

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2216

Wednesday, September 1, 1999, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, August 30, 1999 at 12:07 p.m., posted in the Office of the City Clerk at 12:03 p.m., as well as in the office of the County Clerk at 11:58 a.m.

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

Minutes:

Approval of the minutes of August 18, 1999, Meeting No. 2214

On **MOTION** of **HORNER** the TMAPC voted **7-0-1** (Carnes, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; Dick "abstaining"; Boyle, Harmon, Midget "absent") to **APPROVE** the minutes of the meeting of August 18, 1999 Meeting No. 2214.

Minutes:

Approval of the minutes of August 25, 1999, Meeting No. 2215

On **MOTION** of **HORNER** the TMAPC voted **7-0-1** (Dick, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; Carnes "abstaining"; Boyle, Harmon, Midget "absent") to **APPROVE** the minutes of the meeting of August 25, 1999 Meeting No. 2215.

Mr. Harmon in at 1:32 p.m.

REPORTS:

Chairman's Report:

Mr. Westervelt requested that Mr. Carnes chair the meeting for Item No. 12 on the agenda. He explained that he would be abstaining on Item No. 12.

Mr. Ledford informed the Chairman that he will be abstaining from Item No. 14.

Director's Report:

Mr. Stump reported that there are two items on the City Council agenda; however, the two items are not controversial.

SUBDIVISIONS

LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-18675 – Edwin Goodchild (1094) (PD-17) (CD-6)
15624 East 11th Street

L-18916 – Metropolitan Tulsa Transit Authority (2393) (PD-17) (CD-5)
8010 East 33rd Street

L-18928 – Bright Homes Inc. (2792) (PD-9) (CD-2)
4252 South 24th West Avenue

L-18930 – Julius Pegues (3402) (PD-11) (CD-1)
1814 West Newton

L-18935 – City of Tulsa (894) (PD-17) (CD-6)
1435 South Garnett

L-18936 – Curtis Swinford (603) (PD-24) (County)
1701 South Lewis Avenue

STAFF RECOMMENDATION:

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

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HORNER** the TMAPC voted **9-0-0** (Carnes, Dick, Harmon, Hill, Horner, Ledford, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Midget "absent") to **RATIFY** these lot-splits given Prior Approval, finding them in accordance with Subdivision Regulations.

CHANGE OF ACCESS TO RECORDED PLAT:

Conoco Heights Addition (883)

7123 South Lewis Avenue

STAFF RECOMMENDATION:

Mr. Beach stated that the Traffic Engineer and staff have reviewed this application and recommend approval.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HORNER** the TMAPC voted **9-0-0** (Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Midget "absent") to **APPROVE** the Change of Access to Record Plat for Conoco Heights Addition as recommended by staff.

PRELIMINARY PLAT:

Oak Tree Village (Z-6054-SP-3) (1884)

(PD-18) (CD-8)

8400 South Garnett Road

TMAPC COMMENTS:

Mr. Westervelt stated that there has been a timely request for a continuance to September 15, 1999 for this application.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HARMON**, the TMAPC voted **9-0-0** (Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Midget "absent") to **CONTINUE** the Preliminary Plat for Oak Tree Village to September 15, 1999 at 1:30 p.m.

Application No.: Z-6054-SP-3

Applicant: Jack Spradling

(PD-18) (CD-8)

Location: South of southwest corner East 81st Street and South Garnett Road
(Corridor Site Plan)

STAFF RECOMMENDATION:

The applicant is requesting Corridor Site Plan approval for a 139 Lot/7 Block residential subdivision on 37.14 acres. Staff notes that the CO Site Plan does not reflect the uses for the western unplatted area shown, does not reflect completion and connections for the internal collector street system and indicates a legal description that does not accurately reflect the boundaries of the site plan being reviewed.

Staff, therefore, requests **CONTINUANCE** of Z-6054-SP-3 to September 15, 1999. Coordination of the Preliminary Plat and the Corridor Site Plan by the applicant has not, as yet, occurred. For single-family residential subdivisions in Corridor Districts, coordination of the Preliminary Plat and CO Site Plan is required. Critical revisions of the Oak Tree Village Preliminary Plat have not been resolved.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HARMON**, the TMAPC voted **9-0-0** (Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Midget "absent") to **CONTINUE** the Corridor Site Plan for Z-6054-SP-3 to September 15, 1999 at 1:30 p.m.

Ridge Pointe Villas (PUD 411-C) (2483)

(PD-26) (CD-8)

101st and 84th East Avenue

TMAPC COMMENTS:

Mr. Westervelt stated that there has been a request for a continuance to September 15, 1999 at 1:30 p.m.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HARMON**, the TMAPC voted **9-0-0** (Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Midget "absent") to **CONTINUE** the Preliminary Plat for Ridge Pointe Villas to October 6, 1999 at 1:30 p.m.

BOA-18471 (593)

(PD-4) (CD-4)

712 South Delaware Avenue

TMAPC COMMENTS:

Mr. Westervelt stated that there is a request for a continuance to September 15, 1999 for this application.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HARMON**, the TMAPC voted **9-0-0** (Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Midget "absent") to **CONTINUE** the Plat Waiver for BOA-18471 to September 15, 1999 at 1:30 p.m.

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

SUBDIVISIONS

PRELIMINARY PLAT:

Metris Call Center (2994)

(PD-17) (CD-5)

Southwest corner of State Farm Boulevard & 129th East Avenue

STAFF RECOMMENDATION:

This plat consists of two lots in one block on 14.64 acres. Corridor site plan Z-6010-SP-4 approved a three-story office building with 101,100 square feet on 8.63 acres. That area is Lot 1 on this plat. The site is situated north of the Broken Arrow Expressway on the west side of S. 129th East Avenue. It is part of Lot 2, Block 1, Amberjack Addition. The Corridor Site Plan approval did not include any specific conditions except the size of the building and the requirement to plat the property. The property was granted a temporary plat waiver to allow construction to begin. An approved plat must be filed of record before an occupancy permit will be issued.

The following were discussed **August 19, 1999** at the Technical Advisory Committee meeting:

1. Streets/access:

- Beach, staff, stated that Limits of Access should be shown on the plat.
- Somdecerff, Transportation, stated that the book and page number for the dedicated right-of-way on 129th East Avenue should be included on the plat. He also noted that the subdivision name should include a reference to the replatting of a portion of "Amberjack Addition".

2. Sewer:

- There were no comments regarding the sanitary sewer system.

3. Water:

- There were no comments regarding the water system.

4. Storm Drainage:

- McCormick, Stormwater, stated that access easements would be required along the channel.

5. Other:

- No other comments.

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

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

1. None required.

Standard Conditions:

1. All conditions of Corridor site plan Z-6010-SP-4 shall be met prior to release of the final plat, including any applicable provisions in the covenants or on the face of the plat. Include PUD approval date and references to Section 1100-1107 of the Zoning Code in the covenants.
2. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
3. Water and sanitary sewer plans shall be approved by the Department of Public Works (Water & Sewer) prior to release of final plat. (Include language for W/S facilities in covenants.)
4. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).
5. A request for creation of a Sewer Improvement District shall be submitted to the Department of Public Works (Water & Sewer) prior to release of final plat.
6. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater and/or Engineering) including storm drainage, detention design, and Watershed Development Permit application subject to criteria approved by the City of Tulsa.
7. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).

8. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
9. Street names shall be approved by the Department of Public Works and shown on plat.
10. All curve data, including corner radii, shall be shown on final plat as applicable.
11. City of Tulsa floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.
12. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the Department of Public Works.
13. All adjacent streets, intersections, and/or widths thereof shall be shown on plat.
14. Limits of Access or LNA as applicable shall be shown on plat as approved by the Department of Public Works (Traffic). Include applicable language in covenants.
15. It is recommended that the developer coordinate with the Department of Public Works (Traffic) during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
16. 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.
17. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. (Percolation tests required prior to preliminary approval of plat.)
18. 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.)
19. The method of water supply and plans therefor shall be approved by the City/County Health Department.
20. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
21. The key or location map shall be complete.

22. 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.)
23. The restrictive covenants and/or deed of dedication shall be submitted for review with the preliminary plat. (Include subsurface provisions, dedications for stormwater facilities, and PUD information as applicable.)
24. 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.)
25. Applicant is advised to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
26. 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; 10 members present:

On **MOTION** of **HORNER**, the TMAPC voted **10-0-0** (Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle "absent") to **APPROVE** the Preliminary Plat for Metris Call Center subject to conditions as recommended by staff.

Mid-Town Transit Center (2393)

(PD-17) (CD-5)

West of South Memorial Drive & East 33rd Street

STAFF RECOMMENDATION:

This plat consists of one lot in one block on 3.908 acres. The Board of Adjustment approved a bus transit center as shown on the attached site plan. This approval triggered the platting requirement.

The following were discussed **August 19, 1999** at the Technical Advisory Committee meeting:

1. Streets/access:

- There are no new streets. Access is from East 33rd Street. There were no comments from TAC.

2. Sewer:

- There were no comments regarding the sanitary sewer system.
- 3. Water:**
 - There were no comments regarding the water system.
- 4. Storm Drainage:**
 - There were no comments regarding the storm sewer system.
- 5. Other:**
 - No other comments.

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

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

1. None required.

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 Department of Public Works (Water & Sewer) 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. A request for creation of a Sewer Improvement District shall be submitted to the Department of Public Works (Water & Sewer) prior to release of final plat.
5. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater and/or Engineering) including storm drainage, detention design, and Watershed Development Permit application subject to criteria approved by the City of Tulsa.
6. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).
7. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Department of Public Works and shown on plat.

9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. City of Tulsa floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.
11. Bearings, or true N/S etc., shall be shown on perimeter of land being platted or other bearings as directed by the Department of Public Works.
12. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
13. Limits of Access or LNA as applicable shall be shown on plat as approved by the Department of Public Works (Traffic). Include applicable language in covenants.
14. It is recommended that the Developer coordinate with the Department of Public Works (Traffic) during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
15. 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.
16. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. (Percolation tests required prior to preliminary approval of plat.)
17. 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.)
18. The method of water supply and plans therefor shall be approved by the City/County Health Department.
19. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
20. The key or location map shall be complete.
21. 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.)

- 22. The restrictive covenants and/or deed of dedication shall be submitted for review with the preliminary plat. (Include subsurface provisions, dedications for storm water facilities, and PUD information as applicable.)
- 23. 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.)
- 24. Applicant is advised to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
- 25. All other Subdivision Regulations shall be met prior to release of final plat.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **HORNER**, the TMAPC voted **9-0-1** (Carnes, Dick, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; Harmon "abstaining"; Boyle "absent") to **APPROVE** the Preliminary Plat for Mid-Town Transit Center subject to conditions as recommended by staff.

Pawnee Center at the Metroplex (PUD 312-A) (3094) (PD-18) (CD-5)
 Northwest corner South 109th East Avenue and East 51st Street South

STAFF RECOMMENDATION:

This plat consists of two lots in one block on 4.58 acres. It represents Development Area C of PUD 312-A, which was approved for offices, restaurants, convenience goods and services, general retail, gasoline service stations, and business signs except outdoor advertising signs. A site plan was submitted showing a branch bank with drive-through on Lot 1. No site plan was provided for Lot 2.

The site is abutted on the east by The Metroplex, on the west by Mingo Creek and US 169, on the north by unplatted land and on the south by East 51st Street.

The following were discussed **August 19, 1999** at the Technical Advisory Committee meeting:

1. Streets/access:

- Beach, staff, asked if the southeast access drive shown on the site plan is located too close to 51st Street.
- Eshelman, Traffic, answered affirmatively, that he would like to see it moved farther north because of the potential congestion created at the intersection.

- Somdecerff, Transportation, stated that the book and page numbers for the existing right-of-way dedication on 51st Street should be shown on the plat.
- 2. Sewer:**
 - Vaverka, Sanitary Sewer, stated that sewer is available to this site from the north side of Garden Ridge.
- 3. Water:**
 - There were no comments regarding the water system.
- 4. Storm Drainage:**
 - There were no comments regarding the storm sewer system.
- 5. Other:**
 - Sack, applicant, stated there are no plans for development of Lot 2 at this time.
 - Matthews, PSO stated that there are overhead lines on the east side of the tract that need to have an easement dedicated.

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

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

1. Relocation of southeast access point to a position satisfactory to the Traffic Engineer.

Standard Conditions:

1. All conditions of PUD 312-A shall be met prior to release of the final plat, including any applicable provisions in the covenants or on the face of the plat. Include PUD approval date and references to Section 1100-1107 of the Zoning Code in the covenants.
2. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
3. Water and sanitary sewer plans shall be approved by the Department of Public Works (Water & Sewer) prior to release of final plat. (Include language for W/S facilities in covenants.)
4. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).
5. A request for creation of a Sewer Improvement District shall be submitted to the Department of Public Works (Water & Sewer) prior to release of final plat.

6. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater and/or Engineering) including storm drainage, detention design, and Watershed Development Permit application subject to criteria approved by the City of Tulsa.
7. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).
8. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
9. Street names shall be approved by the Department of Public Works and shown on plat.
10. All curve data, including corner radii, shall be shown on final plat as applicable.
11. City of Tulsa Floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.
12. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the Department of Public Works.
13. All adjacent streets, intersections, and/or widths thereof shall be shown on plat.
14. Limits of Access or LNA as applicable shall be shown on plat as approved by the Department of Public Works (Traffic). Include applicable language in covenants.
15. It is recommended that the developer coordinate with the Department of Public Works (Traffic) during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
16. 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.
17. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. (Percolation tests required prior to preliminary approval of plat.)
18. 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.)

19. The method of water supply and plans therefor shall be approved by the City/County Health Department.
20. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
21. The key or location map shall be complete.
22. 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.)
23. The restrictive covenants and/or deed of dedication shall be submitted for review with the preliminary plat. (Include subsurface provisions, dedications for stormwater facilities, and PUD information as applicable.)
24. 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.)
25. Applicant is advised to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
26. 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; 10 members present:

On **MOTION** of **HARMON**, the TMAPC voted **10-0-0** (Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle "absent") to **APPROVE** the Preliminary Plat for Pawnee Center at the Metroplex subject to conditions as recommended by staff.

Mr. Westervelt out at 1:40 p.m.
Mr. Carnes acting as 2nd Vice Chair.

Quik Trip Corporation (1703)

(PD-25) (CD-1)

Southeast corner East 46th Street and North Lewis Avenue

STAFF RECOMMENDATION:

This plat consists of one lot in one block on 1.26 acres. It will be developed as a QuikTrip convenience store. No site plan was submitted but presumably this would be

a typical QuikTrip with gas pumps on the street side and parking and entry doors on two sides. The property is abutted by unplatted land on all sides.

The following were discussed **August 19, 1999** at the Technical Advisory Committee meeting:

1. Streets/access:

- Beach, staff, noted that the applicant intends to ask for a waiver of the Subdivision Regulations requiring dedication of right-of-way to meet the Major Street and Highway Plan. The Plan identifies 46th Street North as a secondary arterial with 100 feet of right-of-way. The applicant would request to dedicate only up to 25 feet south of the centerline. Full dedication of 50' from the centerline would be made on Lewis.
- Eshelman, Traffic, commented that it appears that because of the extensive floodplain to the east and that it is unlikely that an interchange would ever be built between US 75 and 46th Street North, that he would not have a concern with downgrading the street.
- Somdecerff, Transportation, stated that unless the Major Street and Highway Plan were changed, his office would request 50 feet along 46th Street North, 58 feet along Lewis to accommodate a right turn lane, and a 28-foot triangle at the intersection. He also stated that standard limits of access language needs to be included in the covenants.

2. Sewer:

- Vaverka, Sanitary Sewer, stated that sewer is available to this site from the west side of Lewis.

3. Water:

- There were no comments regarding the water system.

4. Storm Drainage:

- There were no comments regarding the storm sewer system.

5. Other:

- There were no other comments from TAC.

Staff recommends approval of the waiver of the Subdivision Regulations and the preliminary plat subject to the conditions listed below.

Waivers of Subdivision Regulations:

1. To allow dedication of only 25 feet of total right-of-way along 46th Street North, a 25-foot radius curve at the intersection, and omit the additional eight feet for the right-turn lane on Lewis Avenue.

Special Conditions:

1. Approval by the Board of Adjustment of a variance of the setback requirements of 100 feet from the centerline of 46th Street North to meet the Zoning Ordinance.

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 Department of Public Works (Water & Sewer) 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. ~~A request for creation of a Sewer Improvement District shall be submitted to the Department of Public Works (Water & Sewer) prior to release of final plat.~~
5. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater and/or Engineering) including storm drainage, detention design, and Watershed Development Permit application subject to criteria approved by the City of Tulsa.
6. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).
7. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Department of Public Works and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. City of Tulsa floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.
11. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the Department of Public Works.
12. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
13. Limits of Access or LNA as applicable shall be shown on plat as approved by the Department of Public Works (Traffic). Include applicable language in covenants.
14. It is recommended that the developer coordinate with the Department of Public Works (Traffic) during the early stages of street construction concerning the

ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)

15. 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.
16. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. (Percolation tests required prior to preliminary approval of plat.)
17. 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.)
18. The method of water supply and plans therefor shall be approved by the City/County Health Department.
19. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
20. The key or location map shall be complete.
21. 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.)
22. The restrictive covenants and/or deed of dedication shall be submitted for review with the preliminary plat. (Include subsurface provisions, dedications for stormwater facilities, and PUD information as applicable.)
23. 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.)
24. Applicant is advised to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
25. All other Subdivision Regulations shall be met prior to release of final plat.

APPLICANT'S COMMENTS:

Stephen Schuller, 320 South Boston, Tulsa, Oklahoma 74103, stated that the waiver of subdivision regulations in the staff recommendation refers to 25' of total right-of-way along 46th Street North. He explained that his client contemplated dedicating 25' on his

side of the section line and it would be a 50' right-of-way instead of 25' right-of-way along 46th Street North.

Mr. Schuller stated that the standard conditions refer to the creation of a sewer improvement district. He commented that he doesn't know why his client should have to do this because sewer service is shown as being available to the subject site. He explained that the subject site was approved for sewer and there is a sewer line along Lewis Avenue. He commented that TAC did not talk about forming a sewer improvement district and this requirement is a surprise to him.

TMAPC COMMENTS:

Mr. Carnes asked Mr. Beach to clarify the issue regarding the sewer improvement district. In response, Mr. Beach stated that this requirement was included in the standards by error and the Planning Commission should disregard the standard condition number four.

Mr. Schuller stated that he does not know if it is the Planning Commission's determination or the Board of Adjustment's determination whether the setback requirement would be 100' since the street is designated on the MSHP as an arterial street. He commented that if the street were not an arterial street then the setback would appear to be 75'. In response, Mr. Stump stated that today the designation of the street has not been changed on the MSHP. Mr. Stump explained that the process has just recently started and then public hearings will have to be held before it is possibly changed. Mr. Stump stated that there has been no notice given and today is not a public hearing to change the MSHP.

Mr. Midget asked if the same objective could be accomplished if the setback wasn't explicitly stated as 100' and this would give the Board an opportunity to look at this. If there are no changes made, then the Board is limited by what they can do. In response, Mr. Stump stated that the Planning Commission might want to make a more general statement that setbacks shall comply with the zoning ordinance. In response, Mr. Schuller agreed with the general statement regarding the setback requirement.

Mr. Stump described the surrounding area and explained that he does not feel that the street will ever be developed or need to be developed as an arterial street. He stated that he anticipates that the street will be taken off of the MSHP and become a minor street and in that case the applicant would have to have 25' right-of-way from the centerline, which is what is proposed on the subject plat.

TMAPC Action; 9 members present:

On **MOTION of HARMON**, the TMAPC voted **9-0-0** (Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, "aye"; no "nays"; none "abstaining"; Boyle, Westervelt "absent") to **APPROVE** the Preliminary Plat for Quik Trip Corporation subject to the waiver of subdivision regulations; subject to special conditions with the setback meeting the Zoning Ordinance and delete number four from the standard conditions as

recommended by staff. (Language in the staff recommendation that was deleted by TMAPC is shown as ~~strikeout~~; language added or substituted by TMAPC is underlined.)

PLAT WAIVER:

Z-6520 (594)
12120 East Skelly Drive

(PD-17) (CD-6)

STAFF RECOMMENDATION:

Approval of a zoning change triggered the platting requirement. Request for a building permit for a church flagged the requirement and the applicant is now requesting a plat waiver. Several plans were submitted but there is no site plan that clearly describes the proposal.

Staff Comments and Recommendation:

Considering that there are requirements for several dedications, a PFPI and on-site detention, sanitary sewer extension and a document limiting the access, **staff recommends denial** of the plat waiver in order to assure proper consolidation and coordination of records related to this tract.

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

- | | YES | NO |
|--|-------------------------------------|--------------------------|
| 1) Has property previously been platted? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2) Are there restrictive covenants contained in a previously filed plat? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3) Is property adequately described by surrounding platted properties or street R/W? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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

- | | | |
|--|-------------------------------------|-------------------------------------|
| 4) Is right-of-way dedication required to comply with major street and highway plan? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 5) Will restrictive covenants be filed by separate instrument? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 6) Infrastructure requirements | | |
| a) Water | | |
| i) Is a main line water extension required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ii) Is an internal system or fire line required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iii) Are additional easements required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Sanitary Sewer | | |
| i) Is a main line extension required? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ii) Is an internal system required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iii) Are additional easements required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- c) Storm Sewer
 - i) Is a P.F.P.I. required?
 - ii) Is an Overland Drainage Easement required?
 - iii) Is on-site detention required?
 - iv) Are additional easements required?

- 7) Floodplain
 - a) Does the property contain a City of Tulsa (Regulatory) Floodplain?
 - b) Does the property contain a F.E.M.A. (Federal) Floodplain?

- 8) Change of Access
 - a) Are revisions to existing access locations necessary? **

- 9) Is the property in a PUD?
 - a) If yes, was plat recorded for the original PUD? **N/A**

- 10) Is this a Major Amendment to a PUD?
 - a) If yes, does the amendment make changes to the proposed physical development of the PUD? **N/A**

* Right-of-way dedications required – five feet on the east and south sides and 25' radius at southeast corner

** Limits of no access required along I-44 access road.

APPLICANT'S COMMENTS:

Reverend Will Logsdon, representing Grace Assembly of God Church, 3616 South Magnolia, Sand Springs, 74063, stated that when the subject property was purchased he understood that zoning would not be an issue. This requirement creates an economical burden on the church. He indicated that he did attend the TAC meeting and several issues were discussed.

Reverend Logsdon stated that he has no problem with the restricted access off of I-44 and more easement on a side street. He commented that he did not recall discussing the sewer extension. He explained that there is sewer located on the property.

Jack Sheridan, Sheridan Engineering Firm, no address given, discussed the platting requirements and actions of the Planning Commission by rezoning the subject property. He commented that if it weren't for the rezoning action, the church would have a building permit without coming before the Planning Commission today.

Mr. Sheridan stated that he met with the TAC Committee and submitted several plats. He commented that the church has no issue with the restricted access off of I-44. He indicated that he has submitted a site plan that is well within any setbacks that are required.

Mr. Sheridan submitted a site plan, which had not been reviewed by staff. He pointed out where the detention facility would be located. He indicated that there is an eight-inch sewer line along the south boundary of the property and there is no need for an extension as indicated by Mr. Beach.

TMAPC COMMENTS:

Mr. Westervelt stated that staff needs some type of mechanism to control developments and the platting process is the vehicle that does this. This plat waiver is not going to save the church any money because it will now require an Alta survey in place of the plat if the plat waiver is granted. He commented that there are several items that appear to be unsatisfactory to Mr. Beach and the TAC.

Mr. Sheridan stated that Mr. Beach asked the TAC if there would be any gain to having the subject property go through a platting process and all implied that they would not gain by going through the plat process. If the members of the TAC, as a group, do not think that it is necessary to go through the platting process, then he doesn't understand why staff says it is necessary.

Mr. Beach stated that the Alta survey would not be required for this application since the subject property has previously been platted. The submittals that Mr. Sheridan referred to were all sent to the TAC; however, he does not have the example that Mr. Sheridan has exhibited today. He stated that the check list represents the TAC members' statements and he cannot go back and state that a sewer extension is not required when a sanitary sewer representative stated that it was required after reviewing Mr. Sheridan's documents.

Mr. Jackson asked if the site plan that is being exhibited today indicates the eight-inch sewer line on it. In response, Mr. Beach stated that it indicates an eight-inch sewer line along 7th Street. Mr. Beach stated that he cannot answer where the sanitary representative wanted the line extended. He explained that the statement was made during the TAC meeting that the sewer line extension is required. He stated that the applicant is made aware of the requirement and then it becomes an issue that would need to be resolved with that particular department during their permitting process.

Mr. Westervelt asked Mr. Beach if he had seen the exhibit submitted by Mr. Sheridan before today. In response, Mr. Beach answered negatively. Mr. Beach stated that he cannot say with complete certainty that the TAC members have not seen this exhibit, but he does not recall seeing it.

After a lengthy discussion it was determined that the plat waiver should be returned to TAC for further review.

TMAPC Action; 10 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **10-0-0** (Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle "absent") to **CONTINUE** the Plat Waiver for Z-6520 to September 22, 1999 in order to send this application back to TAC on September 16, 1999.

PUD-516-A (2783)

(PD-26) (CD-8)

East 102nd Street and South Yale Avenue

STAFF RECOMMENDATION:

Approval of a major amendment to the PUD triggered the platting requirement. Staff's recommendation for approval of the major amendment included a condition that the property be platted. This condition was dropped during the hearing and not made part of the motion. The property was recently included in a larger subdivision plat and the required dedications have been made.

Staff recommends approval of the plat waiver subject to filing separate covenants consistent with the PUD requirements.

APPLICANT'S COMMENTS:

Roy Johnsen, 201 West 5th Street, Suite 501, Tulsa, Oklahoma 74103, stated that PUD-516-A involved a lot approved for office use (Lot 17). It was proposed that this lot be divided into parcels to permit individual ownership of office tracts. A part of PUD-516-A was to transfer floor area from another area (Lot 16). The subject lot was not a significant issue, but a number of items needed to be discussed. He indicated that an agreement has been reached on all items, including a reference to a platting requirement.

Mr. Johnsen indicated that he is now ready to make a conveyance and begin the formality of an actual plat waiver application, although it had been filed at the time PUD-516-A was pending, it was never formally on the TMAPC agenda. The Planning Commission approved the plat waiver passively based on the staff recommendation for PUD-516-A. He concluded that today's plat waiver request is more of a housekeeping matter and a formal application needs to be ruled on. He explained that part of the consideration was that he would file the appropriate the restrictive covenants by separate document, rather than being included within a deed-of-dedication of a new plat.

TMAPC COMMENTS:

Mr. Westervelt stated that PUD-516-A is what needs the plat waiver associated with the document and the deed-of-dedication will allow the plat waiver to move forward. The covenants will reflect what the PUD is.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, the TMAPC voted **10-0-0** (Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle "absent") to **APPROVE** the Plat Waiver for PUD-516-A subject to filing separate covenants consistent with the PUD requirements as recommended by staff.

AMENDMENT TO DEED OF DEDICATION

101 Yale Village (PUD-516-A)

East 102nd Street and South Yale Avenue

TMAPC Action; 10 members present:

On **MOTION** of **HARMON**, the TMAPC voted **10-0-0** (Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle "absent") to **APPROVE** the deed of dedication for 101 Yale Village as recommended by staff.

CONTINUED ZONING PUBLIC HEARING

Application No.: Z-6707-A

RS/CH/PUD to RS-4/PUD-588

Applicant: TMAPC

(PD-7) (CD-2)

Location: Northeast corner of West 13th Street South and South Frisco Avenue

STAFF RECOMMENDATION:

Relationship to the Comprehensive Plan:

The District 7 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property as Medium Intensity-No Specific Land Use and Area B – Special Development District; the Plan text refers to this as an area of medium intensity uses needing special attention and support for development and redevelopment.

According to the Zoning Matrix the requested RS-4 zoning is in accordance with the Plan Map.

Staff Comments:

Site Analysis: The subject property is approximately 150' x 250' in size and is located south of the Broken Arrow Expressway on the northeast corner of West 13th Street

South and South Frisco Avenue. The property is gently sloping, non-wooded, contains single-family homes, and is zoned RD/PUD and CH.

Surrounding Area Analysis: The subject tract is abutted on the north and northeast by the Broken Arrow Expressway, zoned RS-3; to the west and across South Frisco Avenue by a City of Tulsa fire station, zoned CH; to the east by a single-family dwelling, zoned CH; and to the south by single-family dwellings, zoned RS-4.

Zoning Historical Summary: A large number of the properties within the Riverview neighborhood have recently been rezoned from RM-2 to RS-4, which was supported by the Blanket Zone Feasibility Study, the Comprehensive Plan for the Tulsa Metropolitan Area, the majority of the property owners in the area and the existing development and trends in the area.

In 1997 a Planned Unit Development was approved for the north two lots of the subject property to allow six townhouse units on the property. The PUD was later amended to allow one single-family dwelling on the property.

Conclusion: Based on the recommendations of the Blanket Zone Feasibility Study, the Comprehensive Plan for the Tulsa Metropolitan Area, the support of the property owners, existing development and trends in the area, staff recommends **APPROVAL** of RS-4 zoning for Z-6707-A.

TMAPC COMMENTS:

Ms. Matthews reminded the Planning Commission that two letters supporting the rezoning and a letter opposing the rezoning were received. The property immediately south of the opposing party is included in the rezoning and staff is not supportive of windowing the southernmost property out of the rezoning application. The rooming house to the southeast has been left out of the rezoning.

INTERESTED PARTIES COMMENTS:

Tuija Cardoso, 1311 South Frisco Avenue, Tulsa, Oklahoma 74105, stated that the subject application is a cul-de-sac at the end of her street and she supports this rezoning. Ms. Cardoso submitted two letters of support (Exhibit B-1).

TMAPC Action; 10 members present:

On **MOTION** of **LEDFORD**, the TMAPC voted **10-0-0** (Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle "absent") to recommend **APPROVAL** of RS-4 zoning for Z-6707-A as recommended by staff.

Legal Description for Z-6707-A:

Lots 5 through 7, Block 1, Childer's Heights Addition; an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, located on the northeast corner of West 13th Street South and South Frisco Avenue, Tulsa, Oklahoma; **From: CH (Commercial High Intensity District) To: RS-4 (Residential Single-family Highest Density District)**

Lot 5, less and except that portion taken by the Broken Arrow Expressway right-of-way, Block 12, Lindsey 2nd Addition; and Lot 8, less and except that portion taken by the Broken Arrow Expressway right-of-way, Block 1, Childer's Heights Addition to the City of Tulsa, Tulsa County, State of Oklahoma, and located north of the northeast corner of West 13th Street South and South Frisco Avenue, Tulsa, Oklahoma, **From: RD/CH/PUD-588 (Residential Duplex District, Commercial High Intensity District, and Planned Unit Development [PUD-588]) To: RS-4/PUD-588 (Residential Single-family Highest Density District/ Planned Unit Development [PUD-588])**

Application No.: PUD-615

RS-1 TO RS-1/PUD

Applicant: Kevin Coutant

(PD-6) (CD-9)

Location: Northeast corner East 34th Place and South Lewis Avenue

STAFF RECOMMENDATION:

The PUD proposes a maximum of three dwellings on a 60,900 SF tract located at the northeast corner of East 34th Street South and South Lewis Avenue. The proposed development would allow a private roadway that may provide access to all these lots from 34th Street. It is also proposed that the lot in the southwest corner of the subject tract may have access directly from 34th Street. The PUD proposes a landscaped area along Lewis Avenue,

The subject tract is zoned RS-1 and a portion of the tract is in the City of Tulsa's Regulatory Floodplain. There are single-family dwellings zoned RS-1 to the east and south of the tract and single-family dwellings zoned RS-2 to the north and west.

Staff finds the uses and intensities of development proposed and as modified by staff to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds PUD 615 to be, as modified by staff: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD-615 subject to the following conditions:

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

Land Area (Gross)
(Net)

60,900 SF
43,802 SF

Permitted Uses:

Use Unit 6,
detached single-
family dwelling.

*Access points shall be approved by Traffic Engineering.

Maximum Number of Dwelling Units:	Three
Minimum Width of Private Drive Right-of-Way:	20 FT
Maximum Access Points onto East 34 th Street South:	Two*
Maximum Access Points onto South Lewis Avenue:	None
Maximum Building Height:	Two-story or 35' whichever is less.

Minimum Required Yards:	
From North Boundary of PUD	25 FT
From East Boundary of PUD	25 FT
From Centerline of East 34 th Street South:	
If house fronts on 34 th Street	60 FT
If house fronts on private drive	50 FT
From Centerline of South Lewis Avenue:	70 FT or out of the City of Tulsa Regulatory Floodplain, whichever is greater.
From Interior ** Lot Lines:	
Front	20 FT
Side	5 Ft
Rear	10 FT

** Interior yards are those not directly abutting the perimeter boundary of the PUD.

Minimum Parking Spaces per Lot:	
Enclosed	Two
Open Off-Street	Two
Minimum Lot Width:	75 FT
Minimum Lot Area:	10,000 SF
Minimum Livability Space per Dwelling Unit Per Lot:	4,000 SF
Minimum Livability Space in Common Open Space:	9,000 SF
Other Bulk and Area Requirements:	As provided within an RS-1 District.
Landscaping:	

Sign:

No
permanent
signs shall
be allowed.

3. There shall be no development in the City of Tulsa's Regulatory Floodplain, as the same may be amended, and that area shall be dedicated as a reserve area.
4. A homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain all private common drives and areas, including any stormwater detention areas, landscaped areas, security gates, guard houses or other commonly owned structures within the PUD.
5. All private common drives shall be a minimum of 18' in width for two-way roads and 12' for one-way loop roads, measured edge of pavement to edge of pavement.
6. No building permit shall be issued until the requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.
7. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
8. Entry gates or guardhouses, if proposed, must receive Detail Site Plan approval from TMAPC and Traffic Engineering prior to issuance of a building permit.
9. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during the subdivision platting process.

APPLICANT'S COMMENTS:

Kevin Coutant, 320 South Boston, Tulsa, Oklahoma 74103, stated that the intent was to design a project that is appropriate for an infill development. This project addresses and includes an enhanced streetscape; there are no gates, no high fences, and sufficient buffering plus a short drive that will be esthetic. He indicated that the whole project is within an acre or 200' x 200' on each side.

Mr. Coutant indicated that he is comfortable with the staff's recommendation with a few observations. Mr. Coutant submitted a packet with proposed changes to the staff recommendation (Exhibit A-1). He stated that the most important part of the packet is the first page with three proposed changes. 1) Change provision in item 2 to allow access point onto South Lewis Avenue only upon the approval of a minor amendment of the PUD by the TMAPC. 2) Change minimum required yards on north and east

boundary of PUD in item 2 from 25 feet as per staff recommendation to “as required in RS-1 district with such yards to be designated at the time of application for a building permit”. 3) Change item 3 as follows: “There shall be no development in the City of Tulsa’s Regulatory Floodplain, as the same may be amended, and that area shall be dedicated as a reserve area.” (New language underlined.)

Mr. Coutant stated that the most significant change is the second recommended change regarding the setbacks. He explained that he is not asking to change the underlying zoning and is sensitive to the complexity of determining the appropriate setbacks in a project such as this one. He stated that after talking with staff today, it was suggested that rather than determining the front and rear yards during the building permitting process, the yards should be decided during an administrative site plan review. The site plan for the homes would cycle through staff and there would be concurrently as to which would be designated a back yard, side yard, etc. He indicated that he is in agreement with this suggestion. He explained that he would agree to go back to the RS-1 setback rules subject to administrative site plan review for the purpose of determining the designation of the yards.

TMAPC COMMENTS:

Mr. Jackere stated that the proposed change is ambiguous right now, but the applicant may be able to choose his side yard and front yard regardless of the impact on the neighborhood. Staff would like some input to reduce the impact on the neighborhood and the wording suggested by the applicant will set one official against another official. In response, Mr. Stump stated that his preference would be to let the Planning Commission determine the side, rear and front yard once there is a building plan for development for a particular lot. Mr. Stump explained that he prefers that staff not make the decision.

Mr. Jackere stated that he has no problem with the Planning Commission retaining the authority to decide the yard designations, but he does have a problem with two administrative officials deciding. He explained that the permitting official is the most responsible one to decide this issue.

Mr. Westervelt asked staff at what step it would be that the Planning Commission would decide the designation of yards. In response, Mr. Stump stated that at the time the applicant is ready to submit for a building permit a site plan would have to be submitted to the Planning Commission for site plan review for each lot. Mr. Stump stated that the site plan would have to show the building on the lot just like commercial buildings on a lot. Mr. Stump stated that the lots probably will not be configured as the conceptual plan indicates because of some floodplain issues. Mr. Stump indicated that if it is obvious during the platting process of which orientation of the yards would be, there is a possibility it could be designated on the plat. Mr. Stump stated that currently there is nothing that detailed before the Planning Commission and it would be difficult to decide the designations of the yard at this time.

In response to Ms. Pace, Mr. Coutant stated that Lot 3 does have some floodplain involved, but it is not as much as staff indicated.

Mr. Coutant stated that he does not understand that the designation of the yards is a large issue and does not understand why it cannot be handled administratively. He indicated that he is comfortable with coming back to the Planning Commission, but time is a problem. In response, Mr. Westervelt stated that it appears the applicant has some time because he hasn't determined which way to orient the proposed houses.

Mr. Coutant stated that he would like clarity that he would be allowed to come back with a minor amendment and a specific site plan regarding the access from Lewis. He commented that staff indicated that a minor amendment would be allowed without the special wording, but since it has been discussed he would like the wording in the PUD. He stated that currently there is access to Lewis from the existing home on the subject property and it would not be a new access point or curb cut.

Mr. Coutant stated that there has been some engineering done to identify the City of Tulsa Regulatory Floodplain. The regulatory floodplain is larger at the north of the Lot 3 than the south. He explained that the floodplain clips the corner of Lot 3. He commented that there will not be a large amount of fill and nor changing the landscape. He stated that he has discussed the floodplain with the City and he realizes that there will be a modest amount of retention on site required.

Mr. Harmon stated that he understood that there should never be any development within a regulatory floodplain. In response, Mr. Coutant stated that it is not his intent to develop anything in the floodplain, but he foresees the possibility that there will be a modest amount of movement of the definition of the regulatory floodplain resulting from a modest amount of fill and compensatory storage. Mr. Coutant explained that he would like clarity today in order to prevent confusion six months from today when someone may look back to the regulatory floodplain and not see how it is modified during the development. Mr. Ledford stated that a regulatory floodplain can be modified and is designated by the master drainage plans.

Mr. Ledford asked Mr. Coutant if the subject property will be going through the platting process. In response, Mr. Coutant answered affirmatively. Mr. Ledford stated that when the subject property goes through the platting process, then the designations of the yards can be decided at that time.

INTERESTED PARTIES OPPOSING PUD-615:

Carol Wright, 2431 East 34th, Tulsa, Oklahoma 74105; **Dan Wood**, 2457 East 34th, Tulsa, Oklahoma 74105; **James Lyall**, 3315 South Lewis, Tulsa, Oklahoma 74105; **Frank and Bonnie Henke**, 3449 South Atlanta Place, Tulsa, Oklahoma 74105, submitted a map (Exhibit A-2).

INTERESTED PARTIES COMMENTS AND CONCERNS:

Concerns that there will not be sufficient buffering on the east side; character of neighborhood will change and set a precedent; concerns with the designations of the front, side and back yards; increased traffic on narrow roads; concerns that the increased traffic will be a danger to the children in the neighborhood; 34th Street has a blind turn and this proposal will increase the danger; concerns that the floodplain will be changed; the neighborhood is called Oakview Estates and the subject property should remain an estate; concerns with the driveways for the proposed homes; additional traffic will increase the noise in the neighborhood; concerns with maintenance of the proposed garden/park area; Lots 2 and 3 should only have one north facing window within 25' of abutting property line; retain the mature oak trees on the subject property; drainage concerns; concerned with the request for access onto Lewis Avenue; increased impervious area and creating flood problems; impact on adjacent land owners.

APPLICANT'S REBUTTAL:

Mr. Coutant stated that the common area would be maintained by a homeowners association. He explained that any driveways out to 34th Street would be subject to Traffic Engineering approval and that would be a part of the platting process.

Mr. Coutant stated that currently there is one home on the proposed property and adding two additional homes will not increase the traffic a great deal. He indicated that he is sympathetic to the concerns expressed by the interested parties. He commented that his intentions are to finalize the designation of the yards during the platting process and develop this property with a way that everyone can live with permanently. He explained that the houses have not been designed at this time and this is a development project at this point. He concluded that this is a good infill project and he is interested in the neighbors' input.

TMAPC COMMENTS:

Mr. Carnes stated that the PUD system works well on infill projects. He commented that the Planning Commission should be sympathetic to keeping the 25' setbacks on the perimeters.

Mr. Stump stated that 36th Street is the collector and 34th Street would be a minor street. He reminded the Planning Commission that the subject property would only support three dwelling units in the RS-1 district. After conferring with Mr. Jackere concerning the vagueness or arbitrariness concerning determining things in the future when obviously there are a number of citizens present who are interested in what the setbacks around the perimeter might be, staff would be more comfortable with staying with the original staff recommendation stating "that if a particular house that has a configuration that is in the 25' setback, then it would be best treated as a minor amendment where notice is given to property owners within 300 feet".

Ms. Pace asked Mr. Coutant if there is currently access to the subject property from Lewis Avenue. In response, Mr. Coutant answered affirmatively. Ms. Pace stated that the community would gain from the access from Lewis Avenue being eliminated due to the street's narrowness. Ms. Pace asked staff if it would take a major amendment to

gain an access point onto Lewis Avenue. In response, Mr. Coutant stated that he has no objection to the staff recommendation that the Lewis Avenue access point be eliminated; however, he would like it noted that he may return with a minor amendment asking for the access point from Lewis Avenue at a later date. Mr. Stump stated that a minor amendment would require a 300' notice being made to the nearby property owners. Mr. Coutant reminded Ms. Pace that he is not asking for an access point from Lewis Avenue at this time.

Mr. Ledford stated that there is currently an access out to Lewis Avenue from the one structure currently existing. There is no change if that access continues for the one structure. In response, Mr. Westervelt stated that the Planning Commission is looking at a PUD, with the underlying zoning in place, that would break this into multiple lots and trying to do so in a responsible way. Mr. Westervelt commented that there are significant traffic problems on Lewis Avenue and there is a grade change. Mr. Westervelt stated that Mr. Coutant is not asking for an access point from Lewis at this time and therefore it does not seem to be an issue at this time.

Mr. Harmon stated that he supports the staff recommendation as it stands without any modifications.

Mr. Horner stated that he does not view this application as infill. In response, Mr. Stump stated that one of the definitions of infill is that in areas that have been previously developed and platted where you intensify the existing amount of development. Mr. Stump explained that this application would qualify in this regard. Mr. Stump stated that the subject area is an old platted area with one house and now it will be platted into three lots with new development.

Mr. Dick stated that he had the same concerns with infill as Mr. Horner. He explained that to him infill was to take care of deteriorating neighborhoods and try to revitalize those areas. He stated that the subject area is not a deteriorating neighborhood. He suggested that the subject area should probably be zoned RE and he cannot support this project.

Ms. Pace stated that the subject area is the most perfect example of an area that should be zoned RE. She expressed her surprise that the neighborhood has not pursued the rezoning to RE.

Mr. Midget stated that he understands Ms. Pace's concerns, but the Planning Commission is in review and thus far no one in the neighborhood has taken initiative to downzone the subject area. He commented that the Planning Commission should go forward and deal with the subject application.

Ms. Pace stated that the neighborhood should take this as a wakeup call regarding downzoning.

Mr. Westervelt stated that item three wording requested by the applicant is not offensive and is simply to clarify the process and options open to his client in the future. He commented that the City will be careful to avoid creating a problem in the subject area regarding the regulatory floodplain. He stated that item two regarding the setback issue should be reviewed as a site plan or as a minor amendment to the PUD. This would give the interested parties notice and the Planning Commission the opportunity to take a look at window height and placement in order to give the neighbors more comfort. He suggested that the application could be approved according to the staff's recommendation and if a change is requested it would require a minor amendment. Mr. Ledford stated that he does not like to see the Planning Commission to go into site plan review on residential property; however, he agrees with it regarding this particular application.

TMAPC Action; 10 members present:

On **MOTION of HARMON**, the TMAPC voted **6-3-1** (Harmon, Horner, Jackson, Ledford, Pace, Westervelt "aye"; Dick, Hill, Midget "nays"; Carnes "abstaining"; Boyle "absent") to recommend **APPROVAL** of PUD-615 subject to conditions recommended by staff and amended by the TMAPC. (Language in the staff recommendation that was deleted by TMAPC is shown as ~~strikeout~~; language added or substituted by TMAPC is underlined.)

Legal Description for PUD-615:

Lot 1, Block 5, less the North 100' thereof, Oakview Estates, an addition to the City of Tulsa, Tulsa, County, State of Oklahoma, according to the recorded Plat thereof.

TMAPC COMMENTS:

Mr. Westervelt stated that the message to the interested parties is that they consider RE zoning for their neighborhood.

* * * * *

Commissioner Dick out at 3:40 p.m.

Application No.: PUD-237-3

Applicant: Roy D. Johnsen (PD-18) (CD-2)

Location: West of southwest corner East 73rd Street South and South Lewis (Minor Amendment)

STAFF RECOMMENDATION:

The applicant is requesting Minor Amendment approval to modify the parking requirements, to substitute an "as-built" survey as the Detail Site Plan, to modify the landscape and screening requirement and to modify the allowed uses to include medical and dental offices. BOA Case 18484 (8/10/99) granted a variance from the parking requirements of the Zoning Code allowing 201 parking spaces for general and medical offices. Within the allowed 201 parking spaces the variance permitted a maximum of 2,500 SF of medical office uses in the 66,300 SF office building.

Staff has reviewed the PUD file and finds the 1980 original approval indicated a site plan for a 68,906 SF seven-story office building requiring 248 spaces of office parking at a ratio of one space for each 280 SF of building floor area. In 1983 a Minor Amendment allowed a modification of the parking requirements to a 1:30 ratio to allow drive-through lanes for a banking tenant. The Detail Plan submitted with the amendment indicated a six-story 66,300 SF building with access drives and parking areas modified from the original approval.

The 1983 amendment also required that the landscape buffer and berm to the southwest and the solid wood screening fence to the south be maintained in their present condition and that all "existing landscaped or planter areas should be maintained in their present condition."

A staff visit to the site indicated that nine of the existing parking lot trees within planter areas shown in 1983 have been removed or have died. The screening fence and landscape buffer to the southwest and south, however, have been maintained in the same configuration shown on the 1983 site plan. Staff is of the opinion that the current request can recognize the "as built" survey to accurately reflect building bulk and area, building setback, total area landscaped, parking areas and the provision of site screening.

The landscaping requirements of the 1983 approval, however, are not reflected in the "as-built" survey presented. The requirements of the 1983 approval and the PUD chapter of the Zoning Code mandated the provision and maintenance of landscaped areas as shown in the 1983 site plan. Staff does not believe the as-built survey represents the existing landscaped area and cannot support this portion of the applicant's request.

Staff, therefore, noting the approval of the Board of Adjustment parking variance (#18484) recommends **APPROVAL** of Minor Amendment 237-3 accepting the Plat of Survey dated 8/10/99 as the Detail Site Plan, allowing 2,500 SF of medical uses and approving existing landscaping subject to the following conditions:

Submittal of a Landscape Plan depicting existing tree locations.

Note: The required off-street parking is reduced to a minimum of 201 spaces with medical office uses not to exceed 2,500 SF of total building floor area per BOA 18484.

Mr. Horner out at 3:46 p.m.

APPLICANT'S COMMENTS:

Roy D. Johnsen, 201 West 5th Street, Suite 501, Tulsa, Oklahoma 74103, stated that there was a minor amendment in 1983 and an architect submitted a site plan with tree stamps on it. Now fifteen years later, during a refinancing procedure, there has been some question as to whether the subject property is in compliance with the landscaping

requirements. The existing landscaping is very good; however, the as-built survey does not match the graphically depicted site plan that was submitted during a time when the Planning Commission was not doing detail landscape plan review. He explained that the application is in order to clear up title insurance purposes. He stated that the graphic depicts eighteen trees but there are actually 22 trees. He explained that the 22 trees do not match up in location to the graphic and he agrees with the condition to submit an updated "as-built" to depict the existing trees.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **8-0-0** (Carnes, Harmon, Hill, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Dick, Horner "absent") to recommend **APPROVAL** of Minor Amendment 237-3 accepting the Plat of Survey dated 8/10/99 as the Detail Site Plan, allowing 2,500 SF of medical uses and approving existing landscaping subject to the following conditions: This approval is subject to the submittal of a Landscape Plan depicting existing tree locations with, which will then become the required landscaping for the tract as recommended by staff.

ZONING PUBLIC HEARING

Application No.: Z-6712

RS-4/CS to RS-4

Applicant: Alan J. Ringle

(PD-4) (CD-4)

Location: Between 4th Street and 5th Street west side South Lewis Avenue

STAFF RECOMMENDATION:

Relationship to the Comprehensive Plan:

The District 4 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Medium Intensity-No Specific Land Use. The Kendall-Whittier Neighborhood Master Plan designates this area as the Lewis Avenue Corridor and recommends that cul-de-sacs be created on some of the east-west side streets in the residential areas to minimize through-traffic. The property in question has been made available as a result of completion of the cul-de-sacs.

According to the Zoning Matrix the requested RS-4 zoning is in accordance with the Plan Map.

Staff Comments:

Site Analysis: The subject property is approximately 3.11 acres in size and is located on the west side of South Lewis Avenue between East 4th Street to East 5th Street South. The property is flat, non-wooded, vacant, and is zoned RS-4 and CS. (The legal description supplied by the applicant included properties that were previously rezoned as a result of the 1990 study of blanket-zoned neighborhoods.)

Surrounding Area Analysis: The subject property is abutted on the north by a vacant lot, zoned CS; to the west by single-family dwellings, zoned RS-4; to the south by a church, zoned CS; and to the east by commercial businesses, zoned CH, CS, and OM.

Zoning and BOA Historical Summary: The history of several of the subject lots indicate that automobile sales use had been approved by the Board of Adjustment. Those car lots have since moved and the lots are now vacant.

In October 1993, the TMAPC and City Council approved the rezoning of many of the properties in the Wells neighborhood, which is that area abutting the subject tracts and extending west to South Victor Avenue, to RS-4 from RM-1. That rezoning was a step in implementing the Kendall-Whittier Neighborhood Plan and recommendations of the above-noted study.

Conclusion: Based on the District 4 Plan, the Kendall-Whittier Neighborhood Master Plan, existing development and redevelopment in the area and trends, staff recommends **APPROVAL** of RS-4 zoning for Z-6712.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Carnes, Harmon, Hill, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Dick, Horner "absent") to recommend **APPROVAL** of RS-4 zoning for Z-6712 as recommended by staff.

Legal Description for Z-6712:

Lots 1 and 2, Block 1; and Lots 6 and 7, Block 2; and the South 33' of Lot 5, Block 2, all in Hillcrest Ridge Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof; and Lots 1, and 2, Block 1; and Lots 1, 2, 3, 14, 15, and 16, Block 2; and Lots 15 and 16, Block 3; and a tract of land described as follows, to-wit: beginning at the Northeast corner of Lot 1, Block 1, Hillcrest Addition to the City of Tulsa, Tulsa County, State of Oklahoma, thence West 110', thence North 50', thence East 110', thence South 50' to the Point of Beginning, all in Hillcrest Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof.

Application No.: PUD-457-3

Applicant: Donald East

(PD-18) (CD-8)

Location: Northeast corner East 88th Place and South Darlington
(Minor Amendment)

STAFF RECOMMENDATION:

The applicant is requesting Minor Amendment approval to reduce the minimum required rear yard setback from 25 feet to 20 feet for a new single-family dwelling proposed on Lot 1, Block 3.

Staff has reviewed the request and finds the proposed dwelling will be located on a corner lot with a 25-foot section of the garage encroaching into the 25-foot rear yard setback. The siting of the dwelling maximizes the use of a corner lot while preserving rear yard open space and limiting views of the rear yard from abutting streets. Staff notes that the rear or northern lot boundary abuts a 20-foot drainage reserve related to the Vensel Creek drainage and detention system.

Staff is of the opinion that the request is reasonable in light of the limited amount of building encroachment and the additional open space and buffer created by the drainage reserve. Further, staff believes the request is minor in nature and does not alter the character of the PUD or the intent of the original approval.

Staff, therefore, recommends **APPROVAL** of PUD-457-3 per the submitted plot plan for Lot 1, Block 3 of the Holland Lakes Addition.

Note: Approval of a Minor Amendment by TMAPC in no way absolves the owner of property from meeting all requirements and conditions contained in the record plat deed of dedication and restrictive covenants for the Holland Lakes Addition relating to plan review and approval by a subdivision architectural committee.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HARMON**, the TMAPC voted **8-0-0** (Carnes, Harmon, Hill, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Dick, Horner "absent") to recommend **APPROVAL** of the Minor Amendment to PUD-457-3 per the submitted plot plan for Lot 1, Block 3 of the Holland Lakes Addition as recommended by staff.

OTHER BUSINESS:

Application No.: PUD-614

Applicant: Ricky Jones

(PD-6) (CD-4)

Location: Southeast corner 15th and Victor
(Detail Site Plan Version A)

This item was stricken from the agenda.

Mr. Horner in at 3:46 p.m.

Application No.: PUD-614

Applicant: Ricky Jones

(PD-6) (CD-4)

Location: Southeast corner 15th and Victor
(Detail Site Plan Version B-1)

STAFF RECOMMENDATION:

The applicant is requesting Detail Site Plan approval for a 12,220 SF single-story medical-office facility on a 40,640 SF lot. The applicant has submitted two versions of the Detail Site Plan for review.

Staff has examined Version "B-1" of the Site Plan for conformance to the PUD and Zoning Code standards relating to building area and height, setback, parking, access, lighting, screening and total landscaped area. Staff does find conformance to the PUD and Zoning Code requirements as follows:

1. The plan does conform to the 15% landscaped area requirements as outlined in Chapter 11. The site plan indicates 6,192 SF of landscaped open space.
2. Parking spaces along the southern boundary do conform to the minimum parking stall width of 8.5 feet.
3. The plan does indicate the required five-foot landscape strip along the northern boundary when measured from curb back to the property line.

Staff, therefore, recommends **APPROVAL** of the Detail Site Plan for PUD-614, **Version B-1**, as submitted.

There were no interested parties wishing to speak.

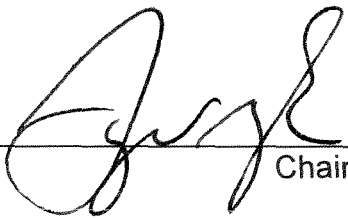
The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 9 members present:

On **MOTION** of **HARMON**, the TMAPC voted **9-0-0** (Carnes, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Dick "absent") to **APPROVE** the Detail Site Plan for PUD-614, Version B-1 as submitted.

There being no further business, the Chairman declared the meeting adjourned at 3:48 p.m.

Date approved: 9-22-99



Chairman

ATTEST: 
Secretary