

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2234

Wednesday, March 22, 2000 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Boyle	Midget	Beach	Jackere, Legal
Carnes	Westervelt	Bruce	Counsel
Collins		Dunlap	
Harmon		Huntsinger	
Hill		Stump	
Horner			
Jackson			
Ledford			
Pace			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Tuesday, March 21, 2000 at 11:00 a.m., posted in the Office of the City Clerk on March 20, at 2:31 p.m., as well as in the office of the County Clerk at 2:38 p.m.

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

### **REPORTS:**

#### **Chairman's Reports:**

Mr. Boyle reported that it is some deep personal sadness to note the passing of Scott Sanditen recently. Mr. Boyle stated that Mr. Sanditen was a pillar of this community, an important member of the development industry in this community, as well as a true servant of the public. Mr. Boyle further stated that Mr. Sanditen was the kind of person who provided services to this community that everyone should be proud to emulate. Mr. Boyle commented that the Planning Commission mourns his passing and send best wishes to his family.

#### **Committee Reports:**

##### **Rules and Regulations Committee**

Mr. Boyle reported that there would be a worksession immediately following this meeting in City Hall, Room 1102.

**Director's Report:**

Mr. Stump reported that there are no items on the City Council agenda. He stated that staff did meet with the Public Works Committee regarding the proposed housekeeping sign amendments that had been continued until after the elections. It has been decided to continue the sign amendments for another 60 days.

Mr. Stump stated that it was requested that the Mayor receive the status of infill recommendations as it related to each group's responsibilities. Mr. Stump indicated that this request was from the coordination meeting and a copy has been supplied to the Commission.

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**SUBDIVISIONS**

**FINAL PLAT:**

**Walgreen No. 06268 – 1803** (PD-25) (CD-1)  
Southeast corner of East 46<sup>th</sup> Street North and North Peoria Avenue

**Staff Recommendation:**

Mr. Bruce stated that all of the release letters have been received and staff recommends approval.

**There were no interested parties wishing to speak.**

**The applicant indicated his agreement with staff's recommendation.**

**TMAPC Action; 8 members present:**

On **MOTION** of **HARMON**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Ledford, Pace, "aye"; no "nays"; none "abstaining"; Collins, Midget, Westervelt "absent") to **APPROVE** the final plat for Walgreen No. 06268 as recommended by staff.

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**PRELIMINARY PLAT:**

**RIVERSIDE CHEVROLET CENTER – (3492)** (PD-8) (CD-2)  
West of the southwest corner of Skelly Drive and South Union Avenue

The following background information was provided at the **March 2, 2000** TAC meeting.

**GENERAL:**

The site is bounded on the north by Skelly Drive and on the south by a street that was platted but never developed (paper street), West 53<sup>rd</sup> Street South. It is bounded by unplatted property on the east and the Riverside Chevrolet auto storage facility on the west.

**ZONING**

The site is zoned CG.

**STREETS**

The parcel will take access off of Skelly Drive to the north. On the south is West 53<sup>rd</sup> Street (paper street) extending to the east and intersecting with South Union Avenue.

**SANITARY SEWER**

Ductile iron (?) to south.

**WATER**

Water is located on the south side of Skelly Drive.

**STORM DRAIN**

An overland drainage easement is indicated in the southwest corner of the site.

**UTILITIES**

Easement information is not indicated.

Staff provides the following comments from the TAC meeting.

**1. Streets/access:**

- Eshelman, Traffic: no comment.
- Somdecerff, Streets: no comment.

**2. Sewer:**

- Bolding, Public Works/Engineering, indicated: an eight-inch extension will be required; no taps are allowed on lines of 15" or larger.

**3. Water:**

- Lee, Public Works/Water, indicated an additional hydrant may be needed.

**4. Storm Drainage:**

- McCormick, Stormwater, indicated that additional easements for the flood plain (under elev. 654) may be required.

**5. Utilities:**

- None present.

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

**Waivers of Subdivision Regulations:**

1. None needed.

**Special Conditions:**

1. Extension of an eight-inch sanitary sewer line per Public Works request.

**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 Public Works Department 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 Public Works Department prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
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 Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc. shall be shown on perimeter of land being platted or other bearings as directed by the Public Works Department.

11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. 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.
14. 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.)
15. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
16. The key or location map shall be complete.
17. 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.)
18. 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.)
19. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
20. 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.
21. All other Subdivision Regulations shall be met prior to release of final plat.

**There were no interested parties wishing to speak.**

**The applicant indicated his agreement with staff's recommendation.**

**TMAPC Action; 8 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Ledford, Pace, "aye"; no "nays"; none "abstaining"; Collins, Midget, Westervelt "absent") to **APPROVE** the preliminary plat for Riverside Chevrolet Center subject to special conditions and standard conditions as recommended by staff.

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**Commissioner Collins in at 1:38 p.m.**

**Woodland Valley Office Park – (0183)**

(PD-18) (CD-7)

Southside of East 61<sup>st</sup> Street South at 91<sup>st</sup> East Avenue

**Staff Recommendation:**

Mr. Bruce stated that after review it was determined that this particular plat has an underlying PUD, which is PUD-397. Development Area B is for office space, Area C is for elderly housing and Area D is for apartment use.

Mr. Bruce stated that this preliminary plat proposes office use that is with a number of lots crossing various development areas and uses that are not allowed by the PUD. He indicated that this application has been through TAC and there were some technical issues that can be resolved. However, the major issue is that the PUD and the plat do not line up.

Mr. Bruce explained that staff's understanding of Subdivision Regulations is that the Commission does need to make a decision within 30 days of a public hearing and there is not an opportunity for the PUD to be amended in that period of time. Therefore, staff recommends that this preliminary plat be denied at this time.

**TMAPC Comments:**

Mr. Boyle asked if there was something that prevented the Commission from receiving the backup material for this application. In response, Mr. Stump stated that this application was pulled from the agenda because it conflicted with the PUD requirements. Then staff realized that notice had been given to abutting property owners and it needed to be on the agenda. If the Commission is not comfortable with making this decision today, then it could be rescheduled for two weeks and it would be within the 30 days needed to make a decision.

**Applicant's Comments:**

**Ted Sack**, 311 South Elgin Avenue, Tulsa Oklahoma 74120, requested that the Planning Commission approve this application subject to the amendments to the PUD being submitted. He indicated that the developer is willing to take that risk and would not like to be delayed.

**TMAPC Comments:**

Mr. Boyle stated that he would prefer to continue this application for two weeks.

**TMAPC Action; 9 members present:**

On **MOTION** of **PACE**, the TMAPC voted **9-0-0** (Boyle, Carnes, Collins, Harmon, Hill, Horner, Jackson, Ledford, Pace "aye"; no "nays"; none "abstaining"; Midget, Westervelt "absent") to **CONTINUE** the preliminary plat for Woodland Valley Office Park to April 5, 2000 at 1:30 p.m.

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**PUBLIC HEARING FOR SUBDIVISION REGULATIONS AMENDMENTS**

**Amendments for Subdivision Regulations, Sections 4, 6, 7 and Appendix A.**

**Staff Recommendation:**

Mr. Beach stated that the following are revisions to four different sections of the Subdivision Regulations. The Rules and Regulations Committee reviewed this during a worksession and the changes requested have been incorporated. (Language in the staff recommendation that was deleted is shown as strikeout; language added or substituted is underlined.)

**SECTION 4. PLANNING AND DESIGN REQUIREMENTS**

**REVISED SUBSECTION:**

**4.11 SEWAGE DISPOSAL AND WATER SUPPLY**

~~1) GENERAL REQUIREMENTS:~~

- (a) ~~All subdivisions shall utilize a public drinking water supply, approved by the Oklahoma State Department of Health via the Tulsa City-County Health Department and the Tulsa Water and Sewer Department or other appropriate authority.~~
- (b) ~~All plans pertaining to the collection and treatment of public sewage must be approved by the Oklahoma State Department of Health via the Tulsa City-County Health Department and the Tulsa Water and Sewer Department if in their jurisdiction.~~

~~(c) — All plans pertaining to distribution and treatment of public drinking water must be approved by the Oklahoma State Health Department via the Tulsa City County Health Department and the Tulsa Water and Sewer Department if in their jurisdiction or other appropriate authority.~~

1) *SUBDIVISIONS IN THE UNINCORPORATED AREA OF TULSA COUNTY:*

- a) *All subdivisions in unincorporated Tulsa County may be served by individual wells for drinking water in lieu of a public water supply in accordance with applicable regulations of the Oklahoma Water resources Board and the Oklahoma Department of Environmental Quality.*
- b) *The subdivider, at his/her expense, shall provide an internal sanitary sewer collection system available to each lot within the subdivision. Said system shall be designed and constructed in accordance with the standards of the agency operating the system and as approved by the Oklahoma Department of Environmental Quality State Department of Health. Where an approved public sanitary sewer system is not reasonably accessible to the subdivision, the subdivision may utilize individual onsite sewage disposal systems in accordance with the standards below.*
- c) *Subdivisions within the unincorporated areas of Tulsa County that plan to utilize ~~septic tank~~ individual onsite sewage disposal systems must comply with the requirements of the Oklahoma Administrative Code, Title 252, Chapter 641.*
- d) *Several types of subsurface or above ground, onsite sewage disposal systems may be permitted. It is beyond the scope of these Subdivision Regulations to provide detailed instructions, designs, or specifications for any sewage disposal systems. The subdivider shall be responsible for obtaining the applicable regulations of the agency having jurisdiction and complying with the procedural and substantive requirements therein.*
- e) *All lots in the proposed subdivision shall meet the minimum lot size requirements of the Oklahoma Department of Environmental Quality for onsite sewage disposal systems. Refer to APPENDIX A. These minimum lot size requirements shall not be varied except by the agency having jurisdiction over the permitting of the proposed sewage disposal systems.*
- f) *Provide and file restrictive covenants with the subdivision plat, ~~restrictive covenants~~ relative to the installation and use of individual ~~septic~~ onsite sewage disposal systems ~~and~~ and/or connection to the public sanitary sewer system as provided in APPENDIX A.*



- 1) ~~Submit a soil percolation test to the Tulsa City County Health Department for each lot in the subdivision to be served by septic tank sewage disposal systems, establishing a percolation test rate of not less than one inch in sixty minutes and providing minimum lot sizes as follows;~~
- 2) ~~Minimum lot size of 22,500 square feet, excluding roadway easements, with a minimum width of 100 feet when the percolation test rate is at least one inch in thirty minutes or less time.~~
- 3) ~~Minimum lot size of 43,560 square feet, excluding roadway easements, with a minimum width of 100 feet when the percolation test rate is at least one inch in 31 to 60 minutes.~~
- 4) ~~Dig two core test pits a minimum of six feet deep and two feet in diameter for each ten acres in the subdivision for examination by the Tulsa City County Health Department.~~

~~(a) Single family residential lots may utilize individual lagoon systems only on lots 2 1/2 acres or larger in size, provided that no more than 25% of the lots in the subdivision have failing percolation tests. A subdivision containing lots, more than 25% of which have failing percolation tests, must be served by a community sewage disposal system.~~

~~(b) Provide and file with the subdivision plat, restrictive covenants relative to the installation and use of individual septic sewage disposal systems and connection to the public sanitary sewer system as provided in APPENDIX A.~~

2) *SUBDIVISIONS WITHIN THE CORPORATE LIMITS OF THE CITY OF TULSA:*

- a) ~~All lots in subdivisions within the Tulsa City Limits shall be served by utilize a public drinking water supply, approved by the Oklahoma State Department of Health via the Tulsa City County Health Department and Oklahoma Department of Environmental Quality or the Tulsa Water and Sewer Department Department of Public Works or other appropriate authority.~~
- b) ~~The Subdivider within the Tulsa City Limits, at his/her expense, shall provide an internal sanitary sewer collection system available to each lot within the subdivision. Said system shall be designed and constructed as approved by the Oklahoma Department of Environmental Quality State Department of Health and in accordance with Ordinances of the City of Tulsa and duly adopted standards and specifications of the City of Tulsa Water and Sewer Department Department of Public Works.~~

- c) Where an approved public sanitary sewer system is not reasonably accessible to the subdivision *as determined by the policies of the City of Tulsa, Department of Public Works* and in order to allow development during the time required to extend the public sanitary sewer system into those areas without such system, the following shall apply:
- i) A central treatment plant may be utilized on a temporary basis, provided that said treatment system meets all applicable water quality criteria and is designed and constructed as approved by the *Oklahoma Department of Environmental Quality State Department of Health* and in accordance with Ordinances of the City of Tulsa and duly adopted standards and specifications of the City of Tulsa ~~Water and Sewer Department~~ *Department of Public Works*.
  - ii) A subdivision may develop initially ~~on individual septic systems~~ *using those individual onsite sewage disposal systems allowed by the policies of the City of Tulsa, Department of Public Works* in accordance with standards as set out ~~herein~~ *in the Oklahoma Administrative Code, Title 252, Chapter 641*. In addition to installation of the individual ~~septic~~ *onsite sewage disposal* systems, the developer shall be required to install a sewer collection system within the subdivision that can be connected to the municipal sewage system when available and further that each lot shall be provided with a building sewer line. Said system and building sewer lines shall be designed and constructed as approved by the *Oklahoma Department of Environmental Quality State Department of Health* and in accordance with Ordinances of the City of Tulsa and duly adopted standards and specifications of the City of Tulsa ~~Water and Sewer Department~~ *Department of Public Works*.
- d) Developers of subdivisions within the corporate limits of the City of Tulsa where it is planned to initially utilize ~~septic tank~~ *individual onsite sewage disposal* systems must:
- 2) ~~Submit a soil percolation test to the Tulsa City County Health Department for each lot in the subdivision to be served by septic tank systems, establishing a percolation test rate of not less than one inch in sixty minutes and providing minimum lot sizes as follows:~~
- i) *Meet the minimum lot size criteria as shown in APPENDIX A. These minimum lot size requirements shall not be varied except by the agency having jurisdiction over the permitting of the proposed sewage disposal systems.*
  - ii) *Provide written confirmation from the permitting agency that percolation test results for each lot in the subdivision are acceptable for the type of system and lot sizes proposed.*
    - i. ~~Minimum lot size of 22,500 square feet, excluding roadway easements, with a minimum width of 100 feet when the percolation test rate is at least one inch in 30 minutes or less time.~~

ii. ~~Minimum lot size of 43,560 square feet, excluding roadway easements, with a minimum width of 100 feet when the percolation test rate is at least one inch in 31 to 60 minutes.~~

2. ~~Dig two core test pits a minimum of six feet deep and two feet in diameter for each ten acres in the subdivision for examination by the Tulsa City County Health Department.~~

(b) ~~Provide and file with the subdivision plat, restrictive covenants relative to the installation and use of individual septic sewage disposal systems and connection to the public sanitary sewer system as provided in APPENDIX A.~~

## SECTION 6. LOT-SPLIT PROCEDURES AND STANDARDS

### REVISED SECTION

#### 6.1 AUTHORITY.

The Planning Commission, pursuant to the powers and jurisdiction vested through Title 19, Oklahoma Statutes, Section 863.10, does hereby exercise the power and authority to review, approve and disapprove transfers of land hereinafter referred to as lot-splits.

#### 6.2 INTENT AND PURPOSE.

The regulations contained in this Section are intended to establish reasonable standards of design and procedures for lot-splits in order to accomplish the policy and purposes set forth in Section 1.4, as they are applicable to lot-splits.

#### 6.3 PROCEDURE.

The following procedure shall be followed in processing lot-splits:

1. **Application Form and Drawing.** A lot-split application shall be filed with the Planning Commission Staff and the appropriate fee paid in accordance with the following requirements:

- (a) Where the application is to be reviewed by the Planning Commission alone, four (4) copies of a scaled drawing shall accompany the split. ~~Where possible, the drawing should be placed in the space provided on the application form.~~
- (b) Where review will include other agencies or companies in addition to the Planning Commission Staff, eight (8) copies of a scaled drawing shall accompany the application.

- (c) The drawing itself shall include all existing and proposed lot lines, all existing buildings and improvements and their distances from lot lines, adjacent streets and street widths, existing access limitations, and a north arrow and scale.
- (d) In all cases where drawings are attached on separate sheets, the subdivider is encouraged to limit their size to 8-1/2 inches by 14 inches.

**2. Planning Commission Staff Review.** In its review of lot-splits, the Planning Commission Staff shall:

- (a) distribute copies of the application form and drawing to appropriate officials, agencies, or departments;
- (b) field check area being platted *if needed*;
- (c) review the application for conformance with the Comprehensive Plan, zoning, PUD conditions, Board of Adjustment actions, and the Subdivision Regulations; and,
- (a) prepare recommendations including comments of officials, agencies or departments contacted.

**3. Lot-Splits Requiring Planning Commission Staff Review Only.** Where review by the Planning Commission Staff reveals that a split meets all approved guidelines herein set forth, and all proposed lots are adequately served by utilities either by easement or in public streets, the Director of the Planning Commission or his appointed agent shall approve the lot-split and the Planning Commission shall ratify the approval at the next Planning Commission Land Division meeting

**4. Lot-Splits Requiring Full Review.** For those lot-splits that involve acquiring easements or in the staff's opinion, require review by additional companies or agencies, but do not involve a waiver of zoning or subdivision regulations, the following procedure will be followed:

- (a) a copy of the application and drawing shall be sent to the utility companies and/or the ~~Water and Sewer Department of Public Works or the County Engineer, as appropriate.~~
- (b) After each company or agency to which the application was referred has notified the Planning Commission Staff of ~~all its~~ requirements, the Staff shall ~~in turn~~ notify the subdivider.
- (c) If the lot-split is on a tract that is utilizing or will utilize a private sewage disposal system, ~~the proposed lots must meet the minimum lot size requirements contained in APPENDIX A of these regulations. a copy of the application form and drawing shall be given to the subdivider, who in turn shall deliver it in person to the Health Department. When the result of their assessment is known, the Health Department shall notify the Staff of their approval or disapproval.~~

(d) *When approvals from all companies or agencies involved are received, the lot-split shall be approved by the Director of the Planning commission or his appointed agent and the Planning Commission shall ratify the approval at the next Planning Commission Land Division meeting.*

5. **Lot-Splits Requiring Waivers.** For those lot-splits that involve a waiver of a subdivision regulation, *Planning Commission Staff shall determine if the Technical Advisory Committee should review the item. If so, the procedure shall be as follows:*

- (a) A cutoff date shall be observed, such date to coincide with those for subdivision plats.
- (b) The Planning Commission shall hold a hearing on the lot-split. Notice of such hearing shall be given to the abutting property owners (including lot owners separated only by a residential street) by the mailing of a written notice ten (10) days prior to the hearing before the Planning Commission of the application for lot-split approval. The Planning Commission shall review the requested lot-split and either approve or disapprove the requested waiver(s). ~~If approved, the lot split approval may also be subject to the approval of the Zoning Board of Adjustment if a variance of a zoning requirement is involved.~~
- (c) *If the proposed lots would utilize individual onsite sewage disposal systems and contain less lot area than required in APPENDIX A, a written waiver of the lot size requirement and a statement of approval of the proposed individual sewage treatment systems must be obtained from the Oklahoma Department of Environmental Quality by the subdivider and presented to the Planning Commission Staff with the application. The minimum lot size requirements in APPENDIX A may not be waived by the Planning Commission.*
- (d) A copy of the lot-split shall be sent to the utility companies and/or the ~~Water and Sewer Department~~ *Department of Public Works or the County Engineer, as appropriate as in paragraph 4 (a) above, and delivered to the Health Department, if required, as in 4 (c) above.* The Planning Commission staff shall indicate on the application the date of the Technical Advisory Committee meeting at which the application shall be reviewed and that it is a request for waiver of conditions ~~the~~ *Subdivision Regulations.*
- (e) The Planning Commission staff shall present the application at the regular Technical Advisory Committee meeting where the lot-split may be reviewed by the total membership of that Committee, including all utility companies, the ~~Health Department~~ *Oklahoma Department of Environmental Quality,*

the ~~Water and Sewer Department~~ *Department of Public Works* or the County Engineer.

- (f) The recommendation of the Technical Advisory Committee shall be compiled with the Planning Commission staff recommendation and the application shall be heard at the next Planning Commission Land Division meeting.
- (g) Reasonable conditions may be imposed by the Planning Commission in the granting of a modification (waiver) as set forth in Section 110.2.
- (h) If the application is disapproved, the applicant may appeal the decision of the Planning Commission to the District Court.

#### 6.4 CERTIFICATE OF APPROVAL.

Approval shall be shown by certification on the instrument of transfer as required by State Statute. The certification shall be signed by one of the following:

- (1) Chairman or other Officer of the Tulsa Metropolitan Area Planning Commission
- (2) Executive Director of Indian Nations Council of Governments
- ~~(3) Deputy Director of Plan Implementation - INCOG~~
- (4) ~~Director~~, *Manager, Land Development Services* - INCOG

The subdivider may then file the instrument with the County Clerk, the approval being an official document that will be contained in the abstract of the property being split.

#### 6.5 APPROVAL GUIDELINES. Approval or disapproval of lot-splits shall be based upon the following guidelines:

##### 1. Lots.

- (a) Lot dimensions shall conform to existing zoning regulations. Configuration of lots shall meet the requirements set forth in Section 4.5.1 of the Subdivision Regulations.
- (b) In the case of lots not served by public sanitary sewers and/or public water, such lots shall be of sufficient area to properly accommodate a suitable private sewage disposal ~~device~~ *system (see APPENDIX A)*. ~~Appropriate tests shall be made accordingly, with adequate determination to be made by the City-County Health Department and reported by it to the Planning Commission Staff. (See paragraph 4-(b) below.)~~
- (c) Corner lots should have such extra width and area beyond the minimum requirements for other lots as may be necessary to permit appropriate setbacks on both streets while insuring that adequate buildable space remains.

2. **Easements and Utilities.**

Where a lot-split will result in a lot having inadequate access to utility easements, dedication of easements, shall be required in accordance with the requirements of the applicable utility company or companies and/or ~~City Water and Sewer Department~~ *Department of Public Works*.

3. **Access and Streets.**

- (a) Where a tract to be split is controlled by non-access provisions, no lot shall be approved where such provision will preclude access for said lot.
- (b) The splitting of land shall provide each lot with access to a public street or highway, so that the convenience of the lot owner or user is assured, as well as the layout of utilities, garbage and waste removal, fire protection and public health and safety thereby adequately provided for.
- (c) Where land to be split contains, within its boundaries, areas designated for street right-of-way on the Tulsa City-County Major Street and Highway Plan, the split shall not be approved where street rights-of-way fail to conform to said plan except, upon a finding that:
  - (1) All utilities are in place and the additional right-of-way is not required for utility placement;
  - (2) the public has, by virtue of statutory easement or suitable roadway dedication, right-of-way sufficient to allow the placement of pavement of a width necessary to meet the standards of the Street Plan for the particular street involved; and
  - (3) development made possible by the split itself will not measurably increase the burden of traffic on an adjacent street to such an extent that it would adversely affect the health, safety, and welfare of the public; or upon a finding that:
    - (4) existing structures lie in the right-of-way proposed by the Major Street and Highway Plan.

4. **Sewage Disposal.**

- (a) Where a tract to be split abuts a public sanitary sewer, no split ~~should~~ *shall* create a lot which is cut off from said sewer unless the approval of the ~~Water and Sewer Department of the City of Tulsa~~ *Department of Public Works* or other appropriate agency is obtained.

- (b) The requirements for sewage disposal on lot-splits shall be the same as the regulations for subdivisions (Section 4.11) *with the exception that on lots within the corporate limits of Tulsa that are not currently served by sanitary sewer, an easement may be required to be dedicated to provide for the future extension of the sewer. This is in lieu of the requirement to provide "dry sewer" extensions. The subdivider must obtain approval of the location and size of any easements from the Department of Public Works and submit evidence of such dedication before the lot split may be approved.*
- ~~(e) Within the unincorporated area of Tulsa County and within the corporate limits of the City of Tulsa not served by sanitary sewer within 250 feet of the nearest property line, the regulations for subdivisions shall apply for lots that plan to utilize septic tank disposal systems (Section 4.11), with the exception of core sample. A public sewer collection system is not required.~~
- ~~(d) Lot size requirements will be the same as those for subdivisions provided that an exception to lot size may be granted by the Tulsa City-County Health Department, if all lots created have existing structures and the lot split does not, in effect, change the density, and proper documentation can be provided showing attempted transfer of ownership prior to January 1, 1974.~~
- ~~(e) A public water supply serving each lot is required.~~
- ~~(f) A passing soil percolation test shall be required for each lot created as required for subdivisions. (Reference Section 4.11)~~

## **SECTION 7. CHANGE OF ACCESS PROCEDURES AND STANDARDS**

### **7.1 AUTHORITY.**

The Planning Commission, pursuant to the powers and jurisdiction vested through Title 19, Oklahoma Statutes, § 863.9, does hereby exercise the power and authority to review, approve and disapprove changes to the limits of access and limits of no access recorded on subdivision plats or other instrument hereinafter referred to as Change of Access.

### **7.2 INTENT AND PURPOSE.**

The regulations contained in this Section are intended to establish a procedure for changing the recorded limits of access and limits of no access between private property and public rights-of-way in order to accomplish the policy and purposes set forth in Section 1.4.

### **7.3 PROCEDURE.**

The following procedure shall be followed in processing Changes of Access:



1. Applicant should review the proposed changes with the City of Tulsa Traffic Engineer or County Engineer, as applicable, prior to preparing the forms. A detailed site plan showing present and proposed curb cuts, buildings, drives, parking areas, etc. should be prepared for this discussion.
2. *Application Form and Drawing.* **Three copies** of a Change of Access application and supporting documents shall be filed with the Planning Commission Staff and the appropriate fee paid in accordance with the following requirements:
  - (a) Prepare a precise exhibit on 8½" x 11" paper depicting the existing recorded access limits and the proposed access changes.
  - (b) Obtain the plat number from the office of the County Clerk.
  - (c) Complete the document titled "CHANGE OF AND CONSENT TO AREAS OF ACCESS AS SHOWN ON RECORDED PLAT" which is available from the offices of the Planning Commission Staff.
  - (d) Sign and notarize the above document taking care to use the proper acknowledgement form (Individual or Corporate).
  - (e) Complete the application form, which is available from the offices of the Planning Commission Staff.
  - (f) Obtain the Traffic Engineer's or County Engineer's approval and signature of the final documents *before* submitting to the Planning Commission Staff.
  - (g) Submit **three copies** of the completed application and supporting documents with original signatures and acknowledgements, along with the filing fee, to the offices of the Planning Commission Staff.
3. *Planning Commission Staff Review and Submittal to the Planning Commission.* Upon receipt of a completed application, the Planning Commission staff shall:
  - (a) Review the submittal for completeness.
  - (b) Review the zoning and subdivision records on file at the Planning Commission offices to determine conformance with the current requirements.
  - (c) Place the item on the next available Planning Commission agenda for approval and signature.
4. *Planning Commission Approval.* Where review by the Traffic Engineer or County Engineer and the Planning Commission Staff reveals that a Change of Access meets all approved guidelines herein set forth, the Planning Commission shall approve the Change of Access at the next available Planning Commission meeting.

#### 7.4 EVIDENCE OF APPROVAL.

Approval shall be shown by two signatures on the document titled "CHANGE OF AND CONSENT TO AREAS OF ACCESS AS SHOWN ON RECORDED PLAT". The required signatures will be by the Traffic Engineer or County Engineer, as applicable, and one of the following:

- (1) Chairman or other Officer of the Tulsa Metropolitan Area Planning Commission
- (2) Executive Director of Indian Nations Council of Governments
- (3) Manager of Land Development Services - INCOG

The Planning Commission Staff will return the original documents, with evidence of approval to the applicant. The applicant may then file the instrument with the County Clerk, the approval being an official document that will be contained in the abstract of the property.

- 7.5 APPROVAL GUIDELINES.** Approval or disapproval of Changes of Access shall be based upon the current City or County of Tulsa standards for driveway locations, width, spacing from other driveways, and all other applicable standards in effect at the time of approval. In addition, approval or disapproval shall be based on conformance of the proposal with all applicable zoning requirements, including approved Planned Unit Developments, Corridor Site Plans, or any other special zoning regulations in effect at the time of approval.

## APPENDIX A

### ~~HEALTH DEPARTMENT~~ OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY REQUIREMENTS FOR SUBDIVISIONS

**1. GENERAL:**

*Reference is made to Section 4.11 of these Regulations for the basic standards for subdivisions and Section 6.5 for Lot-splits. The information contained in this Appendix is included for guidance and reference. The ~~Tulsa City-County Health Department~~ Oklahoma Department of Environmental Quality should be consulted for specific detailed information if not contained herein.*

**2. SUBDIVISIONS:**

Provide the following information within the restrictive covenants of the subdivision plat as follows:

- (a) For those subdivisions within the unincorporated area of Tulsa County that plan to utilize ~~septic tank~~ individual onsite sewage disposal systems:

“Sewerage is intended to be disposed of by individual ~~septic tank~~ *onsite sewage* disposal systems, and shall be subject to the regulations of the ~~Tulsa City-County Health Department~~ *Oklahoma Department of Environmental Quality*. Each lot owner shall be responsible for *obtaining the required permits and for the installation and maintenance of the septic sewage disposal system serving the lot. If the system utilizes an underground absorption field, the lot area containing the lateral-lines absorption field shall be maintained free of paving, surfacing, swimming pools, lawn sprinkler systems, or any building or other structure which would interfere with the functioning of the lateral-lines absorption field. The system shall be maintained in proper operating condition at all times by the lot owner and, if required, shall be bound by a current maintenance contract with a certified installer consistent with the requirements of the Oklahoma Department of Environmental Quality as described in the Oklahoma Administrative Code Title 252, Chapter 641.*”

- (b) For those subdivisions within the corporate limits of the City of Tulsa, where an approved public sanitary sewer system is not reasonably accessible or procurable and the subdivision will develop initially on individual ~~septic tank~~ *onsite sewage*:

“Within this subdivision, sewerage is initially intended to be disposed of by individual ~~septic tank~~ *onsite sewage* disposal systems which are subject to regulation by the ~~Tulsa City-County Health Department~~ *Oklahoma Department of Environmental Quality*. The approval and release of the plat of this subdivision does not constitute a guaranty or warranty that each ~~septic tank~~ *onsite sewage disposal* system will function properly. No ~~septic~~ *onsite sewage disposal* system shall be installed within any lot until the plans therefore have been submitted to and approved by the ~~Tulsa City-County Health Department~~ *Oklahoma Department of Environmental Quality*, and a permit duly issued. The plans of each ~~septic~~ *onsite sewage disposal* system to be submitted to the ~~Tulsa City-County Health Department~~ *Oklahoma Department of Environmental Quality* shall include a sewer service line located and designed to permit effective connection to future public sanitary sewer extensions to the lot. The ~~septic~~ *onsite sewage disposal* system and the sewer service line shall be installed and maintained in accordance with the approved plans. Subsequent to installation of the ~~septic~~ *onsite sewage disposal* system, no drive, paving, swimming pool, lawn sprinkler system, or building shall be constructed over the

area of the lot containing the ~~septic onsite sewage disposal~~ system ~~lateral lines~~. In the event the City of Tulsa shall extend the collection lines of a public sanitary sewer system to the subdivision, then each lot owner, whether or not his ~~septic onsite sewage disposal~~ system is properly functioning, and upon written notice from the City of Tulsa, shall within 90 days of date of notification, at his own expense, disconnect from the ~~septic tank onsite sewage disposal~~ system and connect the building sewer line to the public sanitary sewer system, all in accordance with the ordinances, plumbing code, and duly adopted regulations of the City of Tulsa, Oklahoma, and pay all fees related to said connection. The foregoing covenants concerning sewerage facilities shall be covenants running with the land, and shall inure to the benefit of and shall be enforceable by the City of Tulsa, Oklahoma.”

**3. MINIMUM LOT SIZE REQUIREMENTS FOR ONSITE SEWAGE DISPOSAL SYSTEMS IN UNINCORPORATED TULSA COUNTY:**

Type of Disposal System	Type of Water Supply	
	Private Well	Public Water
Aerobic with Land Application	¾ Acres	½ Acres
Evapotranspiration/Absorption (ETA)	1 Acre	1 Acre
Subsurface Absorption Field (percs in 30 minutes or less)	¾ Acres	½ Acres
Subsurface Absorption Field (percs in more than 30 minutes)	1 Acre	1 Acre
Lagoon System	2 ½ Acres	2 ½ Acres

**4. MINIMUM LOT SIZE REQUIREMENTS FOR ONSITE SEWAGE DISPOSAL SYSTEMS IN CITY OF TULSA:**

Type of Disposal System	Type of Water Supply
	Public Water
Subsurface Absorption Field (percs in 30 minutes or less)	½ Acres
Subsurface Absorption Field (percs in more than 30 minutes)	1 Acre

**TMAPC Comments:**

Mr. Boyle asked Mr. Beach what action the Committee took on these proposed changes. In response, Mr. Beach stated that there were minor changes that the Committee recommended and they have been incorporated into the document. Mr. Beach explained that there are to be graphic examples along with the text; however, it is not prepared at this time. The graphic examples will indicate what

type of information the Planning Commission needs from the applicant in order to process a lot-split or change of access properly.

Mr. Ledford asked if these changes could be distributed to the public who utilize the Subdivision Regulations. In response, Mr. Stump stated that the revised copy will be on the INCOG website. Mr. Beach stated that he could distribute the changes to the list that was developed for noticing of this public hearing.

**There were no interested parties wishing to speak.**

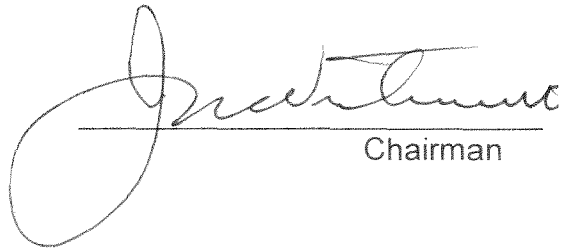
**TMAPC Action; 9 members present:**

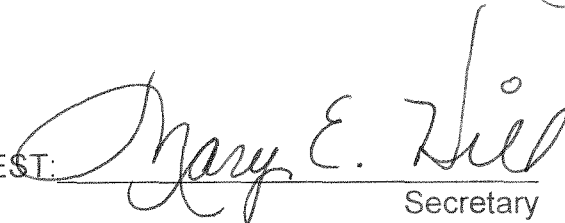
On **MOTION** of **LEDFORD**, the TMAPC voted **9-0-0** (Boyle, Carnes, Collins, Harmon, Hill, Horner, Ledford, Pace, "aye"; no "nays"; none "abstaining"; Midget, Westervelt "absent") to **APPROVE** the amendments for Subdivision Regulations, Sections 4, 6, 7 and Appendix A as recommended by the Rules and Regulations Committee.

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There being no further business, the Chairman declared the meeting adjourned at 1:50 p.m.

Date approved: 4-12-00

  
\_\_\_\_\_  
Chairman

ATTEST:   
\_\_\_\_\_  
Secretary

