

# TULSA METROPOLITAN AREA PLANNING COMMISSION

**Minutes of Meeting No. 2245**  
Wednesday, July 19, 2000 1:30 p.m.  
Francis Campbell City Council Room  
Plaza Level, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Friday, July 14, 2000 at 3:35 p.m., posted in the Office of the City Clerk at 3:30 a.m., as well as in the office of the County Clerk at 3:24 a.m.

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

## Minutes:

### **Approval of the minutes of June 21, 2000 Meeting No. 2242**

On **MOTION** of **BOYLE** the TMAPC voted **9-0-0** (Boyle, Carnes, Collins, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Midget, Pace "absent") to **APPROVE** the minutes of the meeting of June 21, 2000 Meeting No. 2242 as amended by the TMAPC.

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## REPORTS:

### Chairman's Reports:

Mr. Westervelt announced that the applicant has withdrawn the preliminary plat for GreenHill II.

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**CONTINUED ITEMS:**

**The Meadows Second – (2992)**

(PD-9) (County)

East of South 61<sup>st</sup> West Avenue and West 42<sup>nd</sup> Place South

**TMAPC Comments:**

Mr. Westervelt stated that there has been a timely request for a continuance to August 2, 2000.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **9-0-0** (Boyle, Carnes, Collins, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Midget, Pace "absent") to **CONTINUE** the preliminary plat for the Meadows Second to August 2, 2000 at 1:30 p.m.

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**APPLICATION NO.: PUD-502-A**

**MAJOR AMENDMENT**

**Applicant:** Jeffrey Levinson

(PD-18) (CD-8)

**Location:** West of southwest corner of East 91<sup>st</sup> Street and South Yale Avenue

**TMAPC Comments:**

Mr. Westervelt stated that the applicant would like a continuance in order to work out some details.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-1** (Boyle, Carnes, Collins, Harmon, Hill, Horner, Jackson, Westervelt "aye"; no "nays"; Ledford "abstaining"; Midget, Pace "absent") to **CONTINUE** the major amendment for PUD-501-A to August 2, 2000 at 1:30 p.m.

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**Committee Reports:**

**Rules and Regulations Committee**

Mr. Boyle reported that the committee had a good meeting today on changes to enact some of the materials that the Infill Development Task Force recommended to the Planning Commission. He stated that the committee would continue to study the proposed changes and have additional meetings.

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**Director's Report:**

Mr. Stump stated that there are several items on the City Council agenda for July 20, 2000.

Mr. Stump stated that a draft resolution prepared by the City Council/Public Works Committee would be considered next Tuesday, July 25, 2000 at the 8:00 a.m. meeting. He indicated that the draft resolution concerns the Riverside Drive Studies and the Planning Commission might want to review the draft resolution in case there are any comments that would need to be forwarded to the committee.

Mr. Stump reported that the TMAPC receipts for the month of May are a little below average and staff is seeing a slight slow down from a very busy spring.

Mr. Boyle stated that he is glad that the City Council is finally confronting the Riverside Drive Studies issue. Mr. Boyle further stated that staff should explain to the City Council that the Planning Commission would expect this to be an expeditious process.

\* \* \* \* \*

**Mr. Midget in at 1:35 p.m.**

**SUBDIVISIONS**

**LOT-SPLITS FOR WAIVER OF SUBDIVISION REGULATIONS:**

**L-19074 – Sack & Associates, Inc. (983)**

(PD-18) (CD-8)

3830 East 76<sup>th</sup> Street South

**Staff Recommendation:**

The applicant has applied to split a single tract into three parcels, with each of the new parcels being tied to an adjacent tract. The proposed configuration will result with Tract A having six side-lot lines; Tract B having seven side-lot lines; and Tract C having four side-lot lines. The applicant is seeking a waiver of Subdivision Regulations that each tract has no more than three side-lot lines.

The Technical Advisory Committee expressed no concerns about the proposed lot-split at their July 6, 2000, meeting. Staff believes this lot-split would not have an adverse effect on the surrounding properties and would therefore recommend **APPROVAL** of the waiver of Subdivision Regulations and of the lot-split.

**Applicant's Comments:**

**Richard Blisset**, 3830 East 76<sup>th</sup> Street South, stated that he owns the subject property, which is a heavily-wooded lot with limited access. He explained that a driveway would be a 20% grade, which would be impossible to build in.

Mr. Blisset stated that he decided to share the subject property with his neighbors and keep the green space. He indicated that all three neighbors have agreed to this lot-split.

**Interested Parties Comments:**

**Barbara Mugge**, 3818 East 76<sup>th</sup> Street, Tulsa, Oklahoma 74136, stated that she lives west of the subject lot and is in support of this application.

**TMAPC Action; 10 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **10-0-0** (Boyle, Carnes, Collins, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Pace "absent") to **APPROVE** of the waiver of Subdivision Regulations and the lot-split as recommended by staff.

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**LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:**

**L-18062 – Michael Marrara (983)** (PD-18) (CD-8)  
404 East 76<sup>th</sup> Street

**L-18069 – J. Anthony Miller (2283)** (PD-18) (CD-8)  
9141 South Yale

**L-19084 – Michael Marrara (3203)** (PD-3) (CD-3)  
2921 Dawson Road

**L-19085 – Toby Powell (2702)** (PD-11) (CD-1)  
1218 West Queen

**Staff Recommendation:**

Mr. Stump stated that all of these lot-splits are in order and staff recommends **APPROVAL**.

**TMAPC Action; 10 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **10-0-0** (Boyle, Carnes, Collins, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Pace "absent") to **RATIFY** these lot-splits given prior approval, finding them in accordance with Subdivision Regulations as recommended by staff.

\*\*\*\*\*

**FINAL PLAT:**

**Plainview Heights Addition Amended – (PUD 618) (594)** (PD-17) CD-6)  
422 South 129<sup>th</sup> East Avenue

**Staff Recommendation:**

Mr. Stump stated that everything is order and all release letters have been received. Staff recommends **APPROVAL** of the final plat for Plainview Height Addition Amended.

**TMAPC Action; 10 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **10-0-0** (Boyle, Carnes, Collins, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Pace "absent") to **APPROVE** the final plat for Plainview Heights Addition Amended as recommended by staff.

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**Tulsa Dream Center – (1402)** (PD-25) (County)  
South side of West 46<sup>th</sup> Street, west of North Cincinnati Avenue

**Staff Recommendation:**

Mr. Stump stated that everything is order and all release letters have been received. Staff recommends **APPROVAL** of the final plat for Tulsa Dream Center as recommended by staff.

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

**TMAPC Action; 10 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **10-0-0** (Boyle, Carnes, Collins, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Pace "absent") to **APPROVE** the final plat for Tulsa Dream Center as recommended by staff.

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**PLAT WAIVER:**

**BOA 18780 - (593)** (PD-4) (CD-4)  
North of East 4<sup>th</sup> Place, east of South Florence Avenue

**Staff Recommendation:**

The Board of Adjustment approved a special exception to permit an accessory parking lot for the Tulsa University Law Clinic. Any approval of Use Unit 5 triggers the platting requirement.

**Staff Comments and Recommendation:**

The property is already platted and the checklist is "clean" except the required dedication of additional right-of-way. We can see no additional benefit to the public by requiring a re-plat. **Staff recommends approval** of the plat waiver subject to the required dedication of additional right-of-way.

**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? | √1                       | <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.?   | <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.?
- 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:**

- 1) A 25' radius curve is required at the southwest corner of the property and would be dedicated by separate instrument.

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

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

**TMAPC Action; 10 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **10-0-0** (Boyle, Carnes, Collins, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Pace "absent") to **APPROVE** the plat waiver for BOA-18780, subject to the required dedication of additional right-of-way as recommended by staff.

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**Z-4289 - (1694)** (PD-17) (CD-6)  
 Northwest corner East 31<sup>st</sup> Street and South 145<sup>th</sup> East Avenue

**Staff Recommendation:**

The zoning on this property was changed from AG to CS in 1972. A change of zoning to a classification other than AG always triggers the platting requirement.

**Staff Comments and Recommendation:**

The project consists of erection of a monopole tower for a wireless telephone antenna. There would be no other construction and no need for water, sanitary sewer, or streets. 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"/> | <input checked="" type="checkbox"/> |
| 2) Are restrictive covenants contained in a previously filed plat?                   | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3) Is property adequately described by surrounding platted properties or street R/W? | <input type="checkbox"/> | <input checked="" 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.?  | <input type="checkbox"/> | √ |
| a) If yes, was plat recorded for the original P.U.D.?  | <b>N/A</b>               |   |
| 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.? | <b>N/A</b>               |   |
| 11) Are additional utility easements needed?   | <input type="checkbox"/> | √ |

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

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



**TMAPC Action; 10 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted **10-0-0** (Boyle, Carnes, Collins, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Pace "absent") to **APPROVE** the plat waiver for Z-4289 as recommended by staff.

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**BOA 18798 - (293)**

(PD-5) (CD-3)

280 South Memorial, northwest corner of South Memorial Drive and 4<sup>th</sup> Place South

**Staff Recommendation:**

**PURPOSE:**

The purpose of the request is to allow the change in use of a facility currently occupied by the East Tulsa Christian Church. The proposed use is a math, science and technology school.

The church will vacate the premises on July 1; the school will start classes under a timeframe that coincides with Tulsa public schools.

No exterior construction will be required to facilitate the change in use.

**GENERAL:**

The site is approximately 6.2 acres in size, is zoned OL and includes church facilities. It abuts single-family homes on the west, OL zoning and uses to the north, CS and RM-2 zoning and uses across Memorial to the east, OL zoning and uses to the southeast across 4<sup>th</sup> Place and RM-2 and CS zoning and use, also across 4<sup>th</sup> Place to the south.

**STREETS:**

The site is bounded on the east by Memorial Drive and on the south by 4<sup>th</sup> Place. Existing access is indicated off of Memorial and 4<sup>th</sup> Place.

Memorial Drive right-of-way is indicated at 60' on the west side of the centerline; 4<sup>th</sup> Place is indicated at 50'. It also appears that existing dedications along Memorial bring it to 50'; 10' remains to be dedicated. Dedications along 4<sup>th</sup> Place are not addressed by the plat.

**SEWER:**

Sewer currently serves the existing facility.

**WATER:**

Water currently serves the existing facility.

**STORM DRAIN:**

Staff does not have information regarding drainage/detention – no new construction is anticipated.

**UTILITIES:**

Staff does not have information regarding utility easements.

**Staff provides the following comments from the TAC meeting.**

1. Streets:
  - Somdecerff, Streets, no comment
  - French, Traffic, indicated that a left turn bay on the northern driveway would be helpful – not a requirement.
2. Sewer:
  - Bolding, Public Works, no comment
3. Water:
  - Murphree, Public Works, no comment
4. Storm Drain:
  - McCormick, Stormwater, no comment.
5. Utilities
  - No comment.

**Conclusions:**

The proposed project is the change in use of an existing facility, triggered by Special Exception to allow the school use. The existing facility will be remodeled to accommodate school use.

Based on the TAC discussion, the lack of comment and the following checklist, which reflects the policies of TMAPC. **Staff recommends approval of plat waiver.**

***It shall be the policy of the Tulsa Metropolitan Area Planning Commission that all requests for plat waivers shall be evaluated by the staff and by the Technical Advisory Committee based on the following list. After such evaluation, TMAPC Staff shall make a recommendation to the TMAPC as to the merits of the plat waiver request accompanied by the answers to these questions:***

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

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

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

- |  |                          |                                     |
|--|--------------------------|-------------------------------------|
| 4) Is right-of-way dedication required to comply with major street and highway plan? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5) Will restrictive covenants be filed by separate instrument?                       | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 6) Infrastructure requirements   |                          |                                     |
| a) Water   |                          |                                     |
| i) Is a main line water extension required?  | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ii) Is an internal system or fire line required?                                     | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iv) Are additional easements required?   | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Sanitary Sewer  |                          |                                     |
| i) Is a main line extension required?  | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ii) Is an internal system required?  | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iii) Are additional easements required?  | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Storm Sewer   |                          |                                     |
| i) Is a P.F.P.I. required?   | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ii) Is an Overland Drainage Easement required?                                       | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iii) Is on-site detention required?  | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iv) Are additional easements required?   | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 7) Floodplain  |                          |                                     |
| a) Does the property contain a City of Tulsa (Regulatory) Floodplain?                | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Does the property contain a F.E.M.A. (Federal) Floodplain?                        | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 8) Change of Access  |                          |                                     |
| a) Are revisions to existing access locations necessary?                             | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 9) Is the property in a P.U.D.?  | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| a) If yes, was plat recorded for the original P.U.D.?                                | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- 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.?  ✓

If, after consideration of the above criteria, a plat waiver is granted on *unplatted* properties, a current ALTA/ACSM/NSPS Land Title Survey (and as subsequently revised) shall be required. Said survey shall be prepared in a recordable format and filed at the County Clerk's office.

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

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

**TMAPC Action; 10 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **10-0-0** (Boyle, Carnes, Collins, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Pace "absent") to **APPROVE** the plat waiver for BOA-18798 as recommended by staff.

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**Z 6776 – (1994)** (PD-17) (CD-5)  
 Northeast corner of East 41<sup>st</sup> Street South and the Mingo Valley Expressway

**Staff Recommendation:**

**PURPOSE:**

The purpose of the request is to allow the construction of an outdoor advertising sign on a portion of the recently rezoned property.

The request pertains only to the construction of the sign. Future development on the site would be subject to the platting requirement.

**GENERAL:**

The site is approximately 15.6 acres in size and currently contains a church and related recreational facilities. Recent zoning action has changed the designation from AG to CS on the majority of the property.

The subject tract is abutted on the north by single-family dwellings in the RS-3 district, to the east by CS zoning and uses; to the south by 41<sup>st</sup> Street with CS zoning and uses beyond; and to the west by the Mingo Valley Expressway.

**STREETS:**

The site is bounded on the west by the expressway on the south by 41<sup>st</sup> Street. Existing access is off of 41<sup>st</sup> Street. The sign location will be accessed through the existing church site.

East 41<sup>st</sup> Street is indicated as a secondary arterial on the Major Street and Highway Plan.

**SEWER:**

Sewer currently serves the existing facility and will not be needed for the new construction.

**WATER:**

Water currently serves the existing facility and will not be needed for the new construction

**STORM DRAIN:**

Staff does not have information regarding drainage/detention; new construction is limited to the sign.

**UTILITIES:**

Staff does not have information regarding utility easements.

**Staff provides the following comments from the TAC meeting.**

1. Streets:
  - Somdecerff, Streets, no comment
  - French, Traffic, no comment
2. Sewer:
  - Bolding, Public Works, no comment
3. Water:
  - Murphree, Public Works, no comment
4. Storm Drain:
  - McCormick, Stormwater, no comment.
5. Utilities
  - No comment:

**Conclusions:**

The proposed project is the construction of an outdoor advertising sign. Platting is triggered by zone change to CS.

Based on the TAC discussion, the lack of comment and the following checklist, which reflects the policies of TMAPC. Staff recommends **APPROVAL** of plat waiver.

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

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

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

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

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

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

- 9) Is the property in a P.U.D.?
- a) If yes, was plat recorded for the original P.U.D.?
- 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.?

If, after consideration of the above criteria, a plat waiver is granted on *unplatted* properties, a current ALTA/ACSM/NSPS Land Title Survey (and as subsequently revised) shall be required. Said survey shall be prepared in a recordable format and filed at the County Clerk's office.

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

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

**TMAPC Action; 10 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **10-0-0** (Boyle, Carnes, Collins, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Pace "absent") to **APPROVE** the plat waiver for Z-6776 as recommended by staff.

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**ZONING PUBLIC HEARING**

**APPLICATION NO.: PUD-600-A**

**MAJOR AMENDMENT**

**Applicant:** Jeffrey Levinson

(PD-18) (CD-8)

**Location:** West of southwest corner of East 91<sup>st</sup> Street and South Yale Avenue

**Staff Recommendation:**

The applicant is requesting Major Amendment approval to allow barber and beauty shops (Use Unit 13 uses) as additional uses in Development Area A. Development Area A consists of 13.34 acres approved for a maximum floor area of 140,000 SF. The approved permitted uses are those permitted by right in an OL District.

Staff finds the uses and intensities of development proposed and to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds PUD-600-A to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD-600-A subject to the following conditions:

1. The applicant's Outline Development Plan and Text be made a condition of approval, unless modified herein.
2. **Development Standards:**

**DEVELOPMENT AREA A**

Permitted Uses: As permitted by right within an OL district; and Barber and Beauty Shops only as allowed in Use Unit 13.

Except as above modified, the development standards of PUD-600, as amended, shall remain applicable.

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

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

**TMAPC Action; 10 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **10-0-0** (Boyle, Carnes, Collins, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Pace "absent") to recommend **APPROVAL** of the major amendment for PUD-600-A, subject to the development standards for Development Area A as recommended by staff.

**Legal Description for PUD-600-A:**

East 505' of the E/2, NW/4, NE/4, less and except the West 100' of the North 100'; Section 21, T-18-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, **From OL/PUD-600 (Office Low Intensity District/Planned Unit Development [PUD-600]) To OL/PUD-600-A (Office Low Intensity District/Planned Unit Development [PUD-600-A]).**

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**APPLICATION NO.: PUD-540-2**

**Applicant:** Douglas E. Walker

**Location:** 9648 South Vandalia Avenue

**MINOR AMENDMENT**

(PD-26) (CD-8)

**Staff Recommendation:**

The applicant is requesting a minor PUD amendment to move the 30-foot building setback line on Lot 1, Block 1 in the Hunter's Pointe II Addition toward



South Vandalia Avenue by 15 inches. This amendment will facilitate the construction of a new single-family residence.

The subject site is a corner lot and it is bordered by private streets consisting of East 97<sup>th</sup> Place South, Vandalia Place, and South Vandalia Avenue. A 15-foot utility easement abuts the roadways to the east and south, and a 20-foot utility easement abuts the roadway to the west. There is a small Reserve Area (C) for open space on the southwest corner of the property.

Staff has reviewed the Planned Unit Development standards, and can agree that the minor amendment request as depicted on the submitted site plan would be in keeping with the overall intent of the PUD. The visibility for traffic should not be affected by the new setback line in this particular proposed alignment.

Staff recommends **APPROVAL** of the Minor PUD Amendment per the submitted site plan.

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

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

**TMAPC Action; 10 members present:**

On **MOTION** of **HARMON**, the TMAPC voted **10-0-0** (Boyle, Carnes, Collins, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Pace "absent") to **APPROVE** of the minor amendment for PUD-540-2 as recommended by staff.

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### **PUBLIC HEARING FOR PROPOSED ZONING TEXT AMENDMENT TO TITLE 42, TRO, CHAPTER 14, SECTION 1407.E**

Proposed zoning text amendment to amend the Title 42, TRO, Chapter 14, Section 1407.E, regarding nonconforming use provisions pertaining to the parking, storing or displaying of vehicles on an all-weather material surface, which would amend 1407.E as follows: The provisions of this code requiring vehicles to be parked, stored or displayed for sale on an all-weather material shall not apply to any parking, storage or display area established on a non-all-weather material prior to July 1, 1970, provided that the use of the area has not been discontinued for 36 consecutive months or for 36 months during any four-year period (except when governmental action impedes access to or the use of the premises).

**Staff Recommendation:**

Mr. Stump stated that this is a proposed amendment that has been transmitted by the City Council requesting the Planning Commission to hold a public hearing and consider a possible amendment.

Mr. Stump explained that the proposal is with regard to exempting from the paving requirement for parking areas, storage areas or areas used for display or for sale of vehicles. Currently, and since January 1995, all such areas had to be paved. This proposal would exempt those areas from the paving requirement if they have existed in use since July 1, 1970.

**TMAPC Comments:**

Mr. Boyle asked Mr. Stump what the purpose of this request is and what the City Council wants the Planning Commission to do. In response, Mr. Stump stated that the City Council passed this, in response to a request from their Neighborhood Inspections Department, which found that many of the older parts of town had existing gravel driveways in residential areas or gravel parking areas in older commercial areas. The City Council felt that perhaps it was a hardship to require these areas to pave all those surfaces.

Mr. Boyle asked Mr. Stump if the City doesn't adopt the proposed resolution, then the requirement would still be in place to pave these areas or go to the Board of Adjustment for relief. Mr. Stump answered affirmatively.

Ms. Hill asked staff if this exemption would apply to businesses with gravel parking. In response, Mr. Stump stated that if the business was in place with a gravel lot before July 1970 and has continued the operation until now, then it would be exempt.

Mr. Stump stated that staff's opinion is that it is more appropriate to exempt parking areas accessory to single-family homes or duplexes and not exempt the others.

Mr. Boyle stated that this proposal was studied during the Rules and Regulations Committee and questioned Mr. Jackere at some length about whether the Planning Commission were required to call a public hearing on the point. He indicated that Mr. Jackere explained to the Rules and Regulations Committee that once the City Council asks the Planning Commission to study something, there indeed needs to be a public hearing and that is why it is here today. The Rules and Regulations Committee did not come with a recommendation to necessarily adopt this proposal.

Mr. Boyle asked how this proposal could ever be enforced. Mr. Boyle questioned how the Neighborhood Inspections Officer would be able to tell if the parking areas have been in use since July 1970 or if the use has ever been interrupted for 36 months. In response, Mr. Stump stated that the burden of proof is on the person requesting the exemption.

Mr. Boyle asked how this issue comes up before Neighborhood Inspections. In response, Mr. Jackere stated that the Zoning Officer, upon receipt of a complaint, would visit the subject property and determine that there is something other than a hard surface all-weather material and issue a violation notice. Mr. Jackere stated that the property owner would be given an opportunity to establish a nonconforming use with the Zoning Officer, and if he cannot he would then receive a ticket and be required to remove his parking.

Mr. Midget introduced Dwayne Smith, Neighborhood Inspections. Mr. Smith stated that, generally, on this type of issue, the problem has been that the inspectors have investigated cases where neighbors are complaining about neighbors making new gravel driveways and the complaining neighbor still has a gravel driveway in their own yard, thinking that they are still under a grandfathered nonconforming use. Mr. Smith stated that he has to inform the complaining neighbor that he is also illegally parking on gravel areas. Mr. Smith explained that the Neighborhood Inspections would be more than happy if the decision is to not give this nonconforming use back to the residents. Mr. Smith indicated that his department would start enforcing the Code and require that the property owners install asphalt or concrete driveways. Mr. Smith commented that if this is to be done, then there should be some type of public notice that would give the property owners an appropriate amount of time to come into compliance.

Mr. Westervelt stated that he happens to have a business that is located between a large gravel commercial parking lot and a multifamily gravel parking drive on the other. He explained that he has watched gravel and sediment wash down the sewer drain regularly. He stated that there have been broken windshields in the area because of the gravel being thrown into windshields of cars.

Mr. Smith stated that generally the inspectors, through the neighbors surrounding the issue, can determine independent of the property owner when the gravel driveway came into play. Previously, the Neighborhood Inspections Department officials have been giving these properties nonconforming use status. Mr. Smith stated that if the nonconforming use is not allowed, then the amendment needs to be made so that the Neighborhood Inspections staff can enforce the Code equally for everyone.

Mr. Boyle asked if this would cause any real hardship on homeowners who are unable to comply if they are cited. Mr. Smith stated that it is not an enforcement problem, but rather a hardship issue.

In response to Mr. Boyle, Mr. Smith stated that the residential areas are the primary problems with gravel driveways. Mr. Smith indicated that there are some restaurants that have been in business for a long time with gravel drives and it will be a hardship for some of the restaurants as well.

Mr. Boyle asked if the restaurant owners or commercial businesses would have an opportunity to go before the Board of Adjustment and request a variance or a special exception. In response, Mr. Jackere stated that he does not believe that there is a special exception and the only avenue would be a variance, which requires something unique about the subject property that would warrant the grant of relief and that would be difficult.

Mr. Carnes stated that mobile home sales were granted an exception to park the mobile homes on gravel and were required to provide enough parking spaces for customers to park on paved parking. Mr. Carnes asked if this special exception would be taken away. In response, Mr. Stump stated that he does not believe that this would apply to the mobile home sales because mobile homes are not considered a vehicle.

Mr. Smith stated that he met with the City Councilors today and they are in favor of reinstating the grandfathered nonconforming use.

The Planning Commission discussed at length the issues of older residential areas and the hardship it could create for older homeowners by enforcing an all-weather surface driveway.

Mr. Jackere stated that any distinction would be how much traffic is generated by this particular use, how much dust is created, how much gravel gets into the street, etc.

Mr. Midget stated that he thought duplexes should be included in the exemption for an all-weather parking area if they existed before July 1970.

On **MOTION** of **MIDGET** to recommend **ADOPTION** of the ordinance amending Title 42, Tulsa Revised Ordinances, Chapter 14, Section 1407.E, where the provisions of this code requiring vehicles to be parked, stored or displayed for sale on an all-weather material shall not apply to any parking, storage or display area established on a non-all-weather material prior to July 1, 1970, provided that the use of the area has not been discontinued for 36 consecutive months or for 36 months during any four-year period (except when governmental action impedes access to or the use of the premises), subject to single-family and duplexes only, all others must adhere to the ordinance.

Mr. Harmon stated that he couldn't support this motion.

Mr. Boyle stated that the Planning Commission is having trouble with this request, because it is trying to make policy to fit a lot of different variations on a familiar theme. He commented that he couldn't support this motion. Mr. Boyle concluded that this resolution was brought to the Planning Commission to solve a hardship problem and this doesn't solve the hardship problem.

Mr. Jackere stated that zoning relates to land use, not to who owns or occupies the land.

Mr. Midget asked Mr. Smith to describe the range of areas that have gravel driveways. In response, Mr. Smith stated that Brookside, West Tulsa toward Sand Springs, North Tulsa, and East Tulsa have gravel driveways.

**TMAPC Action; 10 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted **5-5-0** (Carnes, Jackson, Ledford, Midget, Westervelt "aye"; Boyle, Collins, Harmon, Hill, Horner "nays"; none "abstaining"; Pace "absent") to recommend **ADOPTION** of the modified resolution to exempt single-family homes and duplexes that were established on a non-all-weather material prior to July 1, 1970, provided that the use of the area has not been discontinued for 36 consecutive months or for 36 months during any four-year period (except when governmental action impedes access to or the use of the premises).

**Motion failed.**

Mr. Harmon stated that if the duplexes were taken out of the motion he could vote for it.

**TMAPC Action; 10 members present:**

On **MOTION** of **HARMON**, the TMAPC voted **8-2-0** (Collins, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; Boyle, Carnes "nays"; none "abstaining"; Pace "absent") to recommend **ADOPTION** of the modified resolution to exempt single-family homes that were established on a non-all-weather material prior to July 1, 1970, provided that the use of the area has not been discontinued for 36 consecutive months or for 36 months during any four-year period (except when governmental action impedes access to or the use of the premises).

**TMAPC Comments:**

Mr. Westervelt informed Mr. Stump that when this resolution goes to the City Council he would like to attend the City Council meeting.

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**OTHER BUSINESS:**

**Briefing on the draft 2025 Long Range Transportation Plan (LRTP)**

**Tim Armer**, Transportation Planning Manager of INCOG, stated that this briefing is to inform the Planning Commission of the process and provide an opportunity for comments today or at the formal public hearing on July 27, 2000.

Mr. Armer stated that the LRTP is a federally-mandated plan and the area covered is all of Tulsa County and parts of Creek, Osage, Rogers and Wagoner County.

Mr. Armer stated that the LRTP is a limited timeframe and contains recommended improvements to the year 2025. The recommendations are based on projected population and employment statistics. The Major Street and Highway Plan is the ultimate roadway improvement for the area and is different from the LRTP.

Mr. Armer highlighted some of the recommendations from the LRTP for 2025. He explained the input process, which started in the spring of 1998 and continued throughout June 2000.

**TMAPC Comments:**

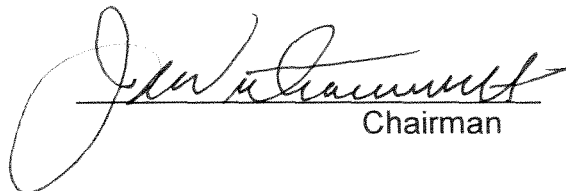
Mr. Midget requested that references to the Crosstown Expressway be corrected to read Martin Luther King Expressway.

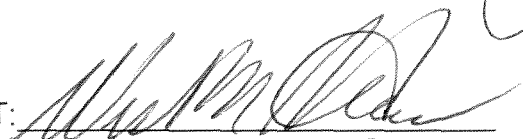
**INAUDIBLE.**

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There being no further business, the Chairman declared the meeting adjourned at 2:48 p.m.

Date approved: 08/02/00

  
Chairman

ATTEST:   
Secretary