

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2243

Wednesday, June 28, 2000 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, June 26, 2000 at 3:00 a.m., posted in the Office of the City Clerk at 10:01 a.m., as well as in the office of the County Clerk at 10:00 a.m.

After declaring a quorum present, Chair Westervelt called the meeting to order at 1:35 p.m.

Minutes:

Approval of the minutes of June 7, 2000 Meeting No. 2241

On **MOTION** of **JACKSON** the TMAPC voted **7-0-0** (Boyle, Carnes, Harmon, Hill, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Horner, Ledford, Midget "absent") to **APPROVE** the minutes of the meeting of June 7, 2000 Meeting No. 2241.

CONTINUED ITEMS:

The Meadows Second – (2992)

(PD-9) (County)

East of South 61st West Avenue and West 42nd Place South

TMAPC Comments:

Mr. Westervelt stated that there has been a request for a continuance and staff concurs with the request.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **7-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Jackson, Ledford, Midget "absent") to **CONTINUE** the preliminary plat for The Meadows Second to July 19, 2000 at 1:30 p.m.

REPORTS:

Committee Reports:

Rules and Regulations Committee

Mr. Boyle reported that there would be a committee meeting immediately following today's meeting in Room 1102, City Hall, to discuss various amendments to the City of Tulsa Zoning Code.

Director's Report:

Mr. Stump stated that there are no items on the City Council meeting agenda.

Mr. Stump stated that there would be a briefing on the Long Range Transportation Plan during the July 19th Planning Commission meeting.

SUBDIVISIONS

FINAL PLAT:

Angel Wing – (PUD-606) (1082) (PD-8) (CD-2)
West of East 73rd Street and South Union Avenue

Staff Recommendation:

Mr. Beach stated that everything is in order for this plat and all necessary release letters have been received. Staff recommends **APPROVAL** of the final plat for Angel Wing.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **HARMON**, the TMAPC voted **7-0-0** (Boyle, Carnes, Harmon, Hill, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Horner, Ledford, Midget "absent") to **APPROVE** the final plat for Angel Wing as recommended by staff.

PRELIMINARY PLAT:

Butler Park - (3603)

(PD-16) (CD-6)

Northwest corner of East Marshall Street and North Mingo Road

Staff Recommendation:

This plat consists of two lots in one block 2.84 acres. It will be developed for commercial uses under CS zoning.

The following were discussed **June 15, 2000** at the Technical Advisory Committee (TAC) meeting:

1. Zoning:

- The property was zoned CS in 1973 and has been subject to plat since then. The minimum required frontage on an arterial street in the CS district is 150 feet. Both lots meet this requirement.

2. Streets/access:

- The property fronts on two public streets, North Mingo Road and East Marshall Street. One 40-foot access is proposed for each lot from Mingo. There was no site plan to indicate if any access would be from Marshall. The plat dedicates 50 feet of right-of-way for Mingo Road.
- Somdecerrff, Transportation, stated that additional right-of-way is needed to form a 30' radius curve at the southeast corner of the property.

3. Sewer:

- Applicant submitted a report stating that sewer is available about 250 feet to the north, five feet deep and 435 feet to the west, 11 feet deep. Extension would be required.
- Bolding, Wastewater, stated that the extension needs to be made to serve Lot 1.

4. Water:

- Applicant submitted a report stating that a six-inch water line is available along Mingo.
- Murphree, Water, stated that a hydrant needs to be placed near the driveway proposed in Lot 1.

5. Storm Drainage:

- Slopes west to east. No grading plan submitted. Applicant's report indicates a small part of the tract may be in Zone B. Detention required? Fees-in-lieu permitted?

- McCormick, Storm Water, stated that detention would not be required.

6. Utilities:

- Are the perimeter easements acceptable as shown? Are there any other issues?
 - Nelson, SWB, stated that Paragraph F in the covenants needs to be changed to include, "placement or..." before the word "maintenance".

7. Other:

- Are there any other issues?
 - No other comments.

Staff recommends approval of the preliminary plat subject to the conditions below.

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

1. Dedication of additional right-of-way to form a 30' radius curve at the southeast corner of the property.

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 Engineer 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 County Engineer.
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 method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. The owner(s) shall provide the following information on the 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.)
16. The method of water supply and plans therefor shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
18. The key or location map shall be complete.
19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
20. 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.)

21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.

22. 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; 7 members present:

On **MOTION** of **CARNES**, the TMAPC voted **7-0-0** (Boyle, Carnes, Harmon, Hill, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Horner, Ledford, Midget "absent") to **APPROVE** the preliminary plat for Butler Park subject to special conditions and standard conditions as recommended by staff.

Rainbow Concrete - (494)

(PD-17) (CD-6)

East 11th Street South and South 137th East Avenue, northwest corner

Staff Recommendation:

This plat consists of one lot in one block on 2.87 acres. It is currently a portion of the property being used for concrete ready mix manufacturing.

The following were discussed **June 15, 2000** at the Technical Advisory Committee (TAC) meeting:

1. Zoning:

- The property was rezoned to IL and OL in case number Z-4728 in 1974 and has been subject to plat since then. The concrete company currently occupies the area being platted as well as the abutting property to the southwest zoned IM. It began in the IM portion and has been expanded over the years to its present extent. There are a couple of Board of Adjustment cases and a rezoning case currently pending.

2. Streets/access:

- The property fronts on 11th Street and proposes one 40-foot access location.
- There were no concerns or comments.

3. Sewer:

- Where is existing? Are extensions needed? Any additional easements needed?
- There were no concerns or comments.

4. Water:

- Where is existing? Are extensions needed? Any additional easements needed?

- There were no concerns or comments.
5. **Storm Drainage:**
 - Slopes south to north. No grading plan submitted. There are existing ponds on site. Detention required? Fees-in-lieu? Additional easements?
 - McCormick, Stormwater, stated that onsite detention is required for any increase in runoff. FEMA floodplain exists on the property and must be placed in an easement. Any work in the floodplain will trigger the standard requirements of compensatory storage, Conditional Letter of Map Revision, etc. These items must be addressed in the PFPI.
 6. **Utilities:**
 - Where and what size easements are needed? Are there any other issues?
 - Nelson, SWB, stated that a perimeter easement should be located along the west side from the north property line to 11th Street.
 - Sack, applicant was in agreement.
 7. **Other:**
 - Are there any other issues?
 - The owner is shown differently between the covenants and the face of the plat and should be consistent.

Staff recommends approval of the preliminary plat subject to the conditions below.

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

1. None requested.

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.)
2. 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).
3. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.

4. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
5. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
6. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
7. Street names shall be approved by the Public Works Department and shown on plat.
8. All curve data, including corner radii, shall be shown on final plat as applicable.
9. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
10. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
11. 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.)
12. 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.
13. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
14. The owner(s) shall provide the following information on the 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. The method of water supply and plans therefor shall be approved by the City/County Health Department.
16. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
17. The key or location map shall be complete.

18. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
19. 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.)
20. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
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; 7 members present:

On **MOTION** of **HARMON**, the TMAPC voted **7-0-0** (Boyle, Carnes, Harmon, Hill, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Horner, Ledford, Midget "absent") to **APPROVE** the preliminary plat for Rainbow Concrete subject to standard conditions as recommended by staff.

Redbud Estates - (814)

(PD 15) (CD N/A)

East 110th Street North and North 12th East Avenue

Staff Recommendation:

This plat consists of eight lots in two blocks on 20.06 acres. It will be developed for single-family residential uses under AG zoning. It was discussed as a sketch plat at the 5/18/00 TAC meeting. It's been revised to reflect the TAC comments.

The following were discussed **June 15, 2000** at the Technical Advisory Committee (TAC) meeting:

1. Zoning:

- The property is zoned AG which allows a minimum lot size of two acres and minimum lot width of 200 feet. The proposed lots meet these requirements. The building lines shown on the plat exceed the requirements of the AG district.

2. Streets/access:

- The cul-de-sac shown on the sketch plat was removed and the right-of-way extended to a stub at the west property line. The north-south street at

the east property line is stubbed at the southeast corner of the property. There is an existing gravel road coming from 129th East Ave. that ends at the same corner. It does not appear to be public.

- There were no concerns or comments.

3. Sewer:

- Individual septic systems will be used on each lot. The lots meet the DEQ requirements for minimum ½ acre to approve various types of on-site sewage disposal.
- There were no concerns or comments.

1. Water:

- Washington County RWD #3 is the water service provider.
- There were no concerns or comments.

2. Storm Drainage:

- No grading plans were submitted. The zoning atlas indicates a drainageway north south through the middle of the property, with a pond at the south property line.
- Rains, County Engineer, indicated no particular drainage problems with the property.

3. Utilities:

- Are the perimeter easements acceptable as shown? Are there any other issues? There were no comments.
- There were no concerns or comments.

4. Other:

- Are there any other issues?
- There were no concerns or comments.

Staff recommends approval of the preliminary plat subject to the conditions below.

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

1. None needed.

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.)

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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 method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. The owner(s) shall provide the following information on the 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.)

16. The method of water supply and plans therefor shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.
19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
20. 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.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final plat.

Interested Parties Comments:

Judy King, 12408 East 111th Street North, stated that her home backs up to the subject property. She expressed concerns regarding the road and access to her property.

Applicant's Rebuttal:

Brian Kellogg, Kellogg Engineering, 6755 South 4060 Road, Talala, Oklahoma 74080, stated that once the construction gets to the existing 60' right-of-way, it will be blacktopped per Rogers County specifications. He explained that Ms. King's driveway does come down and then loops off to the 125th. Ms. King will have to run perpendicular into the new asphalt road with her driveway.

TMAPC Comments:

Mr. Boyle asked if the right-of-way for 125th is currently dedicated. In response, Mr. Kellogg answered affirmatively.

Mr. Kellogg explained that he couldn't use the gravel drive off of 129th because it is a private drive.

TMAPC Action; 7 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **7-0-0** (Boyle, Carnes, Harmon, Hill, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Horner, Ledford, Midget "absent") to **APPROVE** the preliminary plat for Redbud Estates, subject to the standard conditions as recommended by staff.

Walden Pond - (PUD 587-A) (1683)

(PD 18) (CD 8)

East 83rd Street South and South Urbana Avenue

Staff Recommendation:

This plat consists of 12 lots in two blocks and one reserve on 3.78 acres. It will be used for single-family residences as approved under PUD 587. Another preliminary plat was reviewed by TAC on 10/21/99 and approved by TMAPC on 11/3/99. It was abandoned and replaced with this proposal.

The following were discussed **June 15, 2000** at the Technical Advisory Committee (TAC) meeting:

1. Zoning:

- The property is zoned RS-3/PUD 587-A which allows for single-family residential and accessory uses. It is Development Area C of the original PUD and was approved for up to 12 single-family residences. Major amendment 587-A changed the approval to one single-family lot with cul-de-sacs on each street. There is currently a minor amendment being processed, which would revert to the original 12 lots but add a private cul-de-sac. It proposes to reduce the building setback from 25 feet to 20 feet.

2. Streets/access:

- The original PUD required that Urbana and 83rd Street be connected. That requirement was modified by the major amendment to allow the streets not to be connected and to have a cul-de-sac at the end of each street. This proposal along with the PUD minor amendment reverts to connecting 83rd Street and Urbana Avenue. There would also be a private cul-de-sac to serve the northerly six lots.
- No other comments.

3. Sewer:

- There were no sanitary sewer comments during the first TAC review. Are there any now?
- Bolding, Wastewater, stated that an extension needs to be made to serve Lots 5 through 8.

4. Water:

- There were no water comments during the first TAC review. Are there any now?
- Murphree, Water, stated that a water main needs to be extended.
- Sack, applicant, stated that the water line will be extended to loop around the cul-de-sac.

5. Storm Drainage:

- Slopes toward existing detention pond to the northeast. Last TAC review, Hays, Stormwater, said fees-in-lieu would be acceptable.
- McCormick, Stormwater, stated that the internal drainage system must tie into the public storm sewer.

6. Utilities:

- Last TAC review, Pierce said he wants to review grading plans within existing 100-foot easements on the west side of property. No grading would be permitted within 30 feet of any PSO structures. Any other easements needed? Where and what size? Are there any other issues?
- Wolfe, ONG, asked for a utility easement along the front of the lots for gas service.

7. Other:

- Are there any other issues?
- No other comments.

Staff recommends approval of the preliminary plat subject to the conditions listed below.

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

1. None needed.

Standard Conditions:

1. All conditions of PUD 587-A shall be met prior to release of the final plat, including any applicable provisions in the covenants or on the face of the plat. Include PUD approval date and references to applicable sections of the Zoning Code in the covenants.
2. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
3. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
4. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owner(s) of the lot(s).
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14. 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.
15. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
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17. The method of water supply and plans therefor shall be approved by the City/County Health Department.
18. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
19. The key or location map shall be complete.

20. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
21. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
22. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
23. All other Subdivision Regulations shall be met prior to release of final plat.

The applicant indicated his agreement with staff's recommendation.

Interested Parties Comments:

Randy Lou, 8311 South Toledo, Tulsa, Oklahoma 74136, stated that his property backs up to the subject development. He expressed concerns with traffic and requested traffic calming devices.

TMAPC Comments:

Mr. Westervelt encouraged Mr. Lou to contact Traffic Engineering regarding traffic signs and other traffic calming devices.

TMAPC Action; 7 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **7-0-0** (Boyle, Carnes, Harmon, Hill, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Horner, Ledford, Midget "absent") to **APPROVE** the preliminary plat for Walden Pond, subject to standard conditions as recommended by staff.

PLAT WAIVER:

BOA 18040 - (192)

(PD 4) (CD 4)

Southwest corner of East 3rd Street and South Norfolk Avenue

Staff Recommendation:

The Board of Adjustment approved a special exception to permit an emergency and protective shelter on this property. Any approval of Use Unit 2 triggers the platting requirement.

Staff Comments and Recommendation:

Based on the checklist, staff recommends **DENIAL** 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 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? | √6 | <input type="checkbox"/> |
| 6) Infrastructure requirements | | |
| a) Water | | |
| i) Is a main line water extension required? | √2 | <input type="checkbox"/> |
| ii) Is an internal system or fire line required? | <input type="checkbox"/> | √ |
| iii) Are additional easements required? | √2 | <input type="checkbox"/> |
| b) Sanitary Sewer | | |
| i) Is a main line extension required? | √3 | <input type="checkbox"/> |
| ii) Is an internal system required? | <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? | √5 | <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 | |
| 11) Are additional utility easements needed? | <input type="checkbox"/> | √ |

NOTES:

1. Right-of-way needed: 10' on 3rd Street to make a total of 40' from centerline, 25' radius curves at northeast and southeast corners of property.
2. Water is being relocated, not extended. Easements will be needed for the new water line location.
3. Sewer is being relocated, not extended. It will be placed in the existing perimeter U/E so no new easements are needed.
4. PFPI is required for storm sewer construction in City right-of-way.
5. Detention will be required if runoff is increased.
6. Separate instruments would include right-of-way dedication and water line easement.

Applicant's Comments:

Dwayne Wilkerson, 6111 East 32nd Place, Tulsa, Oklahoma 74135, stated that basically he agrees that all of the items mentioned in the staff recommendation do require a separate instrument. He indicated that all of the separate instruments would be filed.

Mr. Wilkerson stated that the main issue for the development is that Madison Avenue is closed and it remains to be vacated. Once Madison Avenue is vacated then half of it will come back to the Youth Services and half will go to ODOT. In order to build the subject site it is necessary to get the ODOT half of the right-of-way back for the Youth Services property. He explained that if the platting process waits until this happens, then it would greatly extend the length of time for the development of the project. He stated that he would like to have the flexibility to file the separate instruments in order to start this development.

Staff Comments:

Mr. Stump stated that if the applicant does not replat the subject property into a single lot they will have to go back to the Board of Adjustment for variances. He explained that the required parking would not be on the lot with the principal use, etc.

Mr. Wilkerson stated that if he has to go back before the Board of Adjustment for variances, it can be done faster than trying to get the plat done after receiving ODOT's land.

Interested Parties Comments:

Bruce Bolzle, 5550 South Lewis, Suite 301, Tulsa, Oklahoma 74105, Chair of the Facilities Committee for Youth Services of Tulsa, stated that he is before the Planning Commission today to request that this plat waiver be approved.

Mr. Bolzle explained that, as he remembers, the platting process requirement for property under Use Unit 2 was to prevent Board of Adjustment actions. Today's situation is totally different because the property is currently platted. Except for the Use Unit 2, it would be possible to build all of the improvements currently on the site with no further action, except possible Board of Adjustment action.

Mr. Bolzle stated that Madison Street has already been vacated and they are in the process of requesting the vacation of the alleyway, which cannot be done until the sewer is relocated. He explained that the sewer relocation would be in the vacated portion of South Madison Avenue that is being transferred to ODOT. These mitigating circumstances are making it very difficult for the agency, which is under some very tight time constraints because of the potential loss of an emergency shelter and funding requirements.

Mr. Bolzle requested that the Planning Commission approve the plat waiver. He assured that all easements and rights-of-way that are required would be given. He concluded that any action before the Board of Adjustment would be faster than requiring the platting and waiting for the vacations and granting of additional right-of-way by ODOT.

TMAPC Comments:

Mr. Westervelt asked Mr. Bolzle if he would have any objection to the plat being finalized prior to the certificate of occupancy. In response, Mr. Bolzle stated that he would be happy to do a delayed platting once all of these issues are cleared. Mr. Bolzle indicated that the plat would then reflect all of the easements and rights-of-way granted.

Mr. Boyle asked Mr. Jackere if the Planning Commission could grant a temporary plat waiver that requires a real plat before issuance of a certificate of occupancy. In response, Mr. Jackere answered negatively.

In response to Mr. Jackson, Mr. Bolzle stated that all separate instruments would be filed immediately and then a plat filed before receiving a certificate of occupancy.

On **MOTION** of **JACKSON** to **APPROVE** the temporary plat waiver with a restriction that a final plat shall be filed before issuance of a certificate of occupancy as recommended by TMAPC.

Mr. Boyle stated that in this particular case it would be best to grant a plat waiver. He explained that he understands the special circumstances, which makes this a unique situation, and the City is better off by granting the plat waiver. He stated that he would not be in favor with a temporary plat waiver because the Planning Commission does not have the power to do this (according to counsel's opinion).

Mr. Carnes asked staff if the plat waiver was granted it would mean that the applicant would never have to plat the property in the future. In response, Mr. Stump stated that the applicant can choose to file a plat, but he would not be obligated if a plat waiver is granted today.

Mr. Bolzle stated that regardless whether the Planning Commission compels him to file a plat, he would take the agency's word that they will comply and file a plat.

Mr. Jackson rescinded his prior motion.

TMAPC Action; 7 members present:

On **MOTION** of **JACKSON**, the TMAPC voted **7-0-0** (Boyle, Carnes, Harmon, Hill, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Horner, Ledford, Midget "absent") to **APPROVE** the plat waiver for BOA-18040.

BOA 18735 - (1893) (PD 6) (CD 9)
Northeast corner of East 25th Street and South Peoria Avenue

Staff Recommendation:

The Board of Adjustment approved a special exception to permit offices and facilities of the Tulsa Historical Society on this property. Any approval of Use Unit 5 triggers the platting requirement.

Staff Comments and Recommendation:

Even though this might be considered a semi-public facility, it is private property, owned by the Tulsa Historical Society. Based on the goal of having all property in Tulsa platted for the purposes stated in Section 213 of the Zoning Code and based on the checklist below, **staff recommends denial** 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 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? | √3 | <input type="checkbox"/> |
| 6) Infrastructure requirements | | |
| b) 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"/> | √ |
| c) 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"/> | √ |
| d) 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? | √2 | <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.? | | |
| e) If yes, was plat recorded for the original P.U.D.? | N/A | |
| 10) Is this a Major Amendment to a P.U.D.? | | |
| a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.? | N/A | |
| 11) Are additional utility easements needed? | | |
| | <input type="checkbox"/> | √ |

NOTES:

1. Right-of-way needed: 35' total east of centerline of Peoria, 30' radius curve at 25th and Peoria.
2. Detention will be required if runoff is increased.
3. Separate instruments would include right-of-way dedication.

Applicant's Comments:

Charles Norman, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, representing the Tulsa Historical Society (Society), stated that the Society acquired one of the Travis brother's mansions located at the northeast corner of 25th Street and South Peoria. He explained that his client has proposed to establish offices and expand the existing mansion by more than doubling the present size. There will be no construction or change in the street rights-of-way

on South Peoria or on East 25th Street. He indicated that 25th Street on the south side of the property has 60' of right-of-way and is presently improved as is provided for in the original subdivision. Immediately to the north, the Garden Center property has never been platted nor has Woodward Park, and both are owned by the City of Tulsa.

Mr. Norman stated that his proposal is simply to add to an existing facility and preserve the present mansion. He explained that this proposal would prevent the subject property from being subdivided into single-family lots. He indicated that the improvements triggered the subject property for platting and the plat would have no purpose at all. He stated that the checklist reveals that there are no additional easements needed; the water and sewer lines are in place.

Mr. Norman indicated that the atlas sheet shows that the easements are 35' in width, and if it hasn't been dedicated then it has been acquired by the development of Peoria for the last 60 years. He stated that there is no need for the radius curve at 25th and Peoria because there are no plans to change the construction of 25th Street and is unlikely to occur on any of the residential streets that intersect with Peoria from 31st Street to 41st Street. Mr. Norman concluded that this appears to be an unnecessary requirement and is the reason for his requesting a plat waiver.

TMAPC Comments:

Mr. Boyle asked Mr. Norman how he would handle the onsite detention issue. In response, Mr. Norman stated that this has been triggered by the application for a building permit. Mr. Norman explained that the detention issue would be dealt with if it becomes applicable. Mr. Norman commented that it is hard to imagine that there would be very much, if any, detention required by the addition of a 15,000 SF building and some expansion of the parking area. Mr. Norman stated that if there is a detention required, it could be provided within the parking area itself. Mr. Norman indicated that there are no plans to disturb the area to the front of the subject property, which fronts Peoria Avenue.

Mr. Collins in at 2:10 p.m.

Mr. Norman informed the Planning Commission that the Historical Society has entered into a 99-year agreement with the City of Tulsa to share the parking that presently serves the Garden Center and the new parking that will be provided by the Historical Society expansion, as well as a common driveway out to Peoria Avenue. These properties will have the appearance of a unified development and use pattern.

Mr. Boyle asked Mr. Norman if there was any kind of time constraint that prevents his client from filing a plat. In response, Mr. Norman stated that there are no time constraints, but it is a requirement without purpose. Mr. Norman commented that if there is a policy of requiring that all properties be platted, then

the provision in the Code that authorizes application for a waiver of platting should be repealed.

Mr. Boyle asked staff to comment on the concept that there is no plat needed for the subject property. In response, Mr. Stump stated that the reason for platting property is to get an accurate description of the boundaries of the property. Mr. Stump indicated that sometimes it is appropriate for a plat waiver on previously-platted property, but the subject property has never been platted. Mr. Stump stated that because it has never been platted, there is no record of the right-of-way that is dedicated nor easements shown. Mr. Stump explained that the plat is an efficient way of showing information regarding the subject property. Mr. Stump concluded that staff's opinion is that if the plat is filed, then the City and the property owner benefits by having all of the information in one location.

Mr. Norman stated that the property has been in existence for more than 70 years and it has functioned acceptably and the change in use will not change the physical facts pertaining to the subject property. There will be no opportunity to require the City to plat the Garden Center or Woodward Park. There will be few, if any opportunities, for any plats, replats or otherwise on that entire length of Peoria (31st to 41st) because it is fully developed.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HARMON**, the TMAPC voted **7-1-0** (Carnes, Collins, Harmon, Hill, Jackson, Pace, Westervelt "aye"; Boyle "nay"; none "abstaining"; Horner, Ledford, Midget "absent") to **APPROVE** the plat waiver for BOA-18735 as recommended by TMAPC.

* * * * *

BOA 18778 - (593)

(PD 4) (CD 4)

East 6th Street to East 4th Place between South Columbia and South Delaware and East 5th Street to East 4th Place between South Delaware and South Evanston.

Staff Recommendation:

The Board of Adjustment approved a special exception to permit the Tulsa University athletic fields, student health and fitness center, and housing facilities on this property. Any approval of Use Unit 5 triggers the platting requirement. This plat waiver is to be considered temporary to allow the building permit to be released. There is a subdivision plat in process that will be completed and filed of record before the certificate of occupancy may be released.

Staff Comments and Recommendation:

Staff recommends approval of the plat waiver to allow construction to begin with the condition that a plat will be filed of record before any occupancy permits will be granted.

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 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? | √ | <input type="checkbox"/> |
| 5) Would restrictive covenants or deeds of dedication be needed by separate instrument? | √1 | <input type="checkbox"/> |
| 6) Infrastructure requirements | | |
| a) Water | | |
| i) Is a main line water extension required? | √ | <input type="checkbox"/> |
| ii) 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.? √
 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.? √
 a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.? **N/A**
- 11) Are additional utility easements needed? √

NOTES:

- All required dedications and restrictive covenants will be addressed in the subdivision plat that is currently in process.

Applicant's Comments:

Charles Norman, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, representing the University of Tulsa, stated that this is similar to the development of Phase I, west of Delaware campus. This is the property to the north and the subject property had been platted many years ago. He described the subject property as small with varied-sized lots. There are alleys and a number of reasons why the subject property should be replatted to accommodate an entirely different and major use of the subject property.

Mr. Norman indicated that bids are out for additional housing units to be constructed on part of the subject property and construction could be begin before the end of August. He stated that there is a time constraint for the subject property and the plat is in the process. He explained that there are some cleanup problems due to vacations of existing streets and easements, which would delay construction if this extension of time were not granted.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HARMON**, the TMAPC voted **7-1-0** (Carnes, Collins, Harmon, Hill, Jackson, Pace, Westervelt "aye"; Boyle "nay"; none "abstaining"; Horner, Ledford, Midget "absent") to **APPROVE** the temporary plat waiver for BOA 18778, subject to the condition that a plat would be filed of record before any occupancy permits are granted as recommended by staff.

Southwest corner of West 37th Place and South Elwood Avenue

Staff Recommendation:

The zoning was changed on this property from RS-3 to IM. Any approval of a zoning change triggers the platting requirement.

Staff Comments and Recommendation:

Immediately after the TAC meeting, the applicant began the process of dedicating the right-of-way and the floodplain easement. The applicant intends to submit a draft copy of these instruments to staff prior to the TMAPC hearing.

Staff recommends **DENIAL** of the plat waiver subject to the separate instruments being filed of record prior to any building permits being granted.

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 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? | √3 | <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"/> | √ |
| iv) 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 onsite detention required? | <input type="checkbox"/> | √ |
| iv) | Are additional easements required? | √2 | <input type="checkbox"/> |
- 7) Floodplain
- | | | | |
|----|--|--------------------------|--------------------------|
| a) | Does the property contain a City of Tulsa (Regulatory) Floodplain? | <input type="checkbox"/> | <input type="checkbox"/> |
| b) | Does the property contain a F.E.M.A. (Federal) Floodplain? | √2 | <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.?
- | | | | |
|----|--|--------------------------|---|
| a) | If yes, was plat recorded for the original P.U.D.? | <input type="checkbox"/> | √ |
| | | N/A | |
- 10) Is this a Major Amendment to a P.U.D.?
- | | | | |
|----|---|--------------------------|---|
| a) | If yes, does the amendment make changes to the proposed physical development of the P.U.D.? | <input type="checkbox"/> | √ |
| | | N/A | |
- 11) Are additional utility easements needed?
- | | | | |
|--|--|--------------------------|---|
| | | <input type="checkbox"/> | √ |
|--|--|--------------------------|---|

NOTES:

1. Right-of-way required: 30' from section line at east side; 10' at north side; 25' radius at NE corner.
2. FEMA floodplain needs to be placed in an easement.
3. Separate instruments would be required for right-of-way dedication and FEMA floodplain easement.

TMAPC Comments:

Mr. Boyle stated that the fact that the separate instruments are already in place does not make a distinction regarding a plat waiver. Mr. Boyle commented that this is not decided based on whether this is done by future separate instrument, but simply by separate instrument. In response, Mr. Beach agreed with Mr. Boyle.

Mr. Beach stated that in a phone conversation with the applicant after the TAC meeting, he was advised that the separate instruments would be filed or well on their way to being filed and he would have copies of those today. He indicated that he has not received the filed copies and at this point he does not know the status. Mr. Beach concluded that he believes that staff would have to recommend denial of the plat waiver, unless there is evidence that the separate instruments have been filed.

Applicant's Comments:

Russell Smith, 10908 South Elgin, Jenks, Oklahoma 74037, stated that he was unaware that the zoning change would cause a platting requirement. He explained that his wife attended the TAC meeting and understood that she needed to file the separate instruments in order to dedicate the easements, etc. He commented that he has submitted everything he knew he was required to submit.

Adrian Smith, Hammond Engineering Company, 5157 East 51st Street, Tulsa, Oklahoma 74135, stated that the instruments are in the Stormwater Department and they are waiting for a certificate from the abstract company stating that Mr. Russell Smith does own the subject property. He explained that a copy of the deed is no longer acceptable. He stated that the certificate would be available next week.

TMAPC Comments:

Mr. Boyle asked Mr. Smith why the Planning Commission should grant a plat waiver. In response, Mr. Smith stated that the subject property is platted and has been for 40 years; however, when it was platted there was no dedication for the east side for South Elwood. Mr. Smith indicated that his client is dedicating by a separate instrument an additional 30' for Elwood. In response, Mr. Boyle stated that this information only confirms that the applicant needs to file a plat and not a plat waiver. Mr. Boyle asked Mr. Smith to explain why there should be a plat waiver.

Mr. Russell Smith stated that when he started this process one year ago, he didn't know it would take this long. He explained that interest rates continue to move up and he has filed everything he knows to file.

TMAPC Action; 8 members present:

On **MOTION** of **HARMON**, the TMAPC voted **7-1-0** (Boyle, Carnes, Collins, Harmon, Hill, Jackson, Pace "aye"; Westervelt "nay"; none "abstaining"; Horner, Ledford, Midget "absent") to **DENY** the plat waiver for Z-6692 as recommended by staff.

* * * * *

BOA 18751 (2594)
4622 South 193rd East Avenue

(PD 17) (CD 6)

Staff Recommendation:

The Board of Adjustment approved an antenna tower on the subject tract. Approval of a Special Exception to permit Use Unit 4 uses always triggers the platting requirement.

Staff Comments and Recommendation:

Because of the nature of the use, staff administratively waived formal TAC review and **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 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? | <input type="checkbox"/> | √ |
| 5) Would restrictive covenants or deeds of dedication be needed by separate instrument? | <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? | <input type="checkbox"/> | √ |

- 9) Is the property in a P.U.D.? √
- 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.? √
- a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.? **N/A**
- 11) Are additional utility easements needed? √

TMAPC Comments:

In response to Mr. Boyle, Mr. Stump stated that the subject property is for a cell tower and when there is actual development of the tract one can assume the platting will take place.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HARMON**, the TMAPC voted **8-0-0** (Boyle, Carnes, Collins, Harmon, Hill, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Horner, Ledford, Midget "absent") to **APPROVE** the plat waiver for BOA-18751 as recommended by staff.

PLAT WAIVER

BOA 18749 (793)

(PD 6) (CD 4)

Southwest of southwest corner East 10th Street and South Troost Avenue

Staff Recommendation:

The Board of Adjustment approved an antenna tower on the subject tract. Approval of a Special Exception to permit Use Unit 4 uses always triggers the platting requirement.

Staff Comments and Recommendation:

Because of the nature of the use and the checklist below, staff administratively waived formal TAC review and **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 restrictive covenants contained in a previously filed plat? | √ | <input type="checkbox"/> |

3) Is property adequately described by surrounding platted properties or street R/W?

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?

5) Would restrictive covenants or deeds of dedication be needed by separate instrument?

6) Infrastructure requirements

a) Water

i) Is a main line water extension required?

ii) Is an internal system or fire line required?

iii) Are additional easements required?

b) Sanitary Sewer

i) Is a main line extension required?

ii) Is an internal system required?

iii) Are additional easements required?

c) Storm Sewer

i) Is a P.F.P.I. required?

ii) Is an Overland Drainage Easement required?

iii) Is on-site detention required?

iv) Are additional easements required?

7) Floodplain

a) Does the property contain a City of Tulsa (Regulatory) Floodplain?

b) Does the property contain a F.E.M.A. (Federal) Floodplain?

8) Change of Access

a) Are revisions to existing access locations necessary?

9) Is the property in a P.U.D.?

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.?

a) If yes, does the amendment make changes to the proposed Physical development of the P.U.D.? **N/A**

11) Are additional utility easements needed?

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Boyle, Carnes, Collins, Harmon, Hill, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Horner, Ledford, Midget "absent") to **APPROVE** the plat waiver for BOA-18749 as recommended by staff.

Honey Creek, Blocks 10 through 12, Lot 13, Block 12 (PD-18) (CD-8)
South of southeast corner of Memorial Drive and 81st Street South

Staff Recommendation:

Mr. Stump stated that this is a request to vacate a large lot in the Honey Creek subdivision. It was inadvertently included in the townhouse plat, but in fact it has been improved through a major amendment for office use. The plat was restricted to townhouse use, which is incorrect and the plat waiver is to correct an error in the restrictive covenants of the plat, and the fact that it was included in the plat.

Mr. Stump stated that the applicant would like it to be vacated and then he would replat this into a new plat when the office buildings are developed. He explained that the way it stands now, the subject property is restricted to townhouse use, but the PUD restricts it to office use. The platted conditions and the PUD conditions are conflicting.

Staff recommends **APPROVAL** of the vacation of Honey Creek, Blocks 10 through 12, Lot 13, Block 12 as recommended staff.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-0** (Boyle, Carnes, Collins, Harmon, Hill, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Horner, Ledford, Midget "absent") to **APPROVE** partial vacation of Honey Creek, Blocks 10 through 12, Lot 13, Block 12 as recommended by staff.

ZONING PUBLIC HEARING

APPLICATION NO.: Z-6777

RS-1/RS-2 TO RE

Applicant: TMAPC/Oakview

(PD-6) (CD-9)

Location: South of East 32nd Street to East 36th Street; east of South Lewis

Staff Recommendation:

RELEVANT ZONING HISTORY:

PUD-615 - September 1999: A request for a PUD to allow for the redevelopment of a lot located on the northeast corner of East 34th Street South and South Lewis Avenue, and included within the subject tract, for a three-lot single-family development with a private street was denied.

BOA-18020 - April 1998: The Board of Adjustment approved, per plan, a variance of the required front yard from 35' to 28', a variance of the required yard abutting a public street from 15' to 9', and a variance of the required rear yard from 25' to 16' to permit the construction of a new dwelling. The property is located on the northeast corner of East 34th Street South and East 34th Place South.

PUD-546 June 1996: A request for a Planned Unit Development for a five-lot single-family development with a private street on a 2.3-acre tract located north of the northeast corner of East 37th Street South and South Lewis was approved per conditions by staff and TMAPC.

BOA-16758 - August 1994: The Board of Adjustment approved a variance to reduce the required rear yard from 25' to 19' to allow the property owner to enclose and expand the existing carport. The property is located in the northeast corner of the cul-de-sac of Timberlane Addition at 2469 East 33rd Street.

PUD-517 - September 1994: All concurred in approval of a request to rezone a 2.5 acre tract located on the northeast corner of East 38th Street and South Atlanta Place from RS-2 to PUD to allow for a five-lot single-family development.

Z-6449 - October 1994: All concurred in approval of a request to rezone a 56-acre area bounded on the north by the lots fronting East 37th Street South and south to the lots fronting East 38th Street South and between South Atlanta Place east to South Delaware Avenue from RS-1 and RS-2 to RE.

BOA-15347 - January 1990: The Board of Adjustment approved a variance of the required 60' setback from the centerline of East 33rd Street to 57' to permit the reconstruction of an existing carport. The property is located on the northeast corner of East 33rd Street South and South Lewis Avenue and included in the subject application.

Z-6219 - November 1988: A request to rezone a 1.3-acre tract located north of the northeast corner of East 33rd Street South and South Birmingham Avenue from RS-1 to RS-2 to redevelop the lot into residential development allowing three or four lots. All concurred in denial of the request.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 45 acres in size and is located south of East 32nd Street to East 36th Street on the east side of Lewis. The property is of somewhat rolling topography; wooded; contains a drainageway and pond, as well as single-family homes and is zoned RS-1 and RS-2. Access off of Lewis is onto East 33rd Street South, a cul-de-sac; and East 34th Street South, a very narrow road that curves south to become South Atlanta Place. The latter street has access onto East 36th Street South.

STREETS:

<u>Existing Access</u>	<u>MSHP Design.</u>	<u>Exist. No. Lanes</u>	<u>Surface</u>	<u>Curbs</u>
South Lewis Avenue	70'	4 lanes	Paved	Yes
East 36 th Street	60'	2 lanes	Paved	Yes

The Major Street Plan designates South Lewis Avenue as an urban arterial street in this area and East 36th Street as a residential collector.

UTILITIES: Water and sewer are available to the subject property.

SURROUNDING AREA: The subject tract is abutted on the north by single-family residential uses, zoned RS-1 and RS-2; to the south by single-family residential uses, zoned RS-1 and RS-2; to the southwest by a Tulsa Fire Department station, zoned RS-2; to the east by single-family residential uses, zoned RS-1 and RS-2; and to the west by single-family residential uses, zoned RS-2 and RS-3.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 6 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property as Low Intensity – Residential land use.

According to the Zoning Matrix the requested RE is in accordance with the Plan Map.

STAFF RECOMMENDATION:

Neighborhood residents filed this application upon the encouragement of the TMAPC, following a controversial zoning case. Based on existing development, trends in the area, reported support of area residents, previous zoning decisions and the Comprehensive Plan, staff can support the requested rezoning and therefore recommends **APPROVAL** of RE zoning for Z-6777.

TMAPC Comments:

Mr. Boyle asked staff how the boundary lines were drawn. In response, Ms. Matthews stated that the final boundary lines were drawn through the help of the neighborhood representatives who were able to contact residents. Ms. Matthews explained that staff, through the Rules and Regulations Committee meetings, included a few more properties that would be beneficial by evening out the lines

and making more consistent boundaries. Ms. Matthews commented that Mr. and Mrs. Henke could probably explain how they came to the properties that they would like included.

Applicant's Comments:

Frank Henke, 3449 South Atlanta Place, Tulsa, Oklahoma 74105, stated that he would like to thank the staff and members of the Planning Commission for their patience and help with this application. He commented that there is fairly broad support for the application and it is consistent with the character of the neighborhood.

Mr. Henke described the subject neighborhood is an older area with very large trees. He explained that the boundaries are primarily based on the parties in the subject neighborhood who are interested in RE zoning. However, at the northeast corner of 36th and Lewis is a large tract that is owned by PSO. It is presently a nonconforming use, and was not included in the application.

Mr. Henke stated that there were a few property owners whom he was unable to contact. He commented that this is a neighborhood that should be preserved in its present state as much as possible. He stated that this is clearly an asset for the city and one that the neighbors feel should be preserved as it is currently configured.

TMAPC Comments:

Mr. Boyle stated that the materials submitted by the neighborhood were remarkably complete and it helps the Planning Commission considerably in making their decision.

Mr. Westervelt asked Mr. Henke about the one property on the Lewis frontage that is opposed to RE zoning. In response, Mr. Henke stated that he has not had any further contact with that individual. Mr. Westervelt asked if the opposing property owner was present today. There was no response from the room.

Mr. Henke stated that he couldn't take credit for the completeness of the application. He explained that his wife, Bonnie Henke, did the majority of the work on this request.

The Following Interested Parties expressed their support of RE Zoning:

James Lyall, 3315 South Lewis, Tulsa, Oklahoma 74105; **Katherine Bradshaw**, 3428 South Birmingham Avenue, Tulsa, Oklahoma 74105; **David Glenn**, 2243 East 33rd Street, Tulsa, Oklahoma 74105; **Daniel Plunket**, 2436 East 33rd Street, Tulsa, Oklahoma 74105.

Applicant's Rebuttal:

Mr. Henke stated that Dr. Plunket cleared up an issue with the property located at 33rd and Lewis. He explained that this property owner is not opposed to the application, but was too ill to sign the petition. The property owner did not indicate whether he was opposed to or in support of the RE zoning.

Councilor Pringle stated that he is in support of the RE zoning. He indicated that he encouraged the neighborhood to apply for the RE zoning. He commented that the neighborhood did this request the right way and it is a perfect area for RE zoning. Councilor Pringle concluded by thanking everyone involved in the process of the RE zoning application.

On **MOTION** of **BOYLE** to recommend **APPROVAL** of the RE zoning for Z-6777 as recommended by staff.

TMAPC Comments:

Mr. Harmon stated that he has a problem with the properties that have not been reached and have not signed off on the petition. He commented that he couldn't imagine that someone cannot be reached. He indicated that he could support the properties that have signed the petition, but not the properties that are opposed or not reached.

Mr. Westervelt stated that it is his understanding that the lot that is shown as opposed is actually someone in favor but is unable to respond. In response, Dr. Plunket stated that the opposing property owner is under a lot of stress currently. Dr. Plunket indicated that he approached the owners and they indicated that they declined to get involved and they are neither for nor against the rezoning. Dr. Plunket stated that it is not a case that the property owner is too sick to sign, just that the property owner is not inclined to consider the proposal.

Ms. Pace asked how many structures per acre would be allowed under RE zoning. In response, Mr. Stump stated that two dwelling units per acre would be allowed on RE zoning and the absent property owner could subdivide his property into three lots under RS-1. Ms. Pace stated that the Planning Commission would not be unduly limiting the absent property owners' property rights by downzoning, because there is still leeway for future change. Ms. Pace commented that the downzoning would still give the absent property owner some rights and protect the neighborhood. Ms. Pace expressed her support of this application.

Mr. Carnes stated that this the most favorable application before the Planning Commission. He commented that he feels very comfortable with voting the RE zoning including the absent property owner.

Mr. Boyle stated that this is remarkable to get an application for downzoning with no actual opposition.

TMAPC Action; 8 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **7-1-0** (Boyle, Carnes, Collins, Hill, Jackson, Pace, Westervelt "aye"; Harmon "nays"; none "abstaining"; Horner, Ledford, Midget "absent") to recommend **APPROVAL** of the RE zoning for Z-6777 as recommended by staff.

Legal Description for Z-6777:

Block 1 and 2, Timberlane Addition; and Lots 1 through 5, Block 5, Oakview Estates, less a tract described as follows: beginning at the Northeast corner of Lot 4, thence South along the East line of Lot 5 a distance of 219.83', thence West 10', thence North 18', thence Northwesterly 89.78', thence North 196.86' to the North line of Lot 4, thence East 101.5' to the POB, Block 5, Oakview Estates; **and** Lots 1 through 4 and Lot 5, Block 4, Oakview Estates, less a tract described as beginning at the Southeast corner of Lot 5, thence Northeasterly along the East line of Lot 5 a distance of 60', thence Northwesterly a distance of 190', thence North to the South line of Lot 4, thence West 220' to the East line of Lot 9, thence South 145' to the Southwest corner of Lot 5, thence Southeasterly 390.1' to POB; **and** part of Lot 6, Block 4, Oakview Estates, described as beginning 200' East of the Southwest corner of Lot 6, thence East 138.2', thence around a curve to the left 52.6', thence Northeasterly on the East line of Lot 6, a distance of 105.6' to the Northeast corner of Lot 6, thence Westerly along the North line of Lot 6, 185', thence South 150.9' to the POB; **and** Lots 10 through 13, Block 4, Oakview Estates; **and** Lots 1 and 2, Block 6, and Lot 3, Block 6, less a tract described as beginning at the Northeast corner of Lot 3, thence Westerly along the North line of Lot 3 a distance of 178', thence Southerly 111.2', thence Westerly 97.06', thence Southerly 108.52' to the South line of Lot 3, thence East along the South line of Lot 3 a distance of 297.50' to the Southeast corner of Lot 3, thence North along the East line of Lot 3 a distance of 198.7' to the POB, Block 6, Oakview Estates; **and** Lot 2 and 3, Block 2, and Lot 1, Block 3, Timberland Addition, and located south of East 32nd Street to East 36th Street and east of South Lewis Avenue to South Birmingham Avenue, Tulsa, Oklahoma, **From: RS-1 and RS-2 (Residential Single-family Low Density District and Residential Single-family Medium Density District) To: RE (Residential Single-family Estate District).**

Mary Hill out at 2:58 p.m.

OTHER BUSINESS:

APPLICATION NO.: PUD-595-A

DETAIL SITE PLAN

Applicant: Darin Akerman

(PD-18) (CD-8)

Location: North of northwest corner of East 71st Street and Mingo Valley Expressway

Staff Recommendation:

The applicant is requesting a Detail Site Plan approval for a 102,600 square foot showroom and 102,600 square foot warehouse for a Mathis Brothers Furniture Store.

Staff has examined the request and finds conformance to bulk and area, building square footage, setback, parking, lighting, general screening and total landscaped area standards and specifications outlined in PUD 595/595 A.

A minor amendment to height of the warehouse from a maximum of 40 feet to 48 feet was approved by the Commission on June 21, 2000.

Staff, therefore, having found conformance to the approved standards and specifications for PUD 595/595-A within Phase 1 of the Home Center recommends **APPROVAL** of the Detail Site Plan as submitted.

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

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **HARMON**, the TMAPC voted **7-0-0** (Boyle, Carnes, Collins, Harmon, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Hill, Horner, Ledford, Midget "absent") to **APPROVE** the detail site plan for PUD-595-A as recommended by staff.

Mary Hill in at 3:00 p.m.

APPLICATION NO.: PUD-619

DETAIL SITE PLAN

Applicant: Ricky Jones

(PD-26) (CD-8)

Location: North of northwest corner of East 111th Street and South Memorial

Staff Recommendation:

The applicant is requesting Detail Site Plan approval for a 6,840 square foot building and a 9,473 square foot building in Development Area A-1.

Staff has examined the request and finds conformance to bulk and area, building square footage, setback, parking, lighting, and total landscaped area standards and specifications outlined in PUD 619.

A minor amendment to setbacks for buildings and trash receptacles was approved in May, 2000.

Staff therefore, having found conformance to the approved standards and specifications for PUD 619 within Development Area A-1 recommends **APPROVAL** of the Detail Site Plan as submitted.

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

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-0** (Boyle, Carnes, Collins, Harmon, Hill, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Horner, Ledford, Midget "absent") to **APPROVE** of the detail site plan for PUD-619 as recommended by staff.

APPLICATION NO.: PUD-608

DETAIL SITE PLAN

Applicant: Steve Cecil

(PD-18) (CD-8)

Location: Southeast corner of East 81st Street and South Sheridan

Staff Recommendation:

The applicant is requesting a Detail Site Plan approval for a Wal Mart Neighborhood Market storage tanks, kiosks, an ATM, public phone, vacuum area, and gas island canopies.

Staff has examined the request and finds conformance to bulk and area, building square footage, setbacks, lighting, access/mutual access and standards and specifications for PUD-608. A landscape plan was approved for the site in February 2000.

The detail for screening the trash receptacle as submitted for the detail site plan review is not in conformance with the Zoning Code requirements, but the applicant has agreed to supply an acceptable screening fence.

Staff, therefore, having found conformance to the approved standards and specifications for PUD-608 within Development Area A, recommends **APPROVAL** of the Detail Site Plan with the condition that appropriate screening for the trash receptacle meet with the requirements of Chapter 2, Section 212, A, 1 through 8 in the City of Tulsa Zoning Code.

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

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Boyle, Carnes, Collins, Harmon, Hill, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Horner, Ledford, Midget "absent") to **APPROVE** the detail site plan for PUD-608, subject to the condition that appropriate screening for the trash receptacle meet with the requirements of Chapter 2, Section 212, A, 1 through 8 in the City of Tulsa Zoning Code as recommended by staff.

Proposed Amendments, City of Tulsa Zoning Code Text, Title 42, Tulsa Revised Ordinances

Staff Recommendation:

Staff recommends **APPROVAL** of the revised proposal for amending the Tulsa Zoning Code for the following Sections: 1212 B & C, 1212a.C.3.b. and c., 1212a.C.4.d., 1212A.C.3.c, 1214.C.3., 1608A, Chapter 18 (definitions). Relating to the regulation and/or definition of restaurants, accessory bars, adult entertainment establishments, blood banks, plasma centers, day labor centers, liquor stores, pawnshops and other similar uses, as recommended by the Rules and Regulations Committee on June 7, 2000.

REVISED PROPOSAL FOR AMENDING THE TULSA ZONING CODE

(Words deleted are shown as ~~strikeout~~; words added or substituted are underlined, words in *italics* are words originally proposed to be deleted which are now proposed to remain unchanged in the Zoning Code.)

AMEND SECTION 1212 B & C AS FOLLOWS:

USE UNIT 12 – EATING ESTABLISHMENTS OTHER THAN DRIVE-INS

B. Included Uses:

Cafeteria,
Coffee shop,
Delicatessen,
Restaurant, and
other similar eating establishments*

~~*An accessory use bar which is customarily incidental and subordinate to a principal use restaurant is included in this use unit.~~

C. Use Conditions

1. The uses included in Use Unit 12 shall take place within a completely enclosed building, except outdoor customer seating is permitted, whether uncovered or covered by a tent or canopy, provided:
 - a. The outdoor customer seating area shall abut the building wall of the business, but extend no closer to the street than the building setback requirements;
 - b. the outdoor customer seating area shall not occupy or use required parking spaces or access aisles;
 - c. the outdoor customer seating area exceeding 10% of the indoor building floor area of the principal use shall be considered floor area for purposes of determining off-street parking and loading requirements as set forth herein; and
 - d. *noise from any outdoor entertainment activity shall not be audible from any abutting R District.*
2. The uses included in Use Unit 12, when located within a district other than an R District and located on a lot which is abutting an R District, shall be screened from the abutting R District by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the R District."
3. The uses included in Use Unit 12 shall be open to persons of all ages anytime such establishments are open for business.

AMEND SECTIONS 1212a.C.3. AS FOLLOWS:

SECTION 1212a. USE UNIT 12A. ADULT ENTERTAINMENT
ESTABLISHMENTS

C. Use Conditions:

1. The uses included in Use Unit 12a, when located on a lot which is abutting an R District shall be screened from the abutting R District by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the R District.
2. Sexually Oriented Businesses shall meet the conditions set forth in Section 705 of this Code.
3. Adult Entertainment Establishments, other than Sexually Oriented Businesses, shall meet the following spacing standards: ~~provided, however, that the spacing standards shall not apply to accessory use bars as defined in this Code:~~
 - a. Public entrance doors shall be located at least 50 feet from an R District, which shall be measured in a straight line from the nearest point on a residential zoning district boundary line (not including residentially zoned expressway right-of-way) to the nearest public entrance door of the Adult Entertainment Establishment; and
 - b. Shall be located a minimum of 300 feet from a public or private park school or church property primarily and regularly used for worship services and religious activities. ~~which~~ The distance shall be measured from the nearest point on the property line of a park school or church to the nearest perimeter wall public entrance door of the Adult Entertainment Establishment. measured along the street right-of-way line providing the nearest direct route usually traveled by pedestrians between such points; for purposes of determining measured distance, property situated on the opposite side of the street from such park, school or church shall be considered as if it were located on the same side of the street with the park, school or church; and
 - c. *Shall be spaced 300 feet from any other Adult Entertainment Establishment listed in Use Unit 1212a., except in the Central Business District (CBD), which 300 feet shall be measured in a straight line from the nearest point of the wall of the portion of the building in which said business is conducted, to the nearest point of the wall of the portion of the building in which another adult entertainment business is conducted.*
4. The uses included in Use Unit 12a. shall take place within a completely enclosed building, except outdoor customer seating is permitted, whether uncovered or covered by a tent or canopy, provided:
 - a. The outdoor customer seating area shall abut the building wall of the business, but extend no closer to the street than the building setback requirements;

- b. The outdoor customer seating area shall not occupy or use required parking spaces or access aisles;
- c. The outdoor customer seating area exceeding 10% of the indoor building floor area of the principal use shall be considered floor area for purposes of determining off-street parking and loading requirements as set forth herein; and
- d. *Noise from any outdoor entertainment activity shall not be audible from any abutting R. District.*

ADD THE FOLLOWING SUBSECTION TO SECTION 1608A:

A. General

The Board of Adjustment upon application and after hearing subject to the procedural and substantive standards hereinafter set forth, may grant the following special exceptions:

- 18. Reduction of the 300-foot spacing requirement between Adult Entertainment Establishments, other than Sexually Oriented Business, and a public park, school, church or any other Adult Entertainment Establishment as provided in Section 1212a.C.3.b. and c.

DELETE SECTION 1214.C.3 AS FOLLOWS:

SECTION 1214 – USE UNIT 14 SHOPPING GOODS AND SERVICES

C. Use Conditions

- ~~3. Blood banks, plasma centers, day labor hiring centers, liquor stores and pawn shops shall be spaced a minimum of 300 feet from each other.~~

DELETE THE FOLLOWING DEFINITIONS FROM CHAPTER 18:

~~Accessory Use Bar
Bar/Tavern
Beer Bar
Night Club
Principal Use Restaurant~~

TMAPC Comments:

Mr. Boyle stated that the Rules and Regulations Committee considered these potential amendments on two different occasions and heard input from the public. He indicated that the Rules and Regulations Committee is confident that the proposals before the Planning Commission today are amendments that should be adopted.

Mr. Stump stated that the language regarding the reduction in the 300' spacing between adult entertainment establishments can be granted by special exception. In response, Mr. Boyle asked staff if this is the alternative that the Planning Commission wanted to consider. In response, Mr. Stump stated that the language included is the alternative that the Rules and Regulations Committee selected. Mr. Westervelt concurred with Mr. Stump's statement.

Ms. Pace stated that as the Code stands today, it is difficult to locate an adult business closer than 300' from an existing adult business. In response, Mr. Westervelt stated that the applicant could go to the Board of Adjustment for a variance to allow the location closer than 300', and this language would require a special exception instead. Mr. Westervelt further stated that the difference would be that the applicant would no longer be required to show a hardship as a reason for being within 300' from another adult business, and would simply show that it would not be injurious to the subject area. Mr. Westervelt explained that having to show a hardship is intellectually dishonest because it is difficult to imagine a true hardship that would require locating another adult business within 300' of another.

Mr. Boyle asked Mr. Stump to explain the standard for a special exception before the Board of Adjustment. In response, Mr. Stump stated that a special exception means that the BOA would have to find that it is not injurious to the surrounding neighborhood and meets the spirit and intent of the Code.

Mr. Westervelt reported that Bill Carr, President of Shadow Mountain Homeowner's Association, is supporting the Brookside Homeowner's Association position regarding the proposed amendments.

The following Interested Parties expressed their opposition to the above referenced amendments:

Nancy Apgar, Brookside Homeowner's Association, 3914 South Norfolk, Tulsa, Oklahoma 74105; **Al Nichols**, Mingo Valley Homeowner's Association, 8525 East 16th Street, Tulsa, Oklahoma 74112; **Red Garrison**, no address given; **Howell Joiner**, McKinley/Mitchell Neighborhood Association, 715 East Haskell Street, Tulsa, Oklahoma 74106; **Beverly Schultz**, 6627 East Newton Place, Tulsa, Oklahoma 74115;

Commissioner Collins out at 3:15 p.m.

The above listed Interested Parties expressed the following concerns:

Oppose Section 1608A allowing the Board of Adjustment (BOA) to grant special exceptions to reduce the 300' spacing requirement between bars; rows of bars would impact the quality of life in the neighborhood; request amending the zoning ordinance to make the provisions prohibiting the noise from outside entertainment from being audible in residential areas fully and enforceable; forcing the neighbors to go to court and testify creates a hardship on the residents; BOA is a non-elected body and have significant impacts on the neighborhoods when they make their decisions; neighborhoods have no appeal except to go District Court; BOA is primarily made up of business owners and people involved in real estate, maybe this has something to do with their ruling; BOA is predisposed to approving almost everything; business people have the funds to go to District Court, but homeowner groups do not have the funds; strike the language regarding special exception in 1608A to reduce the 300' spacing for bars; do not want clustering of bars; the 300' required spacing for bars have prevented clustering in the past and do not want it removed.

TMAPC Comments:

Mr. Westervelt asked Ms. Apgar why she opposed Section 1608A. In response, Ms. Apgar stated she understands that the Planning Commissioners and the Board of Adjustment members are volunteers and do a great job. Ms. Apgar stated that Brookside is already impacted by bars and do not need a cluster of more bars approved by special exception.

Mr. Westervelt asked Ms. Apgar if a new bar was proposed and met all of the parking with a good solution to avoid the noise and intrusion to the neighborhood, etc., she would be opposed to the proposal locating within the Brookside Corridor. Ms. Apgar stated that she would have to go back before her neighborhood association and ask them how they feel. Ms. Apgar stated that as of today, the neighborhood association opposes a bar coming into the Brookside area.

Ms. Pace asked Ms. Apgar if she would object to a restaurant with a bar going in the neighborhood association. In response, Ms. Apgar stated that she would not object to that type of proposal.

Mr. Westervelt stated that not all necessarily share Mr. Nichols's observation regarding the Board of Adjustment, but his message is clear regarding Section 1608A. Mr. Westervelt informed Mr. Nichols that there have been a number of public meetings regarding this proposal and his views and comments will be filtered through the process. Mr. Westervelt reminded Mr. Nichols that the Planning Commission is a recommending body and he will have another opportunity to state his concerns before the City Council. Mr. Westervelt stated that the Planning Commission does hear and listen to the public's concerns and opinions.

Mr. Boyle stated that he is having trouble with the issue regarding special exception versus a variance. It seems that this is simply a policy question and not a matter of intellectual honesty. In response, Mr. Westervelt stated that he is unsure about this issue and needs some guidance regarding this issue.

Mr. Westervelt asked staff if there are bars that are currently within 300' of each other via showing a hardship and if so, what the hardship was. Mr. Stump stated that there have been variances granted to the 300' spacing requirement between bars and there had to be a showing of a hardship peculiar to the specific situation, which means that the BOA found that to exist. Mr. Stump commented that he couldn't say that he would always agree with the BOA on the hardship.

Mr. Jackere stated that the BOA has granted variances, which require the showing and the finding of a hardship. Mr. Jackere stated that he does not know if Jay or he would necessarily agree of the findings of hardship in these types of cases, but is not our job and it is the BOA's job.

Mr. Jackere stated that a good example of a hardship that he has not seen would be where a bar exists separated by 250' from another piece of property where the owner would like to have a bar and it is next to a highway with no street access between the two bars; in other words, a freeway separation from neighborhoods.

Ms. Pace stated that she believes that the Code intent was to prevent clustering of bars. She recited history of clustering of bars in neighborhoods. She commented the problems that residences have regarding trash in their yards from the bar patrons. Ms. Pace suggested that bars be encouraged to locate in the CBD district and stay away from the RS districts.

Mr. Westervelt stated that the most compelling argument to remove Section 1608A is that citizens have to come to the BOA meetings to show that it will be injurious and it puts the burden on the wrong party.

Commissioner Collins in at 3:25 p.m.

Mr. Carnes suggested that a representative from the Police Department be involved in Zoning Code amendments regarding the bars. He stated that the Police Department can give insight on subject areas in the City of Tulsa that are becoming problems due to clustering of bars. He commented that he would like to hear from the professional people who have to enforce the laws.

Mr. Jackson stated that there are a couple of isolated areas and it puts a bad reputation on all bars and adult entertainment industries. He commented that he does not agree that the bars caused the deterioration of Whittier Square. It was I-244 and the Broken Arrow Expressway by cutting it off from the rest of the world with no access. He stated that the Hispanic population has moved in and are

doing some nice things. Mr. Jackson listed several businesses in the subject area and stated that it is making a comeback. Mr. Jackson concluded that he could support Section 1608A.

Mr. Harmon stated that Section 1608A is not a reduction, but an opportunity to reduce the 300' required separation between bars. He questioned if a special exception would be easier to grant than a variance. In response, Mr. Boyle stated that a special exception is a much less burden to prove.

Mr. Boyle stated that a variance puts the burden on the applicant to prove a hardship and if it is by special exception then the burden is shifted to the neighbors to prove injury. If an applicant wants to be closer than 300', then it should be the applicant's responsibility to prove a hardship. The more prudent course would be to leave the provision as it is and strike the additional language in Section 1608A.

Mr. Westervelt stated that there is not necessarily a reason why a bar should not exist for the sake of existing, if indeed there is no injury to the residential areas. This issue would not be one that would necessarily generate a lot of advocacy of bars' supporters to submit a 1,000-signature petition. If these facilities negatively impact the community, then the BOA would have the latitude to deny the application.

TMAPC Action; 8 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **5-3-0** (Boyle, Carnes, Collins, Hill, Pace, "aye"; Harmon, Jackson, Westervelt "nays"; none "abstaining"; Horner, Ledford, Midget "absent") to recommend to the City Council to **ADOPT** the amendments to the City of Tulsa Zoning Code Text, Title 42, Tulsa Revised Ordinances recommended by the Rules and Regulations Committee except Section 1608A would not be amended. The amendments as recommended by TMAPC are as follows: (Language in the staff recommendation that was deleted by TMAPC is shown as ~~strikeout~~; language added or substituted by TMAPC is underlined.)

REVISED PROPOSAL FOR AMENDING THE TULSA ZONING CODE

AMEND SECTION 1212 B & C AS FOLLOWS:

USE UNIT 12 – EATING ESTABLISHMENTS OTHER THAN DRIVE-INS

B. Included Uses:

Cafeteria,
Coffee shop,
Delicatessen,
Restaurant, and
other similar eating establishments*

~~*An accessory use bar which is customarily incidental and subordinate to a principal use restaurant is included in this use unit.~~

C. Use Conditions

5. The uses included in Use Unit 12 shall be open to persons of all ages anytime such establishments are open for business.

AMEND SECTIONS 1212a.C.3. AS FOLLOWS:

SECTION 1212a. USE UNIT 12A. ADULT ENTERTAINMENT ESTABLISHMENTS

C. Use Conditions:

3. Adult Entertainment Establishments, other than Sexually Oriented Businesses, shall meet the following spacing standards: ~~provided, however, that the spacing standards shall not apply to accessory use bars as defined in this Code:~~
 - a. Public entrance doors shall be located at least 50 feet from an R District, which shall be measured in a straight line from the nearest point on a residential zoning district boundary line (not including residentially zoned expressway right-of-way) to the nearest public entrance door of the Adult Entertainment Establishment; and
 - b. Shall be located a minimum of 300 feet from a public or private park school or church property primarily and regularly used for worship services and religious activities. ~~which~~ The distance shall be measured from the nearest point on the property line of a park school or church to the nearest perimeter wall public entrance door of the Adult Entertainment Establishment. measured along the street right of way line providing the nearest direct route usually traveled by pedestrians between such points; for purposes of determining measured distance, property situated on the opposite side of the street from such park, school or church shall be considered as if it were located on the same side of the street with the park, school or church; and

doing some nice things. Mr. Jackson listed several businesses in the subject area and stated that it is making a comeback. Mr. Jackson concluded that he could support Section 1608A.

Mr. Harmon stated that Section 1608A is not a reduction, but an opportunity to reduce the 300' required separation between bars. He questioned if a special exception would be easier to grant than a variance. In response, Mr. Boyle stated that a special exception is a much less burden to prove.

Mr. Boyle stated that a variance puts the burden on the applicant to prove a hardship and if it is by special exception then the burden is shifted to the neighbors to prove injury. If an applicant wants to be closer than 300', then it should be the applicant's responsibility to prove a hardship. The more prudent course would be to leave the provision as it is and strike the additional language in Section 1608A.

TMAPC Action; 8 members present:

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- c. Shall be spaced 300 feet from any other Adult Entertainment Establishment listed in Use Unit 1212a., except in the Central Business District (CBD), which 300 feet shall be measured in a straight line from the nearest point of the wall of the portion of the building in which said business is conducted, to the nearest point of the wall of the portion of the building in which another adult entertainment business is conducted.

DELETE SECTION 1214.C.3 AS FOLLOWS:

SECTION 1214 – USE UNIT 14 SHOPPING GOODS AND SERVICES

C. Use Conditions

- ~~3. Blood banks, plasma centers, day labor hiring centers, liquor stores and pawn shops shall be spaced a minimum of 300 feet from each other.~~


DELETE THE FOLLOWING DEFINITIONS FROM CHAPTER 18:

- ~~Accessory Use Bar~~
- ~~Bar/Tavern~~
- ~~Beer Bar~~
- ~~Night Club~~
- ~~Principal Use Restaurant~~

There being no further business, the Chairman declared the meeting adjourned at 3:40 p.m.

Date approved: 07/26/00


Chairman

ATTEST: 
Secretary

