr. Stump informed Ms. Price that the only lot rezoned is the one that has frontage on 61st and he would assume that their access would be directly on 61st Street. He stated that the structure could be one story minimum and no commercial activity.

Ms. Price stated that some of the homeowners are against any rezoning of any parcel within Summit Park.

Mr. Westervelt recommended that interested parties should come to the meetings if they receive notice and that they should be at the meeting at the beginning time of 1:30 p.m.

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

Date approved: 03/31/00


Chairman

ATTEST: 
Secretary