

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
**Minutes of Meeting No. 2580**

Wednesday, June 16, 2010, 1:30 p.m.

City Council Chamber

One Technology Center – 175 E. 2<sup>nd</sup> Street, 2<sup>nd</sup> Floor

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Carnes	Cantrell	Alberty	Edmiston, Legal
Dix	Liotta	Bates	Steele, Sr. Eng.
Leighty	McArtor	Fernandez	
Marshall	Shivel	Huntsinger	
Midget		Matthews	
Walker		Sansone	
Wright			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, June 10, 2010 at 1:30 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, 2<sup>nd</sup> Vice Chairman, Mr. Marshall called the meeting to order at 1:33 p.m.

**REPORTS:**

**Director's Report:**

Mr. Alberty reported on the BOCC and City Council agendas.

Mr. Alberty reported on the TMAPC Receipts for the Month of May 2010.

**TMAPC COMMENTS:**

Ms. Wright thanked staff for the training session held prior to today's meeting and personally thanked Mr. Sansone and Mr. Bates for their presentations.

\*\*\*\*\*

**Minutes:**

**Approval of the minutes of May 19, 2010 Meeting No. 2578**

On **MOTION** of **CARNES**, the TMAPC voted 6-0-0 (Carnes, Dix, Leighty, Marshall, Walker, Wright "aye"; no "nays"; none "abstaining"; Cantrell, Liotta, McArtor, Midget, Shivel "absent") to **APPROVE** the minutes of the meeting of May 19, 2010, Meeting No. 2578.

**Minutes:**

**Approval of the minutes of June 1, 2010 Meeting No. 2579**

On **MOTION** of **CARNES**, the TMAPC voted 6-0-0 (Carnes, Dix, Leighty, Marshall, Walker, Wright "aye"; no "nays"; none "abstaining"; Cantrell, Liotta, McArtor, Midget, Shivel "absent") to **APPROVE** the minutes of the meeting of June 1, 2010, Meeting No. 2579.

\*\*\*\*\*

**CONSENT AGENDA**

All matters under "Consent" are considered by the Planning Commission to be routine and will be enacted by one motion. Any Planning Commission member may, however, remove an item by request.

3. **LS-20377** – Steve Younger (9230) (Related to LC-254 (County) and LC-255)  
East of the Northeast corner of South 69<sup>th</sup> West Avenue and West 41<sup>st</sup> Place South, 6850 West 41<sup>st</sup> Place
4. **LC-254**– Steve Younger (9230) (Related to LS-20377) (County)  
East of the Northeast corner of South 69<sup>th</sup> West Avenue and West 41<sup>st</sup> Place South, 6831 West 41<sup>st</sup> Place
5. **LC-255**– Jason Ellen (9230) (Related to LS-20377) (County)  
Northeast corner of South 69<sup>th</sup> West Avenue and West 41<sup>st</sup> Place South
6. **LS-20378**–Vaughn Iskanian (8334) (Related to LC-256) (PD26) (CD8)  
Southeast of Southeast corner of East 111<sup>th</sup> Street and South Yale Avenue, 4964 East 114<sup>th</sup> Place
7. **LC-256**– Vaughn Iskanian (8334) (Related to LS-20378) (PD26) (CD8)  
Southeast of Southeast corner of East 111<sup>th</sup> Street and South Yale Avenue, 5303 East 115<sup>th</sup> Place

8. **LC-258**– Mary Esparza (2331) (PD2) (CD3)  
West of the Southwest corner of North Lewis Avenue and East Newton Street, 2180 East Newton Place
9. **Block 5, Chelsea Pond** – (8328) Final Plat (PD 26) (CD 8)  
South of the southeast corner of East 101<sup>st</sup> Street South and South Harvard Avenue

**STAFF RECOMMENDATION:**

This plat consists of two lots in one block on 4.4 acres.

All release letters have been received and staff recommends **APPROVAL**.

10. **Z-7008-SP-1 – Stan DeMille/Whataburger** (PD-8) (CD-2)  
North of the northwest corner of West 81<sup>st</sup> Street South and South Olympia Avenue (Corridor Detail Site Plan for a 3,218 square foot Whataburger restaurant.)

**STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for a 3,218 square foot (SF) Whataburger restaurant. The proposed use, Use Unit 12 – Eating Establishments other than Drive-ins is a permitted use within Development Area D of the Tulsa Hills Corridor District Plan.

The submitted site plan meets all applicable building floor area, open space, building height and setback limitations. Parking has been provided per the applicable Use Unit of the Zoning Code. Landscaping is provided per the Landscape Chapter of the Zoning Code. All sight lighting is limited to 28.5 feet in height and will be directed down and away from adjoining properties. A trash enclosure has been provided as required by the Corridor District Development Plan. Sidewalks have been provided along South Olympia Avenue as required by CO District Development Standards and Subdivision Regulations.

Staff recommends **APPROVAL** of the detail site plan for Whataburger on part of Lots 8 and 9, Block 1 – Tulsa Hills.

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

**The Planning Commission considered the consent agenda.**

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

**TMAPC Action; 6 members present:**

On **MOTION** of **CARNES**, TMAPC voted **6-0-0** (Carnes, Dix, Leighty, Marshall, Walker, Wright "aye"; no "nays"; none "abstaining"; Cantrell, Liotta, McArtor, Midget, Shivel "absent") to **APPROVE** the consent agenda Items 3 through 10 per staff recommendation.

\*\*\*\*\*

Mr. Marshall read the opening statement and rules of conduct for the TMAPC meeting.

Mr. Midget in at 1:44 p.m.

**PUBLIC HEARING**

11. **LS-20376** – Randall Miser (1431) Major Street and \_\_\_\_\_ (County)  
Highway Plan Waiver

Northwest corner of East 66<sup>th</sup> Street North and North 113<sup>th</sup> Avenue

**STAFF RECOMMENDATION:**

The lot-split proposal is to split 1.53 acres +/- from an existing 8.38 acre +/- tract creating a 6.85 acre +/- remainder tract. The proposed tracts meet the IM (Industrial Medium) bulk and area requirements of the Tulsa County Zoning Code.

According to the Major Street and Highway Plan, East 66<sup>th</sup> Street North is deemed a secondary arterial requiring 50 feet of right-of-way from the center line. The applicant is asking to waive the requirement of 50 feet to 30 feet of right-of-way instead. The County Engineer and INCOG's Transportation Manager agree with the waiver. There is a recommendation for County to review this portion of East 66<sup>th</sup> Street North and its designation on the Major Street and Highway Plan.

Staff believes this lot-split would not have an adverse effect on the surrounding properties and recommends **APPROVAL** of the waiver of the *Major Street and Highway Plan* and of the lot-split.

**TMAPC COMMENTS:**

Mr. Leighty asked Mr. Bates why the applicant is asking for the waiver of the right-of-way from 50 to 30 feet. Mr. Bates stated that the County Engineer agrees with the 30 feet because the road doesn't extend to either side, to the west or to the east, and basically is a portion that is accessed off of the access road, which comes down around the bottom of the property and ends. To the

west there is a creek that the road doesn't cross. Mr. Leighty stated that he doesn't mean to cut Mr. Bates off, but it doesn't really answer his question. Mr. Leighty stated that he wants to know why the owner wants the relief from 50 to 30 feet of right-of-way and how is this related to the lot-split. Mr. Bates stated that the requirement is, for the lot-split to be approved, the applicant has to dedicate the 50 feet of right-of-way and the County Engineer agrees with 30 feet of right-of-way because that road will never be expanded. Mr. Leighty stated that he understands now that it is a requirement of the lot-split.

**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 **WRIGHT**, TMAPC voted **7-0-0** (Carnes, Dix, Leighty, Marshall, Midget, Walker, Wright "aye"; no "nays"; none "abstaining"; Cantrell, Liotta, McArtor, Shivel "absent") to **APPROVE** the waiver of the *Major Street and Highway Plan* and of the lot-split for LS-20376 per staff recommendation.

\*\*\*\*\*

12. **BOA – 21094** –(9310) Plat Waiver (PD 5) (CD 4)  
1916 South Sheridan Road

**STAFF RECOMMENDATION:**

The platting requirement is being triggered by Board of Adjustment case 21094 to allow a crematory in an existing funeral home in a CS zone.

***Staff provides the following information from TAC at their June 3, 2010 meeting:***

**ZONING:**

TMAPC Staff: The property has been previously platted.

**STREETS:**

Mutual access easement determined for access per applicant.

**SEWER:**

No comment.

**WATER:**

No comment.

**STORM DRAIN:**

No comment.

**FIRE:**

The fire department has no objection to the plat waiver. However the new construction is required to meet the hydrant spacing of the International Fire Code Section 508.5.1. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official. Exceptions: 1. For group R-3 and Group U occupancies, the distance requirement shall be 600 feet. 2 For buildings equipped throughout with an approved automatic sprinkler system the distance requirement shall be 600 feet.

**UTILITIES:**

No comment.

Staff recommends APPROVAL of the plat waiver on the previously platted property.

**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 right-of-way?	X	

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

	YES	NO
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.?
- 11. Are mutual access easements needed to assure adequate access to the site? X
- 12. Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations? X

**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 **WRIGHT**, TMAPC voted **7-0-0** (Carnes, Dix, Leighty, Marshall, Midget, Walker, Wright "aye"; no "nays"; none "abstaining"; Cantrell, Liotta, McArtor, Shivel "absent") to **APPROVE** the plat waiver for BOA-21094 per staff recommendation.

\*\*\*\*\*

- 13. **CBOA – 2369 – (7224)** Plat Waiver, Holy Apostles (County) church of Tulsa, Inc.  
15710 South Peoria Avenue (continued from 5/19/2010 meeting )

**STAFF RECOMMENDATION:**

Mrs. Fernandez stated that this application was continued by the County Board of Adjustment and therefore should be continued to July 21, 2010.

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

**TMAPC Action; 7 members present:**

On **MOTION** of **WRIGHT**, TMAPC voted **7-0-0** (Carnes, Dix, Leighty, Marshall, Midget, Walker, Wright "aye"; no "nays"; none "abstaining"; Cantrell, Liotta, McArtor, Shivel "absent") to **CONTINUE** the plat waiver for CBOA-2369 to July 21, 2010.

\*\*\*\*\*

**14. Hyde Park at Tulsa Hills (revised) – (8211) Preliminary Plat (PD 8) (CD 2)**

East of South U.S.75, South of West 81<sup>st</sup> Street (request continuance to 7/6/2010 for further plat review per Technical Advisory Committee recommendation)

**STAFF RECOMMENDATION:**

Mrs. Fernandez stated that staff is requesting a continuance to July 6, 2010 in order to allow further review per the Technical Advisory Committee.

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

**TMAPC Action; 7 members present:**

On **MOTION** of **LEIGHTY**, TMAPC voted **7-0-0** (Carnes, Dix, Leighty, Marshall, Midget, Walker, Wright "aye"; no "nays"; none "abstaining"; Cantrell, Liotta, McArtor, Shivel "absent") to **CONTINUE** the preliminary plat for Hyde Park at Tulsa Hills to July 6, 2010.

\*\*\*\*\*

**OTHER BUSINESS:**

**Commissioners' Comments**

Ms. Wright informed the Planning Commission that there will be an Architectural Tour this Thursday and more information is on their website, Talk of the Town.

\*\*\*\*\*



There being no further business, the Chair declared the meeting adjourned at 1:46 p.m.

Date Approved:

2/16/10  
*Marshall*

Chairman

ATTEST: *Philip E. Marshall*  
*acting* Secretary

