

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2303

Wednesday, March 20, 2002, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Carnes	Bayles	Beach	Romig, Legal
Harmon	Dick	Fernandez	
Hill	Ledford	Huntsinger	
Horner	Midget	Matthews	
Jackson		Stump	
Pace			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, March 18, 2002 at 10:40 a.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

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

Minutes:

Approval of the minutes of February 27, 2002, Meeting No. 2301

On **MOTION** of **HORNER**, the TMAPC voted 6-0-1 (Carnes, Harmon, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; Hill "abstaining"; Bayles, Dick, Ledford, Midget "absent") to **APPROVE** the minutes of the meeting of February 27, 2002, Meeting No. 2301.

Minutes:

Approval of the minutes of March 6, 2002, Meeting No. 2302

On **MOTION** of **HORNER**, the TMAPC voted 6-0-1 (Carnes, Harmon, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; Hill "abstaining"; Bayles, Dick, Ledford, Midget "absent") to **APPROVE** the minutes of the meeting of March 6, 2002, Meeting No. 2302.

REPORTS:

Mr. Stump reported that the TMAPC receipts for January 2002 are slightly below previous years, which seems to be the current trend.

Mr. Stump reported that there are two items on the City Council meeting for March 21, 2002.

ITEMS TO BE CONTINUED OR STRICKEN:

Mr. Harmon stated that TMAPC received a request for a continuance from an interested party for PUD-441-2.

APPLICATION NO.: PUD-441-2

MINOR AMENDMENT

Applicant: Michael Demest

(PD-11) (CD-1)

Location: Northeast corner of West Pine Street and North Union Avenue

There were no interested parties wishing to speak.

TMAPC Comments:

Mr. Harmon stated that a continuance was granted to the applicant previously and now an interested party has requested a continuance for one week.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted 7-0-0 (Carnes, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Dick, Ledford, Midget "absent") to **CONTINUE** the minor amendment for PUD-441-2 to March 27, 2002 at 1:30 p.m.

APPLICATION NO.: PUD-405-K/Z-6722-SP-15

**MAJOR AMENDMENT AND
CORRIDOR SITE PLAN**

Applicant: Roy Johnsen

(PD-18) (CD-8)

Location: South and west of southwest corner of East 92nd Street and South 78th East Avenue

TMAPC Comments:

Mr. Harmon stated that Mr. Johnsen has requested a continuance to April 3, 2002.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **HORNER**, TMAPC voted 7-0-0 (Carnes, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Dick, Ledford, Midget "absent") to **CONTINUE** the major amendment and corridor site plan for PUD-405-K/Z-6722-SP-15 to April 3, 2002 at 1:30 p.m.

APPLICATION NO.: PUD-362-3

MINOR AMENDMENT

Applicant: Danny Brumble

(PD-18) (CD-2)

Location: 7108 South Columbia Place

TMAPC Comments:

Mr. Harmon stated that this application needs to be amended and therefore it is stricken from this agenda.

There were no interested parties wishing to speak.

Staff Recommendation:

Mr. Stump stated that this application would be renoticed.

APPLICATION NO.: PUD-559-A-3

MINOR AMENDMENT

Applicant: Eric Sack

(PD-18) (CD-8)

Location: East of northeast corner of East 91st Street and South Mingo

TMAPC Comments:

Mr. Harmon stated that the applicant submitted an incorrect legal description and it cannot be heard today. He indicated that this application is stricken from this agenda.

There were no interested parties wishing to speak.

SUBDIVISIONS:

Lot-Splits for Waiver of Subdivision Regulations:

L-19337 – Patrick Kingsley (1192)

(PD-7) (CD-2)

Location: 1224 South Indian

Staff Recommendation:

The applicant's dwelling has encroached the common boundary line. In order to retain the dwelling on one property, the applicant has applied to split a small parcel from the neighboring property and tie it to his lot. The Tulsa Board of Adjustment has approved the variances necessary to approve this lot-split, and the applicant has applied for a License Agreement with the City of Tulsa to allow the garage in a public right-of-way. Both resulting tracts will have more than three side lot lines, requiring a waiver of the Subdivision Regulations. Therefore, the applicant is seeking a waiver of Subdivision Regulations that each tract have no more than three side lot lines.

The Technical Advisory Committee had no objections to this application. 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, subject to the City of Tulsa approving the License Agreement application.

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 **HORNER**, TMAPC voted 7-0-0 (Carnes, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Dick, Ledford, Midget "absent") to **APPROVE** the lot-split for waiver of Subdivision Regulations and of the lot-split, subject to the City of Tulsa approving the License Agreement application as recommended by staff.

L-19354 – Randall Vaughn (2613)

(PD-15) (County)

Location: 7901 North Sheridan

Staff Recommendation:

An application has been filed to split one acre off a four-acre tract. Both resulting tracts meet the RE bulk and area requirements; however, Tract B will have more than three side lot lines, requiring a waiver of the Subdivision Regulations. Therefore, the applicant is seeking a waiver of Subdivision Regulations that each tract have no more than three side lot lines.

Also, the property runs along North Sheridan, which is designated as a secondary arterial (100' right-of-way). The applicant is willing to give a 30' easement to Tulsa County, but is asking for a waiver of the Subdivision Regulations for the additional 20' right-of-way. The applicant has agreed to give an additional five-foot easement along East 80th Street to provide the full 30' right-of-way needed. The Tulsa County Engineer has requested the full 50' right-of-way along Sheridan.

The Technical Advisory Committee expressed concerns with the 30' right-of-way along North Sheridan, and requested the 50' right-of-way. 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 for the number of side lot lines and of the lot-split, with the condition that the 50' right-of-way easement along North Sheridan and a five-foot right-of-way easement along East 80th Street North be given to Tulsa County.

The applicant indicated his agreement with staff's recommendation.

Interested Parties Comments:

Mike Maxwell, 6622 East 80th Street North, Owasso, Oklahoma 74055, stated that he opposes the lot-split because all of the surrounding areas are acreages. He indicated that there are neighborhood covenants that restricted more than one house on the property. He commented that the smallest acreage is 2 ½ acres and he opposes this lot-split because he doesn't know what the applicant intends to do with the new parcel.

TMAPC Comments:

Mr. Carnes asked Mr. Maxwell if all of the surrounding lots are 2 ½ acres or more. In response, Mr. Maxwell stated that he lives on 4 ½ acres and the smallest is 2 ½ acres.

Mr. Harmon asked Mr. Maxwell if there were any existing covenants that require lots to be 2 ½ acres. In response, Mr. Maxwell stated that the only covenant is that there can only be one house per single property. Mr. Harmon asked if the

covenant stated what size the lot would have to be. In response, Mr. Maxwell stated that when the original acreage was divided, each abstract had the size of the acreage and the one-house-permitted clause.

Mr. Westervelt stated that covenants are private matters and questioned if the covenants had expired. In response, Mr. Maxwell stated that the covenants are close to expiring or they may have already expired. In response, Mr. Westervelt asked Mr. Maxwell if he understood that the Planning Commission could not enforce covenants because it is a civil matter. In response, Mr. Maxwell stated that he understands that the Planning Commission cannot enforce covenants.

Interested Parties Comments:

Loretta Adams, 6619 East 80th Street North, Owasso, Oklahoma 74055, stated that she opposes the lot-split. She explained that she moved to the area because she didn't want to be in a housing addition.

Steve Montee, 6705 East 80th Street North, Owasso, Oklahoma 74055, stated that he opposes the lot-split. He moved to his home to get away from being directly adjacent to someone. He requested that this application be denied and keep the lots 2 ½ acres or more.

Scott Winn, 7900 North Sheridan, Owasso, Oklahoma 74055, stated that he opposes the lot-split because he doesn't know what the applicant intends to do with the lot.

Applicant's Rebuttal:

Randall Vaughn, 1713 South 1st Place, Broken Arrow, Oklahoma 74012, stated that he is splitting the land in order to build a home for his family to live closer to his parents. He explained that his parents are elderly and need help with the property.

Mr. Harmon recognized Ms. Adams.

Ms. Adams stated that her mother (81 years old) lives next door to her and she is not going to subdivide her land for somebody to care of her. She explained that she hired a nurse to take care of her mother.

TMAPC Comments:

Mr. Jackson asked Ms. Adams if she is opposed to the one-acre lot versus 2 ½ acres. In response, Ms. Adams stated that she opposes the lot-split regardless of size. Ms. Adams further stated that no one should get special treatment because she is not asking for any. In response, Mr. Jackson stated that there are 4.25 acres, and he asked if the applicant requested to split off two acres, that would make her feel better. In response, Ms. Adams stated that she would like the subject property to remain as it is. In response, Mr. Jackson asked Ms. Adams if she had any leeway. In response, Ms. Adams answered negatively.

Ms. Pace asked staff if the proposed lot-split would meet the RE zoning requirements, the Planning Commission would be obligated to allow the lot-split. In response, Mr. Beach stated that a lot-split could not be denied if it meets the zoning requirements, but there may be other factors for a denial. Mr. Stump reminded Ms. Pace that the lot-split would have to meet the zoning and the Subdivision Regulations. Mr. Beach stated that if the subject property is zoned RE and the resulting tract meets the bulk and area requirements of RE, then it is a valid request on its merits and should be approved. Mr. Beach explained that there are Subdivision Regulations that control three side lot lines or various other things and the Planning Commission is being asked to consider those. Ms. Pace stated that the only aspect of the RE zoning that this application does not meet is the number of sides of the lot. Mr. Beach stated that today the application to request that the Subdivision Regulations be waived. Ms. Pace stated that if the lot-split created a four-sided lot, then the Planning Commission would not be hearing this at all. Mr. Beach answered affirmatively.

Mr. Carnes stated that if the line went straight across, where the Planning Commission would have to hear it, he would vote in favor of it. He further stated that he would hate to split up a neighborhood without a better reason than what we have here

Mr. Westervelt requested the applicant to return to the podium.

Mr. Westervelt asked Mr. Vaughn if he understood Mr. Carnes's comments regarding the lot line. In response, Mr. Vaughn answered affirmatively. Mr. Westervelt stated that the Planning Commission does not deal with covenants, but it is a civil matter and the neighbors are indicating that there may be covenants in place, which means the neighbors could take him to court. Mr. Westervelt further stated that Mr. Carnes is suggesting that the proposed lot is smaller than the balance of those in the neighborhood, and he would be more supportive of this application if the lot line continued farther and created a larger lot. Mr. Westervelt asked Mr. Vaughn if there is a particular reason for shaping the lot as he requested. In response, Mr. Vaughn stated that the lot size was decided by the size of the house he plans to build. Mr. Westervelt asked Mr. Vaughn if he could build the house on a larger lot. In response, Mr. Vaughn stated that it wouldn't bother him to build the house on a larger lot, but it would be more land to fence. Mr. Vaughn explained that he would have to do another abstract and it would cost him more money to change the proposal. Mr. Westervelt stated that the applicant would have to do another survey to get the lot lines set up. Mr. Westervelt asked Mr. Vaughn if he has looked into the civil matter. In response, Mr. Vaughn stated that his attorney has checked the covenants and they have expired.

Mr. Beach stated that the RE requirements require that the lot have a minimum width of 150 feet and the applicant could run his lot line straight across to the

east or possibly make it narrower than what is shown. Mr. Beach commented that there are several configurations that the applicant could do, but what he has proposed meets the RE requirements.

Mr. Westervelt stated that he doesn't know how the Planning Commission could deny this because they are approved with regularity. He commented that he would like Mr. Carnes to be more comfortable and it be more consistent with the neighborhood. He stated that there seems to be no physical reason why the lot couldn't be split off larger than the proposal. It would nice if the applicant would offer to make the lot larger, but he hasn't heard that come forward.

Mr. Carnes asked the applicant to come up to the podium once more.

Mr. Carnes asked the applicant if he would be willing to reconfigure the proposal so there wouldn't be three lot lines and the shape would not be irregular. Mr. Carnes stated that he is unable to support the proposal. In response, Mr. Vaughn stated that if he is denied then he could make the lot larger, but it would cost him more money to do so.

In response to Mr. Harmon, Mr. Stump stated that if the applicant made a lot that was 150 feet wide north to south and the east and west boundaries were all the way across the property, then the applicant wouldn't have to come back to the Planning Commission because it would comply with the RE zoning and Subdivision Regulations.

TMAPC Action; 7 members present:

On **MOTION** of **WESTERVELT**, TMAPC voted 6-1-0 (Carnes, Harmon, Hill, Horner, Pace, Westervelt "aye"; Jackson "nay"; none "abstaining"; Bayles, Dick, Ledford, Midget "absent") to **DENY** the lot-split for waiver of Subdivision Regulation and lot-split for L-19354.

L-19360 – Robert Pritchett (1091)

(PD-23) (County)

Location: 402 Ridge Drive

Staff Recommendation:

The applicant has applied to split a 0.672-acre tract into an 0.31 and a 0.35-acre tract. Both tracts meet the RS bulk and area and right-of-way requirements. There are two dwellings on the property, each having its own septic system. However, the Subdivision Regulations require a minimum 0.5 acre for a septic system. The applicant is asking the Planning Commission to waive the minimum lot size requirements of Appendix A for a septic system. However, Subdivision Regulations 4.11(1)(c) states that jurisdiction over the lot size standards is given

only by the Oklahoma Department of Environmental Quality as the on-site sewage disposal permitting agency. Therefore, the TMAPC has no jurisdiction.

Therefore, staff recommends this item be stricken from the agenda. When the applicant produces a written waiver from ODEQ, staff will put the item back on the TMAPC agenda if needed.

Mr. Beach indicated that he discussed this issue with the attorney representing the applicant and he understands the reason for striking this application.

TMAPC Comments:

Ms. Pace stated that she couldn't tell by the address where the subject property was located. She requested the staff to indicate where in the County the subject property is located. In response, Mr. Beach answered affirmatively.

Mr. Westervelt asked staff to supply an aerial photo with the lot-splits for waiver of Subdivision Regulations in the future. In response, Mr. Beach agreed to supply aerial photos for the lot-splits.

Applicant was not present.

There were no interested parties wishing to speak.

STRICKEN.

Lot-Splits for Ratification of Prior Approval:

<u>L-19036 – Kenney Russell (3392)</u>	(PD-8) (CD-2)
5140 South 34 th West Avenue	
<u>L-19203 – Tim Lyons (1483)</u>	(PD-18) (CD-8)
8217 South 76 th East Avenue	
<u>L-19353 – John H. Gambling (614)</u>	(PD-15) (County)
10724 East 126 th Street North	
<u>L-19356 – Scott Hargis (3073)</u>	(PD-21) (County)
1630 East 163 rd Place South	
<u>L-19357 – Hammond Engineering Co. (3004)</u>	(PD-16) (CD-6)
11213 East Pine	
<u>L-19358 – Johnny Smith (3492)</u>	(PD-8) (CD-2)
6052 South 30 th West Avenue	

L-19359 – Steven Metheny (2593) (PD-17) (CD-5)

9200 Block of East 41st Street

L-19361 – City of Tulsa (2703) (PD-16) (CD-3)

2206 North Darlington Place

L-19366 – Jeff Steen (274) (PD-19) (CD-2)

16448 East 128th Street

Staff Recommendation:

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

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **7-0-0** (Carnes, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Dick, Ledford, Midget "absent") to **RATIFY** these lot-splits given prior approval, finding them in accordance with Subdivision Regulations as recommended by staff.

* * * * *

Accelerated Building Permits:

Montereau in Warren Woods (PUD-641) (383) (PD-18-B) (CD-7)

Location: North of East 71st Street, East of Granite Avenue, 56.6 acres

Staff Recommendation:

This request is for an accelerated release of building permits for foundation permits for the proposed Montereau project. Three permits are requested and these are proposed for the underground parking garage (which received approval for an accelerated permit for piers, only, on February 27, 2002), for independent living units, and for an activity center. Uses proposed for the project include a continuing care retirement community and an office park.

Review of this application must focus on the extraordinary or exceptional circumstances that serve as a basis for the request and must comply in all respects with the requirements of the approved Preliminary Plat per Section 2.5 of the updated Subdivision Regulations.

TMAPC approved the Preliminary Plat for Montereau in Warren Woods on April 18, 2001. A revised Preliminary Plat was reviewed by the TAC on February 7, 2002 and is to be reviewed by TMAPC as an item on the March 20, 2002 agenda. A draft final plat for the project was received on March 7, 2002.

The Technical Advisory Committee reviewed the request for the three foundation permits at their March 7, 2002 meeting. The TAC members did not object to specific building permits granted for foundation permits, only, for the three permits requested. Staff can recommend **APPROVAL** of the request for Authorization for an Accelerated Release of the three building permits with the condition that the permits be granted only for foundation permits specific to the three proposed structures, and that the permit be in accordance with the site plan approved by TMAPC on February 27, 2002.

TMAPC Comments:

Mr. Westervelt asked staff if this is the first authorization for an accelerated release on the subject property. In response, Mrs. Fernandez stated that this is the second. Mr. Stump stated that it is on the same site. Mr. Stump stated that all of the foundation permits are compatible with either the adopted preliminary plat or the proposed preliminary plat. Mr. Stump explained that the ability to make sure that the applicant completes the final plat is still there because a foundation without a building is not of much use. Mr. Stump commented that this request is not for an approval to build the entire building, but only the foundations.

Mr. Westervelt stated that this is what the Planning Commission contemplated when the accelerated release was created.

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 **CARNES**, TMAPC voted 7-0-0 (Carnes, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Dick, Ledford, Midget "absent") to **APPROVE** the authorization for an accelerated release of the three building permits with the condition that the permits be granted only for foundation permits specific to the three proposed structures, and that the permit be in accordance with the site plan approved by TMAPC on February 27, 2002 as recommended by staff.

Location: 13521 East 11th Street

Staff Recommendation:

History of Property: The property was rezoned to IL and OL 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 and some property to the north zoned RS-2. It began in the IM portion and has been expanded over the years to its present extent. In early 2000 Neighborhood Inspections issued a Zoning Violation Notice that this use is not permitted in the RS-2 district and that there must be an all-weather surface for all of the parking areas, and that screening must be provided. The Board of Adjustment upheld the Inspector's decision. The BOA decision was appealed to the District Court. The Court heard the case and remanded it back to the Board of Adjustment for consideration of several questions raised during the trial. That hearing will be March 12, 2002. A preliminary plat was approved June 28, 2000 and a draft final plat is currently under review. The applicant will ask the TMAPC to reinstate the preliminary plat, which expired a year after it was approved, and in the meantime seeks approval of this accelerated release of the building permit. **Purpose:** The purpose of the request is to allow issuance of permits for: 1. Construction/resurfacing of parking areas; 2. Installation/construction of reclaimer facility; 3. Installation/construction of screening wall; 4. Construction of detention/retention ponds.

Extraordinary and Exceptional Circumstances:

The applicant stated that the current owner is trying to bring the property into compliance as quickly as possible after many years of non-compliance. In order to do so, certain permits must be issued. Those permits may not be issued until the plat is finished. He offers these are the extraordinary and exceptional circumstances that serve as the basis for this request.

He further stated that the risk that the plat might not be finished and filed is eliminated because the District Court will mandate that the plat be completed.

The Technical Advisory Committee:

The TAC discussed this request in its meeting March 7, 2002. The applicant was present, along with the property owner and the engineer. The applicant described the case history and explained the purpose of the request. There was considerable discussion on the merits of this application, as well as the procedure to be followed on future applications.

The primary concerns of the TAC were that the property has been subject to plat since 1974, yet it remains unplatted; there has been considerable expansion on the property over the years without meeting the platting requirement; the

expansion has been into adjacent lots that are not zoned for the use; there has been ample opportunity to come into compliance many times since 1974; the preliminary plat was approved nearly two years ago but it has not been completed; and as of this meeting there are no building permits on file that are being delayed because of the plat.

The applicant stated that all the permits they want have been applied for, and if there are any that haven't, they will be immediately. He stated that the City realigned the creek that affects this property, which changed the characteristics of the floodplain, but a Letter of Map Revision was never processed. This was an obstacle to finishing the plat. The TAC asserted that the applicant had the right and opportunity to submit the Letter of Map Revision but didn't. There was no reason for this to have been an obstacle to finishing the plat.

Staff Recommendation: Staff acknowledges and gives all due consideration to the facts that many of the problems on this site were created by the former owner, that the current owner purchased the property and the going concern about two years ago and is spending considerable time and money toward improving it, and that the current efforts are intended to bring about compliance with the zoning violations and improve the "neighborliness" of the operation. However, based on the fact that there has been ample opportunity to comply long before now and there appear to have been unnecessary delays even in the last two years, staff would not see approval of another delay as providing any benefit. Further, we would not see denial as causing any undue hardship to the applicant. The final plat is imminent, and once filed, will not delay the pending permits. Staff recommends denial of the request for accelerated release of the building permit. If the Planning Commission were persuaded to approve, staff recommends a condition that the cost of any changes on this site that might result from adjustments to the floodplain would be borne by the landowner.

TMAPC Comments:

Ms. Pace asked staff where the IL zoning is located on the subject property. In response, Mr. Beach stated that it is located in the panhandle of the subject property.

Mr. Harmon stated that there are zoning, land use, floodplain problems and the applicant is still requesting an accelerated permit. Mr. Stump stated that the applicant has also allowed his preliminary plat to lapse rather than proceeding with it.

Applicant's Comments:

Roy Johnsen, 201 West 5th Street, Suite 501, Tulsa, Oklahoma 74103, representing APAC Oklahoma, Inc., Mr. Johnsen submitted maps and site plans (Exhibit A-1) and cited the history of the zoning changes for the subject property.

Mr. Johnsen stated that there are extenuating circumstances regarding the subject property. He explained that his client purchased the property in 1999 and virtually all of the violations presently existing were in place when he purchased the property, with one exception. He stated that his client has been dealing with the DEQ on what the requirements would be. The DEQ suggested that his client needed more storage capacity in their holding pond and his client built the second pond without a permit. He believes that this is the only expansion of area that has occurred since APAC's ownership of the property. Mr. Johnsen explained that he is here today in order to get permits issued that would help the situation.

Mr. Johnsen stated that his client is proposing to install a reclaimer, which separates the rock and sand for reclaiming. This is considered environmentally friendly and it is total retention in a large-capacity tank. APAC is proposing to close a pond and build a reclaimer facility and the tanks in the IL-zoned area. He explained that his client couldn't obtain a permit for the reclaimer until the plat is filed of record. This facility would benefit everybody concerned to materially improve the wastewater situation at the plant. He commented that there has been a lot of criticism about his client being too slow or not doing enough, and this is a facility that could be done now if the permit were issued.

Mr. Johnsen stated that recently APAC installed a petroleum binder on the parking lot as a maintenance matter. This was to be an interim solution and permitting has decided that this meets the definition of an all-weather surface. He explained that his client would like to rebuild the parking lot with concrete or asphalt and meet the Landscaping Ordinance. He stated that his client would have to have a permit to do these things, and in order to obtain a permit the plat has to be filed of record.

Mr. Johnsen stated that several things have held his client up from meeting the requirements. He explained that the largest issue that has held up his client is the drainage. He stated that the City redirected a creek flow and his engineers are convinced that this has moved the floodplain eastwardly. APAC wanted to expand their office to the east and it would require an extensive amount of fill, which requires solving all of the drainage issues. The FEMA map needs to be amended and it would require that the City of Tulsa enact this step. He stated that his client has been waiting for the amended 100-year floodplain elevations, as they presently exist and after the improvements were made to the creek. His client is required to show an overland drainage easement that coincides with the floodplain on the draft final plat. All release letters have been received except from Public Works, which is necessary to complete the final plat. He indicated that his client has decided not to extend his office to the east and there would be no substantial fill, which held his client up for a long time.

Mr. Johnsen stated that currently his client needs the accelerated building permits in order to immediately proceed with the construction to get the reclaimer in operation and close the pond, immediately proceed to rebuild the parking lot and meet the Landscaping Ordinance. He indicated that his client has applied for a permit for the new pond, which already exists. He stated that there was a screening wall constructed without a permit and there is some confusion regarding whether it required a permit. He commented that there has been criticism for absence of permits, and Mr. Sack has been instructed to file all required permits and pursue them as diligently as possible. He indicated that all of the following permits have been submitted: reclaimer cells, wall, parking lot, earth change, water shed, floodplain and he currently has the DEQ permit.

Mr. Johnsen stated that he worked on the committee for amending the Subdivision Regulations and realizes that the accelerated permits were not designed for this type of request. He further stated that the committee did want to be business-friendly and have a process, where if it made sense under the existing circumstances, to go forward with permits. The committee was thinking about buildings and not parking areas or discharge cells, etc., but it was for unusual circumstances. It doesn't make sense to delay the improvements when the City is not at risk. He commented that in the past when there were temporary plat waivers filed, to his knowledge, none of the temporary plat waivers failed to complete the platting process. He stated that he is not asking for a waiver of platting because the subject property would be platted. Enforcement would not be an issue and this would not be setting a precedent.

TMAPC Comments:

Mr. Westervelt asked how many people were attending today's meeting regarding this application. He asked if any of the interested parties were in support of this application. There were none.

Mr. Westervelt stated that the accelerated building permit was not intended for this type of application. He further stated that he doesn't need to hear public comments because it is obvious this is not the right mechanism. The property needs to be platted and Mr. Johnsen's client has not shown enough efforts as a good corporate citizen for Tulsa to even take a chance that he would do what he is required to do. Mr. Westervelt informed Mr. Johnsen that he would be happy to talk with the applicant on his own time if he does not understand the process.

TMAPC Action; 7 members present:

On **MOTION** of **WESTERVELT**, TMAPC voted 7-0-0 (Carnes, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Dick, Ledford, Midget "absent") to **DENY** the request for an accelerated building permit for Z-4728/Rainbow Concrete as recommended by staff.

PRELIMINARY PLAT:

SouthCrest Medical Campus II – PUD-559 (1884) (PD-18) (CD-8)

Location: East 91st Street South and South 101st East Avenue (Northeast corner)

Staff Recommendation:

Mr. Stump stated that the minor amendment that is required had to be continued and this preliminary plat should be continued as well.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted 7-0-0 (Carnes, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Dick, Ledford, Midget "absent") to **CONTINUE** the preliminary plat for SouthCrest Medical Campus II to April 10, 2002 at 1:30 p.m.

Serenity Park – (3204)

(PD-16) (CD-6)

Location: Southwest corner of I-244 and 129th East Avenue

Staff Recommendation:

GENERAL

The Technical Advisory Committee reviewed a sketch plat on this property on November 11, 2001. The sketch plat included one lot in one block. (TAC comments are attached for your review.) The preliminary plat submitted deviates from the sketch plat by adding a "Lot 2", and a "Reserve A" area.

The site is bounded on the north by the expressway, on the east by 129th East Avenue and on the south and west by mobile homes and vacant areas.

Cooley Creek curves from west to east in the northern portion of the site. There is significant floodplain on the site, and a portion of the proposed development area lies within it.

ZONING AND USE

The project carries RMH (residential mobile home) zoning. For the sketch plat, a mobile home park on one lot was proposed.

The area to the east across 129th is zoned CG, the area to the south is RMH, the area to the west is IL.

Staff provides the following information from TAC.

STREETS:

Traffic: Book and page numbers for 129th Street, and separate dedications should be bolded on the plat.

Streets: Plat should be made into one lot and one block so that the northwest corner of the site has appropriate access. Median islands should not be used in the streets because of the use of moving mobile home residences in and out of the park. A 40-foot LNA should be put on the access onto 129th Avenue.

SEWER: Standard language should be put in the covenants concerning sewer utilities as approved by Public Works.

WATER: Separate easements will be required for the northwest corner of the site when it is developed in the future.

STORM DRAINAGE: An easement for the floodway must be provided. The additional impervious area might need a detention area and then the covenants will need to reflect the standard language for maintenance, etc., as approved by Public Works. Language in the covenants, as approved by Public Works, needs to be provided concerning surface water flow so that there is no flow blockage. Fifteen-foot access easements may need to be provided for maintenance in the floodplain. A 404 permit will need to be approved.

FIRE: No representative present.

UTILITIES:

PSO: No concerns.

ONG: No concerns on plat. Requests addresses when available.

COX: No concerns.

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

WAIVER OF SUBDIVISION REGULATIONS: Not necessary.

SPECIAL CONDITIONS:

1. The plat needs to be presented as a one-lot and one-block subdivision to provide legal access and allow for the northwest corner of the property to develop at a future date.
2. Private roads must meet standards per Public Works.

3. Floodplain and floodway easements and covenants and restrictions must meet with the approval of Public Works.
4. Mutual access through an easement must be afforded the property to the west of the subject site.
5. Setbacks must meet the requirements of the RMH zoning district per the zoning code.

STANDARD CONDITIONS:

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A topography map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the Public Works Department.

11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
15. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
16. The key or location map shall be complete.
17. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
18. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
19. Applicant is advised to of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
20. If the owner is a Limited Liability Corporation (L.L.C.), a letter from an attorney stating that the L.L.C. is properly organized to do business in Oklahoma is required.
21. All other Subdivision Regulations shall be met prior to release of final plat.

Mrs. Fernandez stated that she spoke with Bill Lewis and he indicated his agreement with this recommendation.

TMAPC Comments:

Ms. Hill asked Mrs. Fernandez if the private street would be paved in the future. Ms. Hill indicated that it is currently gravel and there is a good amount of dust in

the subject area. In response, Mrs. Fernandez stated that it is her understanding that the private streets would be paved, curbed and guttered. Ms. Hill stated that the applicant has moved homes onto the subject property and that is why she notices the dust.

Mr. Harmon asked staff if it is appropriate to start moving homes prior to paving the street. In response, Mr. Stump stated that the subject property is zoned for mobile home use and they shouldn't be using the mobile homes nor storing them until it is platted.

Applicant's Comments:

Wes Coder, 28301 East 6th Street, Catoosa, Oklahoma 74015, stated that the road would be paved after the utilities are placed across the street. He explained that there are two phases and the first phase is waiting for the electric lines and utility lines to be laid across the road before paving. He indicated that there are no homes stored on the first phase.

TMAPC Comments:

Ms. Hill stated that there are people living in the homes and one can tell the road is gravel from the dust they create going to and from their homes.

Mr. Coder stated that he does plan to pave the road as soon as the utilities are in.

The applicant indicated his agreement with staff's recommendation.

Mr. Westervelt asked why Neighborhood Inspections hasn't taken care of the gravel road. Ms. Hill stated that there have been new homes recently brought onto the subject property, as well as the existing homes.

Mr. Coder stated that in Phase I, outside the plat, it does have paved roads and there are homes in Phase I.

Mr. Harmon questioned why the existing homes are using the gravel road. In response, Mr. Stump stated that it is a common access drive to the first phase, on the south side of the road, and the second phase on the north side. Mr. Stump stated that the road should be paved, and possibly no one has complained.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted 7-0-0 (Carnes, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Dick, Ledford, Midget "absent") to **APPROVE** the preliminary plat for Serenity Park subject to special conditions and standard conditions, subject to neighborhood inspecting the subject property regarding the gravel roads, as recommended by staff.

HIS Subdivision – (PUD-652) (3193)

(PD-18) (CD-9)

Location: 5521 South Peoria

Staff Recommendation:

This plat consists of one lot in one block on 0.81 acres. This is a replat of part of Lots 11 and 12, Block 6, J.E. Nichols Subdivision. It will be developed for retail uses under the PUD.

The following were discussed **March 7, 2002** at the Technical Advisory Committee (TAC) meeting:

1. Zoning:

Staff: This property was rezoned from OL (Office Light) to CS (Commercial Shopping Center) and had a companion PUD approved in the summer of 2001. The approved uses include retail trade establishments under Use Unit 14 except pawnshops. Development conditions include: 50% maximum floor area ratio; 27 feet maximum building height; setbacks of 100' from centerline of Peoria, 50' from centerline of 55th Place, 25' from east boundary, and 15' from north boundary; 10% of net lot area as minimum landscaped area; other bulk and area requirements per CS zoning. Maximum of one access point to each abutting street, along 55th Place, no access within 130' of east boundary.

Recommend changing the PUD section of the covenants to read exactly as the minutes of the PUD hearing. Advised consulting with an attorney for assistance with all deed of dedication and restrictive covenant language.

In addition to the PUD requirements and other significant language, these covenants need considerable work to make them readable and useable by the public. Improve the consistency of paragraph and section numbering, improve the consistency in the use of capital and lower case letters, improve the spacing between lines of text, improve the layout of signature blocks and separate them from the main text.

There are numerous examples of approved PUD plats on file at INCOG. Samples should be reviewed for acceptable format.

2. Streets/access:

Staff: Standard access width is 40'. The proposal is for 30 feet and 24 feet. TAC had no concerns with access locations or size at the last review. A 30' radius dedication is now shown at the SW corner of the property. Name was changed.

Public Works Traffic & Transportation: LNA on 55th Place should start from the west boundary AFTER the right-of-way dedication, not from existing right-of-way; covenants should be modified to dedicate right-of-way, not just streets; dedicate right-of-way to make a total of 25 feet north of the centerline of 55th Place; indicate book and page numbers for existing right-of-way on Peoria; Add 17.5' utility easement along both Peoria and 55th Place.

Applicant: No comments.

3. **Sewer:**

Staff: TAC stated at the last review that the sewer main would need to be extended.

Public Works Waste Water: Sewer main still needs to be extended.

Applicant: No comments.

4. **Water:**

Staff: No additional information.

Public Works Water: No additional comments.

Applicant: No comments.

5. **Storm Drainage:**

Staff: TAC required adding standard detention language, drainage and surface easements and appropriate language. This has not been done.

Public Works Stormwater: Same requirements.

Applicant: No comments.

6. **Utilities:**

Staff: No additional information.

Franchise Utilities: No sign will be allowed in the utility easement.

Applicant: Will relocate sign.

7. **Other:**

Staff: Format and content are still weak, but improving. Based on the fact the previous submittal did not meet the minimum requirements of the Subdivision Regulations for a preliminary plat, TAC voted to downgrade it to a sketch plat.

We now need to determine if this submittal is sufficiently improved to meet the minimum standards.

The TAC conclusion was that the requirements discussed today could be made conditions of approval and the final plat would not be released until the conditions were met. No concerns were expressed with recommending approval of this preliminary plat.

Applicant: No comments.

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

1. Change covenants to convey the PUD requirements as they were approved.
2. Change the covenants to improve the consistency of paragraph and section numbering, improve the consistency in the use of capital and lower case letters, improve the spacing between lines of text, improve the layout of signature blocks and separate them from the main text.
3. Modify LNA on 55th Place to start from the west boundary AFTER the right-of-way dedication, not from existing right-of-way.
4. Dedicate right-of-way to make a total of 25 feet north of the centerline of 55th Place.
5. Modify covenants to dedicate right-of-way, not just streets.
6. Indicate book and page numbers for existing right-of-way on Peoria.
7. Add 17.5' utility easement along both Peoria and 55th Place.
8. Modify covenants to add standard detention language. Show drainage and surface easements and add appropriate language in covenants.
9. No signs or other obstructions allowed in the utility easements.

Standard Conditions:

1. All conditions of PUD-652 shall be met prior to release of final plat, including any applicable provisions in the covenants or on the face of the plat. Include PUD approval date and references to Section 1100-1107 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).
5. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
6. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
7. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
8. A topography map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
9. Street names shall be approved by the Public Works Department and shown on plat.
10. All curve data, including corner radii, shall be shown on final plat as applicable.
11. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
12. All adjacent streets, intersections and/or widths thereof shall be shown on plat.

13. 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.)
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 therefore shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
16. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
17. The method of water supply and plans therefore 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.

TMAPC Comments:

Ms. Pace stated that it is unusual to have nine special conditions, and she asked if they shouldn't be on the plat. In response, Mr. Beach stated that at this time the applicant is aware of staff's concerns, and there is no problem to review the final plat to make sure the nine special conditions have been addressed. Mr. Beach reminded Ms. Pace that the final plat would not be brought to the Planning

Commission until all letters of release are in and all nine conditions are met. Mr. Beach stated that staff didn't see any advantage to recommend denial or to downgrade it to a sketch plat for a third time.

Mr. Westervelt reminded Ms. Pace that this is not a plat waiver and there is no particular limit on special conditions for a preliminary plat.

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 **HORNER**, TMAPC voted 7-0-0 (Carnes, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Dick, Ledford, Midget "absent") to recommend **APPROVAL** of the preliminary plat for HIS Subdivision, subject to special conditions and standard conditions as recommended by staff.

TMAPC Comments:

Mr. Harmon stated that there has been some question regarding the legal description on Serenity Park. He asked staff to review this with the applicant to make sure what was approved and what the applicant requested.

Mrs. Fernandez stated that staff would talk with the applicant.

Mr. Beach asked if the applicant is concerned about the legal description or the location referenced on the agenda. In response, Mr. Harmon stated that he is not sure and requested that the staff meet with the applicant.

REVISED PRELIMINARY PLAT:

Montereau in Warren Woods – (PUD-641) (383) (PD-18-B) (CD-7)

Location: North of East 71st Street, East of Granite Avenue, 56.6 acres.

Staff Recommendation:

The Technical Advisory Committee reviewed a request for a Revised Preliminary Plat at their February 7, 2002 meeting. The result of the meeting was that the Revised Preliminary Plat was acceptable to the Committee with the following conditions:

1. A sewer easement in the northern part of the lot running northwest to southeast must be dedicated or evidenced with noted book and page numbers.
2. A 17.5-foot utility easement will need to be dedicated along the south boundary of Lot 1.
3. Paved emergency access will need to be provided in an easement in a location as shown on the original preliminary plat and approved by Traffic Engineering.

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 **HORNER**, TMAPC voted 7-0-0 (Carnes, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Dick, Ledford, Midget "absent") to recommend **APPROVAL** of the revised preliminary plat for Montereau in Warren Woods, subject to conditions as recommended by staff.

PLAT WAIVER:

Z-6851 (2994)

(PD-17) (CD-5)

Location: Northeast corner of East 43rd Street and South Garnett Road

Staff Recommendation:

The property is being rezoned from SR to CS. It will be developed for office and retail uses for the Boy Scouts of America.

The following information was provided at the TAC meeting February 21, 2002.

ZONING:

TMAPC Staff: February 20th, 2002, the TMAPC recommended approval of the rezoning. This plat waiver request will not be considered by the TMAPC until the zoning case has had first reading by the City Council, probably first on second Thursday in March.

STREETS:

Public Works, Transportation: Dedicate standard 30' radius corner.

Public Works, Traffic: No comments.

SEWER:

Public Works, Waste Water: No comments

WATER:

Public Works, Water: No comments

STORM DRAIN:

Public Works, Storm Water: No comments

FIRE:

Public Works, Fire: No comments

UTILITIES:

Franchise Utilities: No comments

Based on the fact that the only separate instrument needed would be a simple dedication of right-of-way, that the property is already platted, and based on the checklist evaluation below, staff recommends **APPROVAL** of the request for a plat waiver, subject to a deed of dedication for the required right-of-way filed of record.

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

	Yes	NO
1. Has Property previously been platted?	X	
2. Are there restrictive covenants contained in a previously filed plat?	X	
3. Is property adequately described by surrounding platted properties or street R/W?	X	

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?	X	
5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived?	X	
6. Infrastructure requirements:		
a) Water		
i. Is a main line water extension required?		X
ii. Is an internal system or fire line required?		X
iii. Are additional easements required?		X

	Yes	NO
b) Sanitary Sewer		
i. Is a main line extension required?		X
ii. Is an internal system required?		X
iii. Are additional easements required?		X
c) Storm Sewer		
i. Is a P.F.P.I. required?		MAYBE*
ii. Is an Overland Drainage Easement required?		MAYBE*
iii. Is on site detention required?		X
iv. Are additional easements required?		MAYBE*
7. Floodplain		
a) Does the property contain a City of Tulsa (Regulatory) Floodplain?		X
b) Does the property contain a F.E.M.A. (Federal) Floodplain?		X
8. Change of Access		
a) Are revisions to existing access locations necessary?		X
9. Is the property in a P.U.D.?		X
a) If yes, was plat recorded for the original P.U.D.		NA
10. Is this a Major Amendment to a P.U.D.?		X
a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.?		NA

At this time, no determination can be made regarding these items. Once construction plans have been submitted and reviewed, Public Works can determine if there will be a connection to the public storm sewer, resulting in the need for a PFPI and additional easements.

TMAPC Comments:

Mr. Harmon asked Mr. Beach about the wording "maybe" in the report and if this would continue in the future. In response, Mr. Beach stated that it is not known if these requirements would have to be met at this time and if they were it would be filed by separate instrument.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted 7-0-0 (Carnes, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Dick, Ledford, Midget "absent") to recommend **APPROVAL** of the plat waiver for Z-6851, subject to conditions as recommended by staff.

ZONING PUBLIC HEARING

APPLICATION NO.: CZ-302

AG to AGR

Applicant: Jeremy Holloway

(PD-14) (County)

Location: North and east of the northeast corner of East 136th Street and North Sheridan Road.

Staff Recommendation:

RELEVANT ZONING HISTORY:

CZ-267 June 2000: All concurred in approval of a request to rezone an eighty-acre tract located east of the northeast corner of East 146th Street North and North Sheridan Road and north of the subject tract, from AG to RE for residential development.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately twenty acres in size and is located north and east of the northeast corner of East 136th Street North and North Sheridan Road. The property is flat, non-wooded, vacant, and zoned AG.

STREETS:

Exist. Access	MSHP Design.	MSHP ROW	Exist. No. Lanes
North Sheridan Road	100'	100'	2 lanes

UTILITIES: Water is provided by a rural water system and sewer would be by septic systems or lagoons.

SURROUNDING AREA: The subject tract is abutted on all sides by scattered single-family dwellings and farms, zoned AG.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 14 Plan, a part of the Comprehensive Plan for the City of Collinsville, designates the subject tract as Rural Residential. The requested AG-R zoning is in accordance with the Plan.

STAFF RECOMMENDATION:

Based on the Comprehensive Plan and existing development in the area, staff can support the rezoning request and recommends **APPROVAL** of AG-R zoning for CZ-302.

Interested Parties Comments:

Donna Reed, 14015 North Sheridan Road, Collinsville, Oklahoma 74021, stated she had some concerns regarding water, utilities and flooding. She expressed concerns that the subject property would be turned into a housing addition.

Mr. Stump explained that all of the issues Ms. Reed stated would be addressed during the steps of subdividing. He reminded the Planning Commission that the subdividing issues are not before them today. The real issue is that it is currently zoned for a minimum of two-acre lots and they would like to reduce it to one-acre lots. He further explained that if the developer were not able to get water, streets, etc., then the developer wouldn't be allowed to subdivide.

Applicant's Rebuttal:

Mr. Holloway declined rebuttal.

TMAPC Comments:

Mr. Carnes asked if the subject property has been platted for 2 ½ acres. In response, Mr. Stump stated that the property hasn't been platted, but is zoned for two-acre lots. Mr. Stump further stated that the applicant is proposing to rezone to AG-R and have one-acre minimum lot size.

Ms. Matthews stated that the surrounding properties are zoned AG.

Mr. Carnes stated that he doesn't want to be the first one to break the lots up into smaller tracts.

MOTION of CARNES to recommend **DENIAL** of the AG-R zoning for CZ-302.

Ms. Pace stated that the issues for this application are different from the previous request. The previous issue was a lot-split that didn't meet Subdivision Regulations. If this property is zoned AG the applicant could expect some smaller lots if he would like. In response, Mr. Stump stated that the Comprehensive Plan doesn't define that one area is planned for two-acre lots and one area is planned for one-acre lots. Mr. Stump further stated that the Comprehensive Plan states Low Intensity-Residential and a wide range of lot sizes are compatible with that. Mr. Stump explained that the Planning Commission could or could not find that the one-acre lot type of development would be appropriate and compatible with the area.

There was no second for Denial. Motion failed.

Ms. Pace stated that if the Planning Commission should deny this application the applicant could submit a subdivision with two-acre lots. In response, Mr. Stump answered affirmatively.

Mr. Harmon stated that there is development in the subject area on one-acre lots. This is not injurious to the subject area and there is no significant difference between two-acre lots and one-acre lots.

TMAPC Action; 7 members present:

On **MOTION** of **WESTERVELT**, TMAPC voted 7-0-0 (Carnes, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Dick, Ledford, Midget "absent") to recommend **APPROVAL** of the AG-R zoning for CZ-302 as recommended by staff.

Legal Description for CZ-302:

Commencing at the Northwest corner of the SW/4, Section 26, T-22-N, R-13-E; thence S 30°04'10" W along the West line of the SW/4 a distance of 630.71' to the Point of Beginning; thence S 89°59'36" E a distance of 1,387.0'; thence N 00°04'10" E a distance of 630.82' to a point on the North line of said SW/4 that is 1,387.0' East of the Northwest corner thereof; thence S 89°59'53" E along said North line a distance of 601.10' to the Northeast corner of the W/2, NE/4, SW/4; thence S 00°04'02" W along the East line of said W/2, NE/4, SW/4 a distance of 660.875'; thence N 89°59'36" W a distance of 1,988.13' to a point on the West line of the SW/4; thence N 00°04'10" E along said West line a distance of 30' to the Point of Beginning, **and** a tract described as follows: Commencing at the Northwest corner of the SW/4 of Section 26, T-22-N, R-13-E; thence S 00°04'10" W along the West line of the SW/4 a distance of 660.71' to the Point of Beginning; thence S 89°59'36" E a distance of 1,988.13' to a point on the East line of the W/2, NE/4, SW/4; thence S 00°04'02" W along the East line a distance of 660.87' to the Southeast corner of said W/2, NE/4, SW/4; thence N 85°59'19" W along the South line of said W/2, NE/4, SW/4 a distance of 601.15' to a point that is 1,387.0' East of the Southwest corner of the NW/4, SW/4; thence N 00°04'10" E a distance of 630.82'; thence N 89°59'36" W a distance of 1,387.0' to a point on the West line of said SW/4; thence N 00°04'10" E along said West line a distance of 30' to the Point of Beginning, and located north and east of the northeast corner of East 136th Street North and North Sheridan Road, Collinsville, Oklahoma, **From AG (Agriculture District) To AG-R (Agriculture – Residential Single-family Rural Development).**

APPLICATION NO.: Z-6853

CS to RS-3

Applicant: Marcella Culbert

(PD-5) (CD-3)

Location: Northwest corner of East 2nd Street and South 89th East Avenue

Staff Recommendation:

RELEVANT ZONING HISTORY:

Z-6852 February 2002: A request to rezone a 2.7-acre tract located on the southeast corner of East Admiral Place and South 85th East Avenue from CS to CH to allow an existing retail, warehouse and miscellaneous storage facility is pending TMAPC and City Council action. This tract is located north of the subject property.

BOA-18974 February 2001: The Board of Adjustment approved a request to allow a single-family dwelling in a CS-zoned district, on property abutting one of the subject lots to the north and one of the lots of the original plat of this subdivision.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 1.44 acres in size that includes seven platted lots and is located on the northwest corner of East 2nd Street South between South 88th East Avenue and South 89th East Avenue. The property is flat, non-wooded, contains single-family homes, and is zoned CS.

STREETS:

Exist. Access	MSHP Design.	MSHP ROW	Exist. No. Lanes
East 2 nd Street South	50'	50'	2 lanes
South 89 th East Avenue	50'	50'	2 lanes

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA: The subject tract is abutted on the north by single-family dwellings, zoned CS; to the north of the homes are commercial businesses, zoned CS and CG; to the west is a manufactured homes sales, zoned CH and the Tulsa Auto Auction, zoned CH; to the east are single-family dwellings, zoned RS-3; and to the south by a single-family dwelling and vacant land, zoned RS-2.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 5 Plan, a part of the Comprehensive Plan for the City of Tulsa, designates the subject tract as Medium Intensity – Commercial land use.

According to the Zoning Matrix, the requested RS-3 designation is in accordance with the Plan Map.

STAFF RECOMMENDATION:

Based on the Comprehensive Plan, existing development on the properties and surrounding uses, staff can support the requested rezoning and recommends **APPROVAL** of RS-3 zoning for Z-6853.

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 **WESTERVELT**, TMAPC voted 7-0-0 (Carnes, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Dick, Ledford, Midget "absent") to recommend **APPROVAL** of the RS-3 zoning for Z-6853 as recommended by staff.

Legal Description for Z-6853:

Lots 8 through 14, Block 2, Hirrlinger Resub of Day Suburban Acres, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, and located on the northwest corner of East 2nd Street and South 89th East Avenue, Tulsa, Oklahoma, **From CS (Commercial Shopping Center District) To RS-3 (Residential Single-family High Density District).**

OTHER BUSINESS:

APPLICATION NO.: PUD-578-A

DETAIL SITE PLAN

Applicant: Malek Elkhoury

(PD-26) (CD-8)

Location: 11020 South Memorial

Staff Recommendation:

The applicant is requesting approval of a detail site plan for a new 2,660 square foot restaurant and a new 3,000 square foot liquor store. Both proposed uses are in conformance with the approved Planned Unit Development for the site.

Minor Amendment PUD-578-A-1 reallocated floor area within the PUD such that this site in the aggregate is permitted 7,000 square feet. The site plan as submitted falls within this requirement. Furthermore, the site plan is in conformance with PUD Development Standards, and in particular, provides for adequate setback of bulk and trash containers from the east boundary of the PUD, complies with parking requirements and meets requirements for vehicular access and circulation.

Staff recommends **APPROVAL** of the detail site plan as submitted.

Note: Detail site plan approval does not constitute sign or landscape plan approval.

There were no interested parties wishing to speak.

The applicant was not present.

TMAPC Action; 7 members present:

On **MOTION** of **WESTERVELT**, TMAPC voted 7-0-0 (Carnes, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Dick, Ledford, Midget "absent") to **APPROVE** the detail site plan for PUD-578-A as recommended by staff.

APPLICATION NO.: PUD-646

DETAIL SITE PLAN

Applicant: Lee Shaw/Ted Sack

(PD-26) (CD-8)

Location: North of the northeast corner of East 111th and South Sheridan

Staff Recommendation:

The applicant is requesting approval of a detail site plan for the west and north gated entries into the Wenmoor Addition, a residential subdivision currently in the Draft Final review stage. In accordance with PUD-646 requirements, detail site plans of gated entries must be reviewed, approved and signed by Traffic Engineering and the Tulsa Fire Department. This has been accomplished, therefore, staff recommends **APPROVAL** of PUD-646 detail site plans as submitted.

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 **HORNER**, TMAPC voted 7-0-0 (Carnes, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Dick, Ledford, Midget "absent") to **APPROVE** the detail site plan for PUD-646 s recommended by staff.

APPLICATION NO.: PUD-390-A

DETAIL SITEPLAN

Applicant: Ted Sack

(PD-18) (CD-7)

Location: Northeast corner East 61st Street South and South 89th East Avenue

Staff Recommendation:

Mr. Stump stated that this application should be continued to March 27th. He explained that there was a special condition regarding the berming and the applicant has not submitted a plan for that at this time.

TMAPC Comments:

Mr. Westervelt stated that he remembers the discussion well regarding the back screening wall, the berming and options for a three-foot screening wall.

Applicant's Comments:

Mr. Sack requested clarification regarding the conditions of the approval of PUD-390-A.

After a lengthy discussion, the Planning Commission requested staff to review the meeting tape for PUD-390-A and report the conditions regarding the north screening wall, the berming and option for a three-foot screening wall on the west side.

TMAPC Action; 7 members present:

On **MOTION** of **HILL**, TMAPC voted 7-0-0 (Carnes, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Dick, Ledford, Midget "absent") to **CONTINUE** the detail site plan for PUD-390-A to March 27, 2002 at 1:30 p.m.

There being no further business, the Chairman declared the meeting adjourned at 3:10 p.m.

Date Approved: 4-10-02



Chairman

ATTEST: 
Secretary

