

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2330

Wednesday, December 18, 2002, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Tuesday, December 13, 2002 at 2:46 p.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 November 13, 2002, Meeting No. 2327

On **MOTION** of **HORNER** the TMAPC voted 6-0-0 (Coutant, Harmon, Hill, Horner, Jackson, Westervelt) "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Dick, Ledford, Midget "absent") to **APPROVE** the minutes of the meeting of November 13, 2002, Meeting No. 2327.

Minutes:

Approval of the minutes of November 20, 2002, Meeting No. 2328

On **MOTION** of **HILL** the TMAPC voted 5-0-1 (Coutant, Harmon, Hill, Jackson, Westervelt "aye"; no "nays"; Horner "abstaining"; Bayles, Carnes, Dick, Ledford, Midget "absent") to **APPROVE** the minutes of the meeting of November 20, 2002, Meeting No. 2328.

Minutes:

Approval of the minutes of December 4, 2002, Meeting No. 2329

On **MOTION** of **HORNER** the TMAPC voted 4-0-2 (Coutant, Horner, Jackson, Westervelt "aye"; no "nays"; Harmon, Hill "abstaining"; Bayles, Dick, Ledford, Midget "absent") to **APPROVE** the minutes of the meeting of December 4, 2002, Meeting No. 2329.

REPORTS:

Chairman's Report:

Mr. Harmon reported that there would not be a worksession today. He explained that the items on the worksession agenda would be better dealt with in January 2003.

Director's Report:

Mr. Stump reported that there are several items on the City Council agenda. He indicated that Ms. Matthews would be attending the City Council meeting.

ITEMS TO BE CONTINUED:

Tulsa Recreation Center for Physically Limited – IM/RM-3/BOA-19437 (PD-4) (CD-4)

Location: 815 South Utica Avenue, two lots, one block, 6.81

Staff Recommendation:

Staff requests a continuance to January 8, 2003.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **WESTERVELT**, TMAPC voted 6-0-0 (Coutant, Harmon, Hill, Horner, Jackson, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Dick, Ledford, Midget "absent") to **CONTINUE** the preliminary plat for Tulsa Recreation Center for Physically Limited to January 8, 2003 at 1:30 p.m.

Mr. Stump introduced Janet Chronister.

Ms. Bayles in at 1:35 p.m.

SUBDIVISIONS:

LOT-SPLITS TO RESCIND PREVIOUS APPROVAL:

Larry D. Thomas (L-19466) (CS/RS-3)(PD-8) (CD-2)
3232 West Skelly Drive

Staff Recommendation:

In 1974, a lot-split application was filed to divide Block 1, Amended Hyde Addition, into three parcels: Tract 1: the West 208.72' of the North 200'; Tract 2: the West 208.72' less the North 200'; and Tract 3: Block 1 less the West 208.72'. The application was approved, but required that Tracts 1 and 2 be tied together because Tract 2 did not front a public street.

In 1988, a lot-split was applied for that would split the west 208.72' into two tracts along the southern creek bed. Because the proposed southern tract would not have street frontage, it was being tied to the property to the south, Lot 5, Block 1, Snowcrest West. This lot-split application received prior approval.

The current owners are concerned with people wandering into the creek area behind the restaurant and have agreed to split the property along the northern creek bed. If approved, a fence would be erected along the north creek bed, with everything from the creek south being attached to Lot 5, Block 1, Snowcrest West.

Staff believes this lot-split would not have an adverse effect on the surrounding properties. Staff recommends that the Planning Commission **RESCIND** the 1974 tie-agreement and recommends **APPROVAL** of the proposed lot-split, with the condition that the southern portion of the West 208.72' of Block 1, Amended Hyde Addition, be tied to Lot 5, Block 1, Snowcrest West addition.

TMAPC Comments:

Mr. Harmon asked staff if Tract 2 would become a part of Lot 5 including the creek bed to the north shore. In response, Ms. Chronister answered affirmatively.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **HORNER**, TMAPC voted 7-0-0 (Bayles, Coutant, Harmon, Hill, Horner, Jackson, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Ledford, Midget "absent") to **APPROVE** the proposed lot-split, with the condition that the southern portion of the West 208.72' of Block 1, Amended Hyde Addition, be tied to Lot 5, Block 1, Snowcrest West addition per staff recommendation.

LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

- | | |
|--|------------------|
| <u>L-19431 – Sack & Associates, Inc. (2472)</u> | (PD-21) (County) |
| 275 West 161 st Street | |
| <u>L-19436 – Paul Messick (3193)</u> | (PD-18) (CD-9) |
| 1320 East 58 th Street | |
| <u>L-19438 – Loren Ashford (2993)</u> | (PD-6) (CD-9) |
| 4455 South Gary | |
| <u>L-19443 – Dean Solberg (3203)</u> | (PD-3) (CD-3) |
| 833 North Florence Avenue | |
| <u>L-19451 – Doyle Ginn (2512)</u> | (PD-12) (County) |
| Southeast corner of 86 th Street North & Cincinnati | |
| <u>L-19452 – Arthur Luster (3092)</u> | (PD-23) (County) |
| 4600 West Skyline Drive | |
| <u>L-19453 – Gerald Pritchard (3090)</u> | (PD-23) (County) |
| 4173 South 265 th West Avenue | |
| <u>L-19456 – Siesmore Weisz & Associates, Inc. (2992)</u> | (PD-9) (County) |
| 5324 West 46 th Street | |
| <u>L-19457 – Joe Showalter (3193)</u> | (PD-18) (CD-9) |
| North of northwest corner of East 58 th Street and Rockford | |
| <u>L-19459 – Bruce Rubottom (1223)</u> | (PD-14) (County) |
| Northeast corner of 166 th Street North and Memorial | |
| <u>L-19463 – Tulsa Development Authority (2502)</u> | (PD-2) (CD-1) |
| 1204 East Queen | |

There were no interested parties wishing to speak.

Staff Recommendation:

All lot-splits are in order and staff recommends **APPROVAL**.

TMAPC Action; 7 members present:

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

FINAL PLAT:

The Villas of Tuscany (formerly Hunter's Hollow) – PUD 527 (RS-3) (3483) (PD 26) (CD 8)

Location: North and East of the northeast corner of East 121st Street and South Yale Avenue

Staff Recommendation:

This plat consists of 40 lots in three blocks with eight reserves on 9.93 acres. The property will be used for residential uses.

All release letters have been received for this final plat. Staff recommends **APPROVAL** of the final 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** (Bayles, Coutant, Harmon, Hill, Horner, Jackson, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Ledford Midget "absent") to **APPROVE** the final plat for The Villas of Tuscany, as recommended by staff.

PRELIMINARY PLAT:

APAC 11th Street Facility – PUD 668 (0494) (PD 17) (CD 6)

Location: 13521 East 11th Street South

Staff Recommendation:

This plat consists of one lot, one block and four reserve areas, on 19.05 acres.

The following issues were discussed November 21st, 2002 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned under PUD 668 (IM/IL/OL/RS-2) as just recently approved by the City Council. A plat was approved in April of 2002 for part of this property. Reserve areas should be defined clearly in the covenants and responsibility for maintenance defined.
2. **Streets:** Right-of-way must be dedicated along 11th Street, as it is designated as a secondary arterial on the Major Street and Highway Plan. A license agreement with the City can be obtained for the existing wall in the right-of-way. Reserve A needs to be defined. The radius of 137th East Avenue onto an arterial needs a waiver to the radius. The south 25 feet of right-of-way for 7th Street is needed. A waiver to the policy for sidewalks along arterial streets is needed.

Detail location map. Fix legal typo. Provide 17.5-foot utility easement. On the conceptual improvements plan show easements, flow line, sewer, drainage elevations, access for detention facilities.

Applicant's attorney and engineer: There is an existing wall fence and we prefer to not dedicate the right-of-way along East 11th Street, but the City will have access when needed. Wording is not currently supplied in the covenants to assure this, but it will be made available. There is an existing sewage lagoon that will be used and detention facilities shown have already had approved plans.

3. **Sewer:** Sewer is not in the area. Additional easements will be necessary, including a 15-foot utility easement to the south.
4. **Water:** The water is acceptable.
5. **Storm Drainage:** Stormwater detention will be required. Standard language needs to be provided in the covenants for easements. Correct spelling of Cooley Creek. Additional easements including overland drainage easements or reserves may be necessary. Floodplain must be clearly defined and appropriate access provided for maintenance.
6. **Utilities:** No comments.

7. **Other:** N/A.

Staff recommends **APPROVAL** of the preliminary plat subject to the special and standard conditions below.

Waivers of Subdivision Regulations:

1. A waiver to the Major Street and Highway Plan for right-of-way dedication along 11th Street.
2. A waiver to radius requirements for 137th East Avenue.

Special Conditions:

1. Additional easements should be granted, per the Public Works Department.
2. Right-of-way should be dedicated along 11th Street, and a license agreement with the City granted to allow the existing proposed wall.
3. The reserve areas need to be specifically defined and responsibility for maintenance for these clarified.

Standard Conditions:

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.

7. A 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 County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefore shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. The method of water supply and plans therefore shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.
19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)

20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final plat.

Applicant's Comments:

Roy Johnsen, 201 West 5th, Suite 501, Tulsa, Oklahoma 74103, representing APAC, stated that apparently, by interpretation, Public Works has determined that sidewalks are required to be built by the subdivider if they have frontage on an arterial street. He commented that this is a new requirement done by interpretation and without benefit of any sort of study group of people in the industry. He requested that the Planning Commission undertake a study of this issue to see if it is an appropriate requirement.

Mr. Johnsen cited the background regarding the PUD for APAC. He stated that the southwest corner of the subject property was zoned IM prior to 1970 and was never subject to a platting requirement. It was built and commenced as a batch plant lawfully and it is lawful today. He explained that through a series of meetings and hearings, his client was encouraged to do a comprehensive look at the subject property and agreed to bring in the IM-zoned property as part of the PUD. His client agreed and in the submittal shows the 35-foot dedication for the 11th Street right-of-way. The Major Street and Highway Plan requires a 50-foot right-of-way and the objective is to use the 15 feet that would make the 50-foot right-of-way (north 15 feet of the required 50 feet). The 15 feet would be in a reserve and if the City needed the 15 feet, then his client would dedicate it at that time.

As of today there are no plans or scheduled projects for the right-of-way and there is no likelihood in the future that the right-of-way would be needed. Within the IM property and the way the buildings are sited today, the circulation is extremely tight and 35 feet is all that could be dedicated and continue to operate in some reasonable fashion. He indicated that if his client dedicated the full 50 feet, he would lose all of the access on the south side of the plant. Mr. Johnsen explained that there is the possibility to build a four-lane road with the 35-foot right-of-way because there is 35 feet on both sides and 70 feet is a significant amount of right-of-way. The City recently widened a bridge to the east boundary of the subject property and it is 43 feet (interior measurement), and the City thought that three lanes may be required because that is all the new bridge would permit. The right-of-way is not available in most of the tracts along 11th Street and it is unlikely that there would be too much significant redevelopment before the City comes in and actually requires right-of-way. He explained that he has tried to design a plan to protect the City and to allow APAC to continue to

use the property they have been using, less to the 35-foot line. He stated that today the dedication of right-of-way is statutory, section line, 24.75 feet and APAC currently has a fence right on the line. He indicated that originally he had submitted a 35-foot right-of-way and then a screening wall, which was an integral part of the submittal of the PUD and he never heard an objection to this proposal at that time.

Under the Subdivision Regulations there is a requirement that when a plat is submitted the full dedication of right-of-way is required unless the Planning Commission waives that requirement. He stated that he is now proposing to dedicate Reserve A for street purposes, but in that dedication language reserve the right for the landowner to use the right-of-way until the City passes a resolution stating that the dedication is needed. The property would have already been dedicated and the City would pass a resolution that would terminate the landowner's right to use it. However, in the meantime, the landowner is allowed to use the dedicated property lawfully until the City determines that they need it. Mr. Johnsen explained what a license agreement is in the City of Tulsa. He stated that a license agreement would put his client at risk because he could possibly be turned down or it could be revoked at any time for any reason. His proposal is a more practical approach and it fully protects the City and affords the landowner more protection. Mr. Johnsen submitted his proposal for the dedicated right-of-way (Exhibit A-1).

Mr. Johnsen stated that because this proposal would result in a waiver, the Planning Commission has the authority to impose conditions and he would suggest that it would be subject to the Department of Public Works as to substance and Legal Department as to form.

TMAPC Comments:

Mr. Westervelt stated that he remembers discussing the subject 15 feet during the PUD, but at the time it was discussed, there was some discussion of making the dedication and then having a license agreement in place. This is something that has been used from time to time. After hearing Mr. Johnsen's concerns regarding the license agreement he could only assume there is some motivation in order for Mr. Johnsen to go through this much exercise to do this in a way other than using a license agreement. Mr. Westervelt further stated that he assumes that Mr. Johnsen's client is concerned about the possibility that somehow the system might get worked around that a one-year license agreement is withdrawn and the new proposal would encourage spending the money to put the screening wall in place. In response, Mr. Johnsen stated that his client would prefer that a resolution by the City Council be passed stating that the additional right-of-way is needed. Mr. Johnsen compared his proposal to the way property is condemned regarding a resolution being passed for necessity. Mr. Westervelt asked Mr. Johnsen if his client wants the additional protection beyond a license agreement. Mr. Johnsen stated that he does have a very concerned client who would prefer the proposal.

Interested Parties:

James Mautino, representing Tower Heights Neighborhood Association, 14628 East 12th, Tulsa, Oklahoma 74128, stated that this plat is a concern to the neighborhood because of the traffic that comes out of the batch plant. Mr. Mautino cited numbers of truck trips in and out of the batch plant per day according to his own calculations. He expressed concerns regarding the screening wall being allowed in the 15 feet of right-of-way because of visibility accessing 11th Street. The ten-foot screening wall with the shrubbery in front of it should be moved back because it would make a traffic hazard for the trucks coming out and the traffic on 11th Street.

Mr. Mautino stated that the staff report indicates that there is an existing wall in place, which is in error. Mr. Mautino submitted an aerial photograph and photographs of 11th Street (Exhibit A-2). He explained that there are storage bins in place and a fence, but it is not a wall. He requested the Planning Commission to enforce the dedicated right-of-way and move the ten-foot wall behind the required right-of-way.

Applicant's Rebuttal:

Mr. Johnsen agreed that the staff paperwork does state that there is an existing wall, but it is a fence. The wall would be eleven feet behind where the existing fence is located today. This would create a good distance for the trucks clearing the fence to see up and down 11th Street. The concern for a traffic hazard is exaggerated. The visibility will be better than it is today because there will be an additional eleven feet of dedicated right-of-way. There will be an opportunity to clear the wall and see traffic before entering 11th Street.

TMAPC Comments:

Mr. Westervelt asked Legal if they had a preference regarding a license agreement versus Mr. Johnsen's proposal. Mr. Westervelt stated that he understands that the City should be protected first and foremost. In response, Mr. Romig stated that Mr. Boulden has been working with Mr. Johnsen on this issue and the court case. Mr. Romig further stated that ultimately, Mr. Boulden would have to review the plat because of the court requirements.

In response to Mr. Westervelt, Mr. Boulden stated that the options before the Planning Commission today are policy questions. Mr. Johnsen has proposed two alternatives and then Public Works has stated that they would prefer the entire dedication of right-of-way be required now. The second choice of Mr. Johnsen's proposal to dedicate the right-of-way today and then allow the applicant to continue using the reserve area until there is a resolution showing the City's necessity to use the additional right-of-way would be acceptable. Mr. Boulden concluded that, other than dedicating all of the right-of-way today, the second alternative would be best.

Mr. Westervelt asked if Public Works was aware of this alternative to the license agreement at the TAC meeting. In response, Mr. Stump answered negatively.

Mr. Romig suggested that if the Planning Commission is considering approving the preliminary plat then to do that upon the condition that the dedicated right-of-way issue be worked out among Public Works, Legal and Mr. Johnsen's client.

Mr. Boulden stated that he understood that if this was approved it would be with the proposal being subject to the substance being approved by Public Works and Legal.

Mr. Westervelt explained that the reason he is taking so much time with this application is because there is a related application later in this agenda for an accelerated building permit. It appears to also deal with the wall issue.

Mr. Westervelt asked Mr. Boulden if he is stating that the City would be protected with full dedication, dedicated with a license agreement or full dedication with the option to reserve 15 feet for the applicant's use. In response, Mr. Boulden stated that the proposal by Mr. Johnsen with the reserve area is closest to what Public Works would like. Mr. Westervelt asked Mr. Boulden if the Planning Commission approved this preliminary plat with one of the proposals incorporated into the final plat, it would preclude the Planning Commission from considering for the next agenda item for the subject property. In response, Mr. Boulden stated that if the Planning Commission is inclined to approve this preliminary plat, it should be subject to one of the proposals being incorporated into the final plat and the Planning Commission could still consider the accelerated building permit that is on today's agenda.

Mr. Harmon recognized Mr. Johnsen.

Mr. Johnsen stated that traditionally the TAC does not recommend waiver of the Major Street and Highway Plan. He further stated that he met with Mark Brown, Traffic Engineer, and indicated that Mr. Brown was comfortable with the proposal, but he would have to discuss it with Mr. Hardt and Legal. This proposal comes to the Planning Commission with more work than the typical preliminary plat.

Mr. Harmon stated that he can understand both sides regarding the wall placement.

Mr. Westervelt stated that the Planning Commission spent a lot of time with the PUD and the PUD contemplated doing exactly what Mr. Johnsen is proposing. There is something wrong with spending as much time as the Planning Commission did on the PUD that contemplated this and waiting for the plat to come before the Planning Commission and then renegotiating the transaction. That is not what a plat is supposed to do, but it is supposed to ensure that the

City is protected for their rights-of-way, dedications and utilities. The Planning Commission has dealt with the land use issues and decided that the masonry wall could be located on the PUD.

TMAPC Action; 7 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **7-0-0** (Bayles, Coutant, Harmon, Hill, Horner, Jackson, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Ledford "absent") to recommend **APPROVAL** of the preliminary plat and waiver of the Subdivision Regulations for APAC 11th Street Facility; subject there being one of the following: 1) a full dedication of right-of-way; 2) a full dedication of right-of-way with a license agreement; 3) or a dedication of Reserve A as street right-of-way with a reservation of the subdivider of the right to use the existing drives within Reserve A and the right to construct screening walls and gates within Reserve A as required by PUD-668, provided that the reserve right shall terminate upon resolution of the City that any part of Reserve A is needed for funded improvements, subject to Legal approving that the City of Tulsa is amply protected, subject to special and standard conditions. (Words deleted are shown as ~~strikeout~~; words added or substituted are underlined.)

Ms. Hill out at 2:10 p.m.

Red Bud Addition – Z-6870/PUD 672 (0993) (PD-4) (CD-4)

Location: Northwest corner of East 15th Street South and South Yale Avenue

Staff Recommendation:

This plat consists of one lot, one block, on 1.952 acres.

The following issues were discussed December 5, 2002 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned under PUD 672 (CS and OL underlying zones). The PUD standards need to be referenced exactly in the covenants.
2. **Streets:** No objections to plat. On the conceptual improvement plan, islands north of the drive will need to be removed and this will be handled through the PFPI. Show all flow line elevations on concept plans.
3. **Sewer:** There should be a 15-foot sewer easement rather than a ten-foot sewer easement.
4. **Water:** No comment.

5. **Storm Drainage:** It will be necessary to connect to the public system. The covenants must have standard language pertaining to storm drainage. Manholes need to be properly located.
6. **Utilities:** No comments.
7. **Other:** N/A

Staff recommends **APPROVAL** of the preliminary plat subject to the special and standard conditions below.

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

1. The concerns of the Public Works Department staff must be taken care of to their satisfaction.

Standard Conditions:

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.

7. A 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 County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefore shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. The method of water supply and plans therefore shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.
19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)

20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final plat.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **JACKSON**, the TMAPC voted **6-0-0** (Bayles, Coutant, Harmon, Horner, Jackson, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Hill, Ledford, Midget "absent") to recommend **APPROVAL** of the preliminary plat for Red Bud Addition, subject to special and standards conditions as recommended by staff.

Ms. Hill in at 2:12 p.m.

South Country Meadows – AG (3373) (PD 21) (County)

Location: 181st Street South and South Yale Avenue

Staff Recommendation:

This plat consists of six lots, one block, on 20 acres.

The following issues were discussed December 5, 2002 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned AG in Tulsa County. Covenants need to be consistent with the County Zoning Code. Typographical errors need to be corrected in the covenants. Front yard setbacks need to be clarified and possibly shown on the plat.
2. **Streets:** Yale Avenue needs 58 feet of right-of-way for a right turn lane. The access driveway should not be so close to the intersection.
3. **Sewer:** N/A
4. **Water:** N/A

5. **Storm Drainage:** The covenants detail drainage easements but there are no such easements on the face of the plat.
6. **Utilities:** Bixby Telephone needs additional perimeter easement. Electric easements shown are okay.
7. **Other:** N/A

Staff recommends **APPROVAL** of the preliminary plat subject to the special and standard conditions below.

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

1. The concerns of the County Engineer must be taken care of to his satisfaction.

Standard Conditions:

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A 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 County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefore shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. The method of water supply and plans therefore shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.
19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)

21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final plat.

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

PLAT WAIVER:

BOA-11955 - (3393) (PD 18) (CD 7)

Location: 4502 East 51st Street

Staff Recommendation:

The platting requirement was triggered by a need for parking for an office use in an OL zone.

Staff provides the following information from TAC at their December 5, 2002 meeting:

ZONING:

TMAPC Staff: The zoning officer has required that a plat waiver be approved before the tract can be used for parking for an insurance office. Previous uses of the tract have been both residential and office uses.

STREETS:

Public Works, Traffic: No objection. Limits of No Access are assumed on 51st Street. Both entrances onto Toledo are narrow.

SEWER:

Public Works, Wastewater: No objection.

WATER:

Public Works, Water: No objection.

STORM DRAIN:

Public Works, Stormwater: No objection.

FIRE:

Public Works, Fire: No comment.

UTILITIES:

Franchise Utilities: No objection.

Staff can recommend **APPROVAL** of the plat waiver requested. It has been previously platted and no additional easements or right-of-way dedications are necessary.

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
b) Sanitary Sewer		
i. Is a main line extension required?		X
ii. Is an internal system required?		X
lii Are additional easements required?		X
c) Storm Sewer		
i. Is a P.F.P.I. required?		X
ii. Is an Overland Drainage Easement required?		X*

- iii. Is on site detention required? X*
- iv. Are additional easements required? X
- 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.
- 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.?

*There may be some requirement as the parking lot is permitted through Development Services.

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 (Bayles, Coutant, Harmon, Hill, Horner, Jackson, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Ledford, Midget "absent") to **APPROVE** the plat waiver for BOA-11955 as recommended by staff.

BOA-19489 - (1293) (PD 5) (CD 5)
Location: 1919 South Memorial Drive

Staff Recommendation:

The platting requirement will be triggered by BOA 19489 which will be heard on December 10, 2002 if the Board of Adjustment approves a requested drive-in restaurant (Sonic) by Special Exception.

Staff provides the following information from TAC at their December 5, 2002 meeting:

ZONING:

TMAPC Staff: No further comment.

STREETS:

Public Works, Traffic: Mutual access easements are recommended at both driveways for a separate lot created. It is unlikely that there will be a left-turn bay onto this tract.

SEWER:

Public Works, Wastewater: No objection.

WATER:

Public Works, Water: No objection.

STORM DRAIN:

Public Works, Stormwater: No objection.

FIRE:

Public Works, Fire: No objection.

UTILITIES:

Franchise Utilities: No objection.

Staff can recommend **APPROVAL** of the plat waiver requested because of the existing plat and minor change in use to allow a drive-in restaurant.

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
 - 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? X
 - ii. Is an Overland Drainage Easement required? X
 - iii. Is on site detention required? X
 - iv. Are additional easements required? X
- 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.
- 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.?

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 (Bayles, Coutant, Harmon, Hill, Horner, Jackson, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Ledford, Midget "absent") to **APPROVE** the preliminary plat for BOA-19489 per staff recommendation.

PUD 571A - (1283) (PD 18) (CD 7)

Location: East of the Northeast corner of East 81st Street and South Memorial Drive

Staff Recommendation:

The platting requirement will be triggered by PUD 571 A, a major amendment to allow the merchandising of locks without warehousing or wholesale distribution.

Staff provides the following information from TAC at their December 5, 2002 meeting:

ZONING:

TMAPC Staff: No further comment.

STREETS:

Public Works, Traffic: No objection.

SEWER:

Public Works, Wastewater: Sewer shown doesn't match the atlas. Show correct location map. Sewer should be shown as existing and not going to move.

WATER:

Public Works, Water : No objection.

STORM DRAIN:

Public Works, Stormwater: No objection.

FIRE:

Public Works, Fire: No comment.

UTILITIES:

Franchise Utilities: No comment.

Staff can recommend **APPROVAL** of the plat waiver requested because of the existing plat for the property and the fact that no easements or right-of-way are required.

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 RW?	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 |
| | 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? | X |
| | ii. Is an Overland Drainage Easement required? | X |
| | iii. Is on site detention required? | X |
| | iv. Are additional easements required? | X |
| 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. | X |
| 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.? | X |

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 (Bayles, Coutant, Harmon, Hill, Horner, Jackson, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Ledford, Midget "absent") to **APPROVE** the plat waiver for PUD-571-A per staff recommendation.

PUD-643-1 – (1283) (PD-18) (CD-7)

Location: East of the northeast corner East 74th Place and South Memorial Drive

Staff Recommendation:

The staff has reviewed this request for a plat waiver and can recommend **APPROVAL** of the waiver that was triggered by a Major Amendment approved in October of 2002, to allow an office use on this lot. The plat for French Creek Patio Homes was amended and replatted in July of 2002, and staff has no concerns about the recently platted property receiving this 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:

	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 RW?	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. Will restrictive covenants be filed by separate instrument?		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?		

- 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? X
 - ii. Is an Overland Drainage Easement required? X
 - iii. Is on site detention required? X
 - iv. Are additional easements required? X
- 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.
- 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.? X

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.

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 (Bayles, Coutant, Harmon, Hill, Horner, Jackson, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Ledford, Midget "absent") to **APPROVE** the plat waiver for PUD-643-1, per staff recommendation.

AUTHORIZATION FOR AN ACCELERATED BUILDING PERMIT::

APAC 11th Street Facility (PUD 668)

Location: 13521 East 11th Street/West of the Northwest corner of East 11th Street and South 138th East Avenue

Staff Recommendation:

This request is for an accelerated release of building permits for a concrete ready mix plant that has a preliminary plat in process. The site has a long history of cases through the Board of Adjustment, District Court, and most recently, through the Planning Commission for a plat on part of the property (April of 2002) and for a new PUD (668) zoning that was approved this month by City Council. The request is for permits for a truck wash-out reclaimer facility and screening walls.

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 has consider the preliminary plat for APAC 11th Street Facility on the same agenda as the request for authorization for an accelerated building permit.

The Technical Advisory Committee reviewed the request for accelerated permits at the November 21, 2002 meeting. There were several concerns expressed by the TAC members. The Traffic Engineering area stated that the truck wash-out permits would be acceptable, but not permits for the wall along the 11th Street frontage or any wall within 50 feet of the section line. Development Services staff were concerned that there have been no actual applications for building permits, and staff cannot tie requested acceleration of permits to actual permits and plans, as they have not been received. Staff would be unsure of any problems with permits that they typically would have already seen, reviewed, and had some of the problems worked out. There was a concern that this site had had problems for a very long time, the reclaimer area plans would be rotated and moved north, and that there might only be a week gained for accelerated permits. The plat should just be processed and filed in the typical process while building permit applications are submitted. It was stated that this would set a bad precedent.

The attorney for the applicant stated that the permits were requested per his submitted narrative for the walls and truck wash/reclaimer facility. He stated that the circumstance was very unusual and that the situation has been going on for several years. He requested that there be no more delay, and that the neighborhood concerns needed to be taken care of, as well as the court order.

TMAPC Comments:

Mr. Westervelt clarified with staff that the Planning Commission is supposed to look for extraordinary circumstances, benefits to the City, and protection. In response, Mrs. Fernandez stated that these are the most important criteria for considering an accelerated building permit. She further stated that the Planning Commission should also consider that the applicant has a preliminary plat. Mr. Westervelt asked staff if Mr. Brown, Traffic Engineer, would not be concerned with the accelerated building permit if there is a dedication, license agreement or resolution. In response, Mrs. Fernandez stated that she couldn't speak for Mr. Brown, but appears from the previous discussion that he wouldn't be concerned.

Mr. Stump stated that a condition to obtain a permit under this procedure is that all of the required rights-of-way are dedicated. He explained that the applicant would have to resolve this issue prior to being eligible for the building permit.

Applicant's Comments:

Roy D. Johnsen, 201 West 5th, Suite 501, Tulsa, Oklahoma 74103, stated that the truck wash-out and the reclaimer are the most important issue that needs to be done as soon as possible. He indicated that the accelerated building permit would save him six to nine weeks. He indicated that he would have to file a separate instrument for the required right-of-way issue and he would do so.

Mr. Johnsen stated that the use has existed on the subject property for over 35 years and his client is trying to do neighborhood-friendly things, which were negotiated, discussed, and studied very closely by all concerned. The screening walls should be installed as early as possible and the only way to do so is to obtain an accelerated building permit.

Mr. Johnsen stated that if he had to choose, the one he would request to be expedited is the reclaimer, because it is subject to a lot of concerns and there is now a good solution to that problem, so it should be done as soon as possible. He indicated that the only thing that may be required is an advise of a change order. He explained that the reclaimer is rotating north and south instead of east and west. He indicated that there is a permit pending for the reclaimer facing east and west and has been for weeks. Mr. Johnsen concluded that the reclaimer needs to be expedited as soon as possible so that it would be in compliance with DEQ.

TMAPC Comments:

Mr. Jackson asked Mr. Johnsen if he was filing two accelerated permits or under the same one. In response, Mr. Johnsen stated that the truck wash-out would be a permit unto itself and one permit for the screening walls.

Interested Parties:

James Mautino, 14628 East 12th, Tulsa, Oklahoma 74128, expressed concerns regarding the traffic and the placement of the screening wall. He stated that the applicant should go through the regular process in order to obtain his permits.

Mr. Westervelt stated that the Planning Commission already approved the screening walls placement, subject to Legal. The only issue today is whether the screening walls are done in a short period of time or within six or eight weeks. Mr. Westervelt asked Mr. Mautino why the Planning Commission shouldn't allow the accelerated building permit, since the decision has already been made regarding the screening walls. In response, Mr. Mautino asked what would be wrong with letting the subject property go through the platting process and be looked at by Engineering and Traffic. Mr. Mautino stated that this plat needs to be looked at because of the conflict regarding the right-of-way.

Mr. Romig stated that with the approval that the Planning Commission gave on the preliminary plat and the conditions, it would be reviewed. Traffic Engineering wouldn't approve a 35-foot dedication if they actually need 50 feet for safety purposes.

Mr. Patrick Boulden stated that he is not too concerned about the wall portion, but as to meeting the requirements for the reclaimer and the northern part of the subject property, it would be good to know that extraordinary circumstances would be that it is in litigation, and removal of the northernmost pond is a requirement in the court case. If the accelerated building permits were issued it would allow the northern pond to be removed and be in compliance with the court order. It would also dispel one of the issues that is currently before the court. The public would benefit if the other accelerated permits were approved. The northern pond has slightly contributed to a flooding problem and accelerating the permit, in this case to allow the reclaimer and the removal of the northern pond, would eliminate some problems.

Mr. Westervelt asked Mr. Boulden if he concurs with staff's observation that the modifications made in the Zoning Code would offer enough protection for the City. In response, Mr. Boulden answered affirmatively.

Applicant's Rebuttal:

Roy D. Johnsen, 201 West 5th, Suite 501, Tulsa, Oklahoma 74103, stated that the sequence that the DEQ is concerned about is the new truck wash-out being constructed with the reclaimer, and then the north pond could go away.

TMAPC Comments:

Mr. Jackson asked staff to clarify that the new masonry wall would be eleven feet behind the existing chain link fence. In response, Mr. Stump stated that there would be over 20 feet between the screening wall and the edge of the curb.

TMAPC Action; 7 members present:

On **MOTION** of **JACKSON**, the TMAPC voted **7-0-0** (Bayles, Coutant, Harmon, Hill, Horner, Jackson, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Ledford, Midget "absent") to **APPROVE** the accelerated building permits for APAC Oklahoma, Inc. for the truck wash-out reclaimer facility and screening walls subject to the required dedication of right-of-way being approved by Legal; finding that there extraordinary circumstances and benefits the City with additional protection.

Mr. Westervelt out at 2:40 p.m.

AMENDMENT TO DECLARATION OF COVENANTS:

Academy Sports and Outdoors Plat – PUD 663-Z-5537-SP-3 (784) (PD 18)
(CD 8)

Location: Northeast of 81st Street and South Highway 169

Staff Recommendation:

Planning and Legal staff have reviewed the amended covenants for this recorded plat. The covenants are in conformance with the existing zoning and plat requirements and staff recommends **APPROVAL** of the acceptance of the amended restrictive covenants.

Applicant was not present.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **JACKSON**, TMAPC voted **6-0-0** (Bayles, Coutant, Harmon, Hill, Horner, Jackson "aye"; no "nays"; none "abstaining"; Carnes, Dick, Ledford, Midget, Westervelt "absent") to **APPROVE** the amendment to declaration of covenants for Academy Sports and Outdoors Plat as recommended by staff.

ZONING PUBLIC HEARING

Application No.: Z-6877

RS-3 to IL

Applicant: Ruby Preaus

(PD-18-C) (CD-6)

Location: 5800 South 107th East Avenue

Staff Recommendation:

RELEVANT ZONING HISTORY:

Z-6762 June 2000: All concurred in approval of a request to rezone a one-acre lot located at 5629 South 107th East Avenue and north of the subject property, from RS-3 to IL for a warehouse.

Z-6662 December 1998: All concurred in approval of a request to rezone a 1.1-acre tract abutting the subject property on the north, from RS-3 to IL.

Z-6609 December 1997: All concurred in approval of a request to rezone a one-acre tract located south of the subject tract on the east side of South 107th East Avenue, from RS-3 to IL for light industry.

Z-6574 January 1997: All concurred in approval of a request to rezone a 161' x 251' tract located north of the subject property on the east side of 107th East Avenue from RS-3 to IL for a trucking establishment.

BOA-17563 November 1996: The Board of Adjustment approved a request for a variance of the required 75' setback from an abutting R-zoned district and a special exception to waive the screening requirements from an abutting R-zoned district on property zoned IL and located 160' north of the subject tract on the east side of South 107th East Avenue.

BOA-16067 June 1992: The Board of Adjustment approved a request for a variance of the required setback from an R-zoned district from 75' to 30' to permit an industrial building on property located north of the northeast corner of East 61st Street South and South 107th East Avenue.

Z-6359 May 1992: All concurred in approval of a request to rezone a 2.5-acre tract from RS-3 to IL. The tract is located north of the northwest corner of East 61st Street South and South 107th East Avenue and across 107th East Avenue from the subject tract.

Z-6308 September 1991: All concurred in approval of a request to rezone a 1.28-acre tract located on the southwest corner of East 56th Street South and South 107th East Avenue from RS-3 to IL.

Z-6233 April 1989: A request was approved to rezone a 1.8-acre tract located on the west side of South 107th East Avenue and north of the subject tract from RS-3 to IL.

Z-6164 August 1987: A request to rezone a 4.9-acre tract located south of the southwest corner of East 56th Street South and South 107th East Avenue, from RS-3 to IL for industrial use. All concurred in approval of IL zoning.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property contains approximately 1.16 acres (160.23' x 317.2'). The property flat, partially wooded (apparently with landscaping stock), vacant and is zoned RS-3.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
South 107 th East Avenue	Residential street	50'	2 lanes

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA: The subject tract is abutted on the north by a vacant lot, zoned IL; to the south by a landscape business, zoned IL; to the east by a drainage canal, zoned AG; to the northwest by a single-family dwelling, zoned IL; and to the west by a vacant lot, zoned IL.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 18 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this property as part of Special District 1 – Industrial. Plan policies call for future industrial development in Planning District 18 to be located here and specify that adequate utility and transportation infrastructure be provided to support that development.

According to the Zoning Matrix, the requested IL **may be found** in accord with the Comprehensive Plan.

STAFF RECOMMENDATION:

Based on the Comprehensive Plan, adjacent land uses and zoning, and trends in the area, staff can support the requested IL zoning and therefore recommends **APPROVAL** of IL zoning for Z-6877.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **HORNER**, the TMAPC voted **6-0-0** (Bayles, Coutant, Harmon, Hill, Horner, Jackson "aye"; no "nays"; none "abstaining"; Carnes, Dick, Ledford, Midget, Westervelt "absent") to recommend **APPROVAL** of IL zoning for Z-6877 per staff recommendation.

Legal Description for Z-6877:

Lot 11, Block 1, Golden Valley, a subdivision of the west one-half of the southeast quarter of Section 31, Township 19 North, Range 14 East, I.B.M., Tulsa County, State of Oklahoma, less and except: Beginning at the northeast corner of said Lot 11; thence south 01°21'01" east a distance of 160.24 feet along the east line of Lot 11 to the southeast corner of said Lot 11; thence south 88°40'50" west a distance of 317.22 feet along the south line of Lot 11; thence north 01°21'08" west a distance of 160.23 feet to a point on the south line of Lot 10; thence north 88°40'36" east a distance of 317.23 feet to the point of beginning; and located approximately at 5800 South 107th East Avenue, Tulsa, Oklahoma **From RS-3 To IL.**

Application No.: Z-6878

OL/RS-3 to OL

Applicant: Roy Johnsen

(PD-18) (CD-8)

Location: North of northwest corner of East 89th Street and South Yale Avenue

Staff Recommendation:

RELEVANT ZONING HISTORY:

Z-6791/PUD-269-B January 2001: A request for rezoning and a major amendment to PUD-269-A on property located east of the subject tract, north and east of the northeast corner of East 89th Street South and South Yale Avenue was approved per staff recommendations. The amendment proposed a three-story office building on the tract in addition to the previously approved five-story office building. Additional OL zoning was required from the existing RS-3 zoning to allow additional square footage.

Z-6784 September 2000: All concurred in denial of a request to rezone a lot located north of the northeast corner of East 89th Street and South Vandalia Avenue, west of the subject property, from RS-3 to OL.

PUD-355-B August 2000: Approval was granted, subject to recommendations and modifications by staff and TMAPC, for a major amendment to PUD-355 and PUD-355-A, located on the northwest corner of East 91st Street and South Yale. The approval granted the establishments of new development areas, decreased landscaped areas and increased access points, as well as increased the maximum building floor area within the development.

Z-6765 June 2000: All concurred in approval of a request to rezone a lot located north of the subject tract at 8820 South Yale Avenue, from RSf-3 to OL for office use.

PUD-355-A December 1999: A request for a major amendment to PUD-355, located on the northwest corner of East 91st Street and South Yale Avenue, south of the subject tract. The original PUD-355 approved uses allowed by right in an OM district with a restaurant and other accessory uses within a principal office building. PUD-355-A was approved for uses permitted by right in a CS-zoned district on the south 299' of the east 195' of the tract. The amendment shifted commercial uses closer to East 91st Street South and established a larger buffer area between the PUD and the residential tracts to the north.

Z-6715 October 1999: All concurred in approval of a request to rezone the 135' x 305' lot abutting the subject tract on the south from RS-3 to OL for office use.

Z-6684 April 1999: All concurred in approval of a request to rezone the 200' x 245' abutting the subject tract on the north from RS-3 to OL.

Z-6365 July 1992: A request to rezone a 12-acre tract located on the east side of South Yale Avenue at East 88th Place South from AG to RS-3, for residential development.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is vacant, relatively flat, non-wooded and zoned RS-3 and OL.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
South Yale Avenue	Secondary Arterial	100'	2
South Winston Avenue	Residential street		2

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA: The property is abutted on the north by office uses, zoned OL; on the east by vacant, heavily wooded land with sloping topography and a water feature, zoned PUD-269-B/OL; on the west by an older single-family residential subdivision that faces Winston, zoned RS-3; and on the south by offices and vacant land, zoned OL.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 18 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity-No Specific land use. According to the Zoning Matrix, the requested OL zoning **may be found** in accord with the Comprehensive Plan.

STAFF RECOMMENDATION:

Based on the Comprehensive Plan, surrounding land uses and trends in the area, staff can support the requested rezoning and recommends **APPROVAL** of OL for Z-6878.

Mr. Westervelt in at 2:42 p.m.

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 **WESTERVELT**, the TMAPC voted **6-0-1** (Bayles, Coutant, Harmon, Hill, Horner, Jackson "aye"; no "nays"; Westervelt "abstaining"; Carnes, Dick, Ledford, Midget "absent") to recommend **APPROVAL** of OL zoning for Z-6878 per staff recommendation.

Legal Description for Z-6878:

The South 100' of the North 400' of the E/2 of the E/2 of the SE/4 of the SE/4 of Section 16, T-18-N I, R-13-E, less and except the East 50' and less and except the westerly 10' of the easterly 60' thereof; and The South 100' of the North 500' of the E/2 of the E/2 of the SE/4 of the SE/4 of Section 16, T-18-N, R-13-E, Less and Except the East 50' and Less and Except the westerly 10' of the easterly 60' thereof; and located north of the northwest corner of East 89th Street South and South Yale Avenue, Tulsa, Oklahoma **From RS-3 and OL To OL.**

Application No.: PUD-649-2

MINOR AMENDMENT

Applicant: Jack Arnold

(PD-6) (CD-9)

Location: Southwest corner of East 33rd Street and South Birmingham

Staff Recommendation:

The applicant is proposing to reduce the minimum depth of required yards from private street right-of-way on a portion of Tract 2, Lot 4, Block 1, Birmingham Square from 25 feet to 22.5 feet and 17 feet (see attached site plan) and reduce the minimum livability space per dwelling unit per lot from 12,000 SF to 7,000 SF.

A minor amendment (PUD-649-1) splitting approximately 1014.75 SF from the southeast corner of Lot 4 and attaching it to a tract outside the PUD abutting Lot 4 on the south was approved by the Planning Commission on May 15, 2002. Minor amendment PUD-649-1 created two tracts in Lot 4, which were described as Tract 1 and Tract 2. Tract 2 is the subject of this minor amendment. The underlying zoning is RS-1 which has a minimum requirement of 7,000 SF of livability space per dwelling unit.

Staff finds that the request is minor in nature and substantial compliance is maintained with the approved development plan and the purposes and standards of the PUD Chapter. Therefore, staff recommends **APPROVAL** of the request (PUD-649-2) to reduce the minimum depth of required yards from private street right-of-way on a portion of Tract 2, Lot 4, Block 1, Birmingham Square from 25 feet to 22.5 feet and 17 feet per the attached site plan and to reduce the minimum livability space per dwelling unit per lot from 12,000 SF to 9,000 SF.

TMAPC Comments:

Mr. Westervelt asked staff to explain the difference of the impact between 9,000 SF to 7,000 SF. In response, Mr. Stump stated that this is per site plan. The 9,000 SF was already in the site plan, and since the other three lots are required to have 12,000 SF, it seemed more reasonable to assure that the applicant couldn't come back later and pave the area that everyone else has to keep green.

Mr. Westervelt asked staff whether based on the site plan that was presented with the 9,000 SF, the applicant would still be able to do the construction in the manner the site plan shows. In response, Mr. Stump answered affirmatively.

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 (Bayles, Coutant, Harmon, Hill, Horner, Jackson, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Ledford, Midget "absent") to **APPROVE** the minor amendment for PUD-649-2 to reduce the minimum depth of required yards from private street right-of-way on a portion of Tract 2, Lot 4, Block 1, Birmingham Square from 25 feet to 22.5 feet and 17 feet per the attached site plan and to reduce the minimum livability space per dwelling unit per lot from 12,000 SF to 9,000 SF per staff recommendation.

OTHER BUSINESS:

Application No.: PUD-306-H

DETAIL SITE PLAN

Applicant: Sack & Associates

(PD-18) (CD-2)

Location: East 98th and South Delaware

Staff Recommendation:

The applicant is requesting approval of a detail site plan for a new restaurant. The proposed use is in conformance with PUD-306-H-1 Development Standards.

The site plan meets development standards, street yard and landscape area requirements and parking requirements. Parking lot and site lighting are also in conformance with development standards and the Zoning Code.

Per the Deed of Dedication and Restrictive Covenants for Riverside Market Two, a nonexclusive mutual access easement is to be provided across Lot 1 from the unplatted property adjacent to the south boundary of Lot 1 to Riverside Parkway. The location of the nonexclusive mutual access easement is to be approved by TMAPC at the time of detail site plan review. In addition to this, PUD-306-H-1 requires that the "mutual access easement to the adjoining undeveloped tract to the south must be constructed prior to the issuance of an occupancy permit in Tract A or Tract B".

Staff recommends **APPROVAL of PUD-306-H-1** on condition that the mutual access easement be (1) approved by Tulsa Traffic Engineering, (2) filed of record with Tulsa County; and (3) accompanied by clarification that provision of this easement for Tract A of Lot 1 does not release the developer of Tract B of Lot 1 from providing a mutual access drive in accordance with the Deed of Dedication and Restrictive Covenants for Riverside Market Two and requirements for access per PUD-306-H-1.

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

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **HORNER**, TMAPC voted 7-0-0 (Bayles, Coutant, Harmon, Hill, Horner, Jackson, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Ledford, Midget "absent") to **APPROVE** the detail site plan for PUD-306-H-1 subject to the mutual access easement be (1) approved by Tulsa Traffic Engineering, (2) filed of record with Tulsa County; and (3) accompanied by clarification that provision of this easement for Tract A of Lot 1 does not release the developer of Tract B of Lot 1 from providing a mutual access drive in accordance with the Deed of Dedication and Restrictive Covenants for Riverside Market Two and requirements for access per PUD-306-H-1 per staff recommendation.

Application No.: PUD-643-A

DETAIL SITE PLAN

Applicant: Wayne Alberty

(PD-18) (CD-7)

Location: East of northeast corner of East 74th Place and South Memorial Drive

Staff Recommendation:

The applicant is requesting approval of a detail site plan for a new office building. The proposed use is in conformance with PUD-643-A Development Standards.

The site plan meets development standards, street yard and landscape area requirements and parking requirements. No parking lot lighting is planned and screening is provided on the east and north boundaries of the PUD.

Staff recommends **APPROVAL** of **PUD-643-A** as submitted.

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

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **HORNER**, TMAPC voted 7-0-0 (Bayles, Coutant, Harmon, Hill, Horner, Jackson, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Ledford, Midget "absent") to **APPROVE** the detail site plan for PUD-643-A as submitted per staff recommendation.

Application No.: PUD-355-C

DETAIL SITE PLAN

Applicant: Bob David

(PD-18) (CD-8)

Location: West of the southwest corner of East 89th Street South and South Yale Avenue

Staff Recommendation:

The applicant is requesting approval of a detail site plan for a new office building. The proposed use is in conformance with PUD-355-C Development Standards.

The site plan meets development standards for building height, floor area, parking and landscaped area. Existing screening on the north and west boundaries is per the standards. The proposed building meets the west and north setback requirements. There is a 0' setback required from the south and east boundaries of the development area (C) in which the site is located. The roof line of the proposed building extends into adjacent development areas which are contained within a separate plat, and therefore, do not meet the 0' setback requirement. No parking lot lighting is planned. It is not clear whether or not building-mounted lighting is planned; if so, a detail lighting plan per PUD-355-C development standards and applicable chapters of the zoning code must be submitted.

Staff recommends **APPROVAL** of **PUD-355-C** contingent upon the building, including roof line, being contained within the lot and provision of a detail lighting plan if building mounted lighting is proposed.

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

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **HORNER**, TMAPC voted 7-0-0 (Bayles, Coutant, Harmon, Hill, Horner, Jackson, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Ledford, Midget "absent") to **APPROVE** the detail site plan for PUD-355-C subject to the building, including roof line, being contained within the lot and provision of a detail lighting plan if building mounted lighting is proposed per staff recommendation.

Consider establishing and appoint members to a study group to evaluate appropriateness of factory-built homes in various residential districts.

Staff Recommendation:

Possible Members for Study Group:

1. Mobile Home Representative (Doug Gorman?)
2. Modular Home Representative (Cathy Flanagan?)
3. Home Builders Association Representative (Josh Fowler?)
4. TMAPC Representative (Dwain Midget?)
5. Neighborhood Association Representative or Mayor's Office of Neighborhoods
6. Board of Realtors Representative (Chuck Patterson?)

Staff Support:

TMAPC Staff
 Development Services Staff (Knowledge of Building Codes?)
 Legal Department

TMAPC Comments:

Mr. Harmon indicated that Mr. Joe Westervelt has agreed to participate. He stated that the people listed as possible members seem to be appropriate and he directed staff to proceed forming the group and setting up the first meeting.

Ms. Bayles requested to add a name to represent AIA (Shaun Schaffer or Lisa McNulty).

Mr. Harmon requested staff to contact the possible members to request their participation.

Mr. Westervelt stated that he doesn't want to relieve Dwain of the responsibility of being involved with this study group; he just wants to join the group.

Commissioners' Comments:

Mr. Westervelt stated that he would like to reiterate his comments on how Mr. Harmon handled this meeting, in particular in the manner he dispatched of the worksession. Mr. Westervelt wished all the Planning Commissioners and staff a Merry Christmas and Happy New Year.

There being no further business, the Chair declared the meeting adjourned at 2:50 p.m.


Date Approved:

1-22-03



Chairman

ATTEST:


Secretary