

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 2278

Wednesday, June 27, 2001, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Boyle	Carnes	Beach	Boulden, Legal
Harmon	Horner	Bruce	
Hill	Jackson	Dunlap	
Ledford	Selph	Huntsinger	
Midget		Stump	
Pace			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, June 25, 2001 at 10:00 a.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

After declaring a quorum present, Chair Westervelt called the meeting to order at 1:35 p.m.

REPORTS:

Chairman's Reports:

Mr. Westervelt stated that there has been a request for a timely continuance for PUD-360-A-8 (minor amendment).

TMAPC Action; 6 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **6-0-0** (Boyle, Harmon, Hill, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Horner, Jackson, Midget, Selph "absent") to **CONTINUE** the minor amendment for PUD-360-A-8 to July 11, 2001 at 1:30 p.m.

Committee Reports:

Rules and Regulations Committee

Mr. Boyle reported that the Rules and Regulations Committee had a meeting prior to today's meeting and considered two items. primarily a City Council Consensus regarding adult establishments and continued considerations with Subdivision Regulations. The committee acted and referred both matters to the full Planning Commission.

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Director's Report:

Mr. Stump reported that there is one item on the City Council agenda and a second reading on the Infill Task Force Amendments.

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SUBDIVISIONS

LOT-SPLITS FOR WAIVER OF SUBDIVISION REGULATIONS:

L-19222 – Gene Crawford

(PD-23) (County)

Location: 6505 West 42nd Street

Staff Recommendation:

The applicant has applied to split his property into two tracts. Both tracts meet the RS bulk and area requirements; however, the proposed configuration will result with Tract A having more than three side-lot lines. Therefore, the applicant is seeking a waiver of Subdivision Regulations that each tract have no more than three side-lot lines.

Staff believes this lot-split would not have an adverse effect on the surrounding properties and would therefore recommend **APPROVAL** of the waiver of Subdivision Regulations and of the lot-split.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 6 members present:

On **MOTION** of **HARMON**, TMAPC voted **6-0-0** (Boyle, Harmon, Hill, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Horner, Jackson, Midget, Selph "absent") to **APPROVE** the waiver of Subdivision Regulations and of the lot-split as recommended by staff.

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FINAL PLAT:

Academy Sports and Outdoors – (Z-5537-SP-3) (784) (PD 18) (CD 8)
NE of East 81st Street and South U.S. Highway 169

Staff Recommendation:

This plat consists of one lot in one block on 26.07 acres. It will be developed as a retail recreation and sporting goods store with 67,522 SF of floor area. The property is irregular in shape and wraps around a five-acre square that contains a PSO substation.

The covenants state that the maximum sign height is 30 feet but the approved corridor site plan sets a limit of 25 feet.

All releases are in and the plat is in order. Staff recommends **APPROVAL** of the final plat subject to modifying the covenants to reflect the approved maximum sign height of 25 feet.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 6 members present:

On **MOTION** of **HARMON**, TMAPC voted **6-0-0** (Boyle, Harmon, Hill, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Horner, Jackson, Midget, Selph "absent") to **APPROVE** the final plat for Academy Sports and Outdoors, subject to conditions as recommended by staff.

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Commerce Center (599-A) (684) (PD 18) (CD 8)
Southwest Corner of 61st Street South and 104th East Avenue

Staff Recommendation:

This plat consists of three lots in one block on 5.8 acres. The lots will be accessed via 61st Street to the north and 104th East Avenue to the East. The PUD allows office and hotel use as well as the existing used car sales.

Releases have been received and the plat is substantially in order. Staff recommends **APPROVAL** of the final plat subject to the following:

1. Revision to Deeds of Dedication per City of Tulsa Legal Department.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 6 members present:

On **MOTION** of **HARMON**, TMAPC voted **6-0-0** (Boyle, Harmon, Hill, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Horner, Jackson, Midget, Selph "absent") to **APPROVE** the final plat for Commerce Center, subject to conditions as recommended by staff.

Mr. Ledford stated that he would be abstaining from the following item:

PRELIMINARY PLAT:

Osage Center - (3402, 3502) (PD 11) (CD 1)
Country Club Drive/Osage Drive from Latimer to Haskell Streets

Staff Recommendation:

This plat consists of three lots in three blocks on 19.08 acres. This is a redevelopment project of the Tulsa Housing Authority and will contain multifamily residential uses. Existing multifamily residences will be removed.

The following were discussed **May 17, 2001** at the Technical Advisory Committee (TAC) meeting:

1. Zoning:

Staff: The Board of Adjustment approved a special exception to permit Use Unit 8, among others, on this property. This invokes the platting requirement. In addition, the Planning Commission approved a lot-split involving parts of this property on the condition that this plat be processed and filed of record.

No distinction is made between existing and proposed easements or rights-of-way. Are the existing being vacated and replaced? If not, they need to be shown with book and page numbers.

2. Streets/access:

Staff: Some of the existing streets are being reconfigured.

Public Works Traffic & Transportation: Concerned that no collector streets are shown but would concede to a waiver of Subdivision Regulations considering the surrounding area and the nature of this development; change covenants to say Osage County instead of Tulsa County; use standard street dedication language; show pedestrian easement to pedestrian bridge; show limits of no access (LNA) at Tisdale Expressway and add LNA language in covenants; provide at least two physical breaks in Country Club Drive.

Applicant: Gave overview of project. All underlying rights-of-way and easements will be vacated. Will request waiver of requirement to provide collector streets.

3. Sewer:

Staff: Sanitary sewer exists throughout the site and some new is being proposed.

Public Works Waste Water: Any 10' utility easement with sewer needs to be 15'; delete 10' building line in larger utility easement to avoid miscommunication.

Applicant: Consent.

4. Water:

Staff: Water exists throughout the site and some new is being proposed.

Public Works Water: Proposed 10' utility easement at Haskell needs to be 15'; delete 15' restricted waterline easement in Lot 1, Block 3.

Applicant: Consent.

5. Storm Drainage:

Staff: Storm sewer exists throughout the site and some new is proposed.

Public Works Stormwater: Put all storm sewers in 15' easements; none are to be located under buildings; overland drainage easement will be required; detention will be required for all drainage flowing west.

Applicant: Consent.

6. Utilities:

Staff: Utilities are available throughout the site and new utility easements are proposed.

No comments from any franchise utilities.

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

Waivers of Subdivision Regulations:

1. Section 4.2.1. requires new streets to conform to the Major Street and Highway Plan (MSHP). The streets proposed on this plat are designated Residential Collectors with a minimum right-of-way of 60'. The applicant wants a waiver to provide 50' of right-of-way.

Special Conditions:

1. Modify covenants as needed to provide standard language and site-specific language where applicable.
2. Add limits of no access provisions along Tisdale Expressway.
3. Provide pedestrian easement to connect project with existing pedestrian bridge.
4. Modify design of Country Club Drive to provide at least two physical interruptions to calm traffic.

Standard Conditions:

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

21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.

22. All other Subdivision Regulations shall be met prior to release of final plat.

TMAPC Comments:

Mr. Boyle questioned if the Planning Commission should act on this application since there are only five members voting and one abstaining. In response, Mr. Jackere stated that the policy is that two-thirds of the members of the Planning Commission present and voting are required and not of the entire membership to act on the preliminary plat.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 6 members present:

On **MOTION** of **HARMON**, TMAPC voted **5-0-1** (Boyle, Harmon, Hill, Pace, Westervelt "aye"; no "nays"; Ledford "abstaining"; Carnes, Horner, Jackson, Midget, Selph "absent") to **APPROVE** the preliminary plat for Osage Center, subject to waiver of Subdivision Regulations, special conditions and standard conditions as recommended by staff.

Osage Duplexes – (3402, 3502) (PD-11)(CD-1)

North Osage Drive between Fairview and Jasper Streets

Staff Recommendation:

This plat consists of two lots in two blocks on 9.7 acres. This is a redevelopment project of the Tulsa Housing Authority and will contain duplex residential uses. Existing multifamily residences will be removed.

The following were discussed **May 17, 2001** at the Technical Advisory Committee (TAC) meeting:

1. Zoning:

Staff: The Board of Adjustment approved a special exception to permit Use Units 5 & 8, among others, on this property. This invokes the platting requirement. In addition, the Planning Commission approved a lot-split involving parts of this property on condition that this plat be processed and filed of record.

No distinction is made between existing and proposed easements or rights-of-way. Are the existing being vacated and replaced? If not, they need to be shown with book and page numbers.

2. Streets/access:

Staff: Some of the existing streets are being reconfigured.

Public Works Traffic & Transportation: Concerned that no collector streets are shown but would concede to a waiver of Subdivision Regulations considering the surrounding area and the nature of this development; change covenants to say Osage County instead of Tulsa County; use standard street dedication language; show pedestrian easement to pedestrian bridge; show limits of no access (LNA) at Tisdale Expressway and add LNA language in covenants; provide at least two physical breaks in Country Club Drive.

Applicant: Gave overview of project. All underlying rights-of-way and easements will be vacated. Will request waiver of requirement to provide collector streets.

3. Sewer:

Staff: Sanitary sewer exists throughout the site and some new is being proposed.

Public Works Waste Water: Any 10' utility easement with sewer needs to be 15'; delete 10' building line in larger utility easement to avoid miscommunication.

Applicant: Consent

4. Water:

Staff: Water exists throughout the site and some new is being proposed.

Public Works Water: Proposed 10' utility easement at Haskell needs to be 15'; delete 15' restricted waterline easement in Lot 1, Block 3.

Applicant: Consent.

5. Storm Drainage:

Staff: Storm sewer exists throughout the site and some new is proposed.

Public Works Stormwater: Put all storm sewers in 15' easements; none are to be located under buildings; overland drainage easement will be required; detention will be required for all drainage flowing west.

Applicant: Consent.

6. Utilities:

Staff: Utilities are available throughout the site and new utility easements are proposed.

No comments from any franchise utilities.

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

Waivers of Subdivision Regulations:

1. Section 4.2.1. requires new streets to conform to the Major Street and Highway Plan (MSHP). The streets proposed on this plat are designated Residential Collectors with a minimum right-of-way of 60'. Applicant wants a waiver to provide 50' of right-of-way.

Special Conditions:

1. Modify covenants as needed to provide standard language and site-specific language where applicable.
2. Add limits of no access provisions along Tisdale Expressway.
3. Provide pedestrian easement to connect project with existing pedestrian bridge.
4. Modify design of Country Club Drive to provide at least two physical interruptions to calm traffic.

Standard Conditions:

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2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A 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 Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)

13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefore shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. The method of water supply and plans therefore shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.
19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final plat.

The applicant indicated his agreement with staff's recommendation.

The following Interested Parties expressed their concerns regarding the placement of the duplexes abutting the existing residential homes: Brenda Barre, 568 North Guthrie, Tulsa Oklahoma 74103, Representing the Country Club Square Neighborhood Association; Melvin Gilliam, 569 North Country Club Drive, Tulsa, Oklahoma 74127; Ken Hurd, 579 North Country Club Drive, Tulsa, Oklahoma 74127.

Applicant's Rebuttal:

Roy D. Johnsen, 201 West 5th Street, Suite 501, Tulsa, Oklahoma 74103, stated that he would like to advise the Planning Commission that the property in question is zoned RM-2 and has contained multifamily dwellings (low-income) for thirty-plus years. This project is intended to lower the densities from what previously existed (some ownership and some rental) and fewer units overall.

Mr. Johnsen reminded the Planning Commission that what is before the Commission today is the subdivision plat and is not a land use determination. Mr. Johnsen cited the past public hearings regarding the subject property where the same plan was shown at the hearings.

Mr. Johnsen stated that he is sure that the Tulsa Housing Authority and the developer of the subject project would be happy to meet with the interested parties to discuss the arrangement of buildings. He explained that the platting would not change and requested that the Planning Commission act on the preliminary plat, noting that the zoning is in place and the existing uses were more dense than what is being proposed. Mr. Johnsen indicated that he would take the interested parties' names in order to have someone contact them.

TMAPC Comments:

Mr. Westervelt stated that the preliminary plat is before the Planning Commission today and the subject property is already zoned for heavier intensity. He commented that the preliminary plat is only for utilities and accesses.

Mr. Dunlap stated that the subject property is zoned and the plat is consistent with the zoning.

Mr. Jackere stated that the Board of Adjustment and zoning has already been decided and the applicant can do whatever he proposed to do. Mr. Jackere suggested that the interested parties should get together with the applicant and have dialogue.

Mr. Stump stated that the RM-2 zoning, which is for apartments, has been in place for over 30 years and it is still in place; therefore, the neighborhood didn't get a notice regarding the RM-2 zoning. The owner of the subject property has the right to develop it as single-family homes, duplexes, townhouses, apartments, etc. that are allowed in the RM-2 district because it was established many years ago and remains in effect. Today is simply to replat the property to better define the boundaries and utilities.

TMAPC Action; 6 members present:

On **MOTION** of **HARMON**, TMAPC voted **5-0-1** (Boyle, Harmon, Hill, Pace, Westervelt "aye"; no "nays"; Ledford "abstaining"; Carnes, Horner, Jackson, Midget, Selph "absent") to **APPROVE** the preliminary plat for Osage Duplexes, subject to waiver of the Subdivision Regulations, special conditions and standard conditions as recommended by staff.

CONTINUED ZONING PUBLIC HEARING

APPLICATION NO.: CZ-284/PUD-653

AG TO RS/PUD

Applicant: Joe E. Donelson

(PD-26) (County)

Location: Northwest corner of East 141st Street South and South Sheridan Road

Staff Recommendation For CZ-284:

RELEVANT ZONING HISTORY:

Z-6381/PUD-490 January 1993: All concurred in approval of a request to rezone a 63-acre tract located in the southwest corner of East 131st Street South and South Sheridan Road and north of the subject property on the north side of the Arkansas River. The approval was granted RS-1 zoning for 25 acres which allowed single-family dwellings, a golf course, a driving range and customary accessory uses for a golf course. The balance of the PUD remained AG.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 83 acres in size and is located on the northwest corner of East 141st Street South and South Sheridan Road. The property is gently sloping, partially wooded, vacant, and zoned AG.

STREETS:

Exist Access	MSHP PLANNED R/W	Exist. No. Lanes
East 141 st Street South	100'	2 lanes
South Sheridan Road	100'	2 lanes

The Major Street Plan designates East 141st Street South and South Sheridan Road as secondary arterial streets. The Tulsa County Traffic Counts 1993 – 1994 indicate 101 trips per day on East 141st Street South at South Sheridan Road.

UTILITIES: The Bixby Public Works Department has indicated there is an eight-inch water line and a six-inch to eight-inch forced sewer main on the north side of the right-of-way of East 141st Street South.

SURROUNDING AREA: The subject tract is abutted on the north and northeast by the Arkansas River and vacant land, zoned AG; to the south by vacant land, zoned AG; and to the southwest and west by scattered single-family homes and vacant land, zoned AG.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The subject tract is within District 20 boundaries. The Bixby Comprehensive Plan area abuts the tract on the south and the Jenks Comprehensive Plan includes land abutting the subject tract on the west; however, the subject tract is not within any adopted district plans. The Development Guidelines, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, provide for evaluation of the existing conditions, land uses, existing zoning and site characteristics for the goals and objectives of areas that have not been specifically defined for redevelopment.

Based on the existing development and trends in the area, staff recommends **DENIAL** of RS and **APPROVAL** of RE zoning, which will accommodate the development proposed in the accompanying PUD 653.

Staff Recommendation for PUD-653:

The PUD proposes 62 residential lots on 82.86 acres located at the northwest corner of East 141st Street and South Sheridan Road. There are two phases proposed (see attached Exhibit C). It is proposed that detached accessory buildings could include servants' quarters, which could have bath and kitchen facilities. The PUD proposes private streets with two access points to East 141st Street and an emergency access. The subject tract is zoned AG. Concurrently, an application has been filed to rezone the tract to RS (CZ-284). The tract is abutted on the west by AG-zoned property, which is in the city limits of Jenks. There is AG-zoned property to the south of the tract, across East 141st Street and abutting on the east, which is in the city limits of Bixby. There is also AG-zoned property abutting the tract on the north. If CZ-284 is approved as recommended by staff, 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-653 as modified by staff, to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD-653 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:

Phase I	56 Acres	2,439,360 SF
Phase II	26.86 Acres	1,170,022 SF

Permitted Uses:

Those uses within Use Unit 6, Single-Family Dwellings and customary accessory uses. Detached accessory buildings, such as garages, including one living or servants' quarters per lot, may be permitted. Any accessory living or garage quarters may include a bath and kitchen, provided that such quarters may only be occupied by members of the family, related by blood or adoption, or servants. Such living quarters must be a part of the accessory garage structure. The living area of any such quarters, exclusive of the accessory building of which it is a part, may not exceed 1,100 square feet.

Minimum Lot Width:

Phase I	125 FT
Phase II	200 Ft

Maximum Number of Lots:

Phase I	50
Phase II	12

Minimum Lot Area:

Phase I	20,500 SF
Phase II	49,300 SF

Maximum Building Height: 35 FT

Minimum Livability Space per Lot: 45% of Lot Area

Off-Street Parking:

Two enclosed off-street parking spaces per dwelling unit and at least two additional off-street parking spaces per dwelling unit.

Minimum Depth of Required Yards:*

From the centerline of East 141 st Street	85 FT
From other external boundaries of the PUD	25 FT
From other street right-of-way	25 FT
From interior rear lot lines	25 FT
From interior side lot lines	7.5 FT

Signs:

One entry identification sign shall be permitted at the principal entrance to 141st Street. The sign shall not exceed a maximum display surface area of 34 SF and a maximum height of five feet.

Access:

There shall be a minimum of two access points to East 141st Street.

Other Bulk and Area Requirements:

As established within an RS district.

***Detached accessory buildings shall comply with the minimum yard requirements of principal structures.**

3. The County Engineering Department or a professional engineer registered in the State of Oklahoma shall certify to the appropriate County official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.
4. A homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain all private streets and common areas, including any stormwater detention areas, security gates, guardhouses, or other commonly-owned structures within the PUD.
5. All private roadways shall be a minimum of 26' in width for two-way roads and 18' for one-way loop roads, measured face-to-face of curb. All curbs, gutters, base and paving materials used shall be of a quality and thickness that meet the Tulsa County standards for a minor residential public street. The maximum vertical grade of private streets shall be ten percent. Turnarounds at the end of the cul-de-sacs must receive approval from the County Engineering Department.

6. The County shall inspect all private streets and certify that they meet County standards prior to any building permits being issued on lots accessed by those streets or if the County will not inspect, then a registered professional engineer shall certify that the streets have been built to County standards.
7. No building permit shall be issued until the requirements of Section 1170.5 of the County 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 County beneficiary to said covenants that relate to PUD conditions.
8. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process, which are approved by TMAPC.
9. Entry gates or guardhouses, if proposed, must receive detail site plan approval from TMAPC, Tulsa County Engineering, prior to issuance of a building permit.
10. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.

Applicant's Comments:

Charles Norman, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, representing Joe E. Donelson, submitted an amended site plan (Exhibit A-1) and stated that the proposal was originally for development in two phases and the developer has determined that it would be more suitable to develop the entire tract in one phase; therefore, he has combined the two phases into one map. Mr. Norman cited the location of the subject property and the topography of the same. He explained that the topography made access points difficult to the lower part of the subject property.

Mr. Norman stated that to the west of the subject property is the Kimberly-Clark plant. All of the land owned by Kimberly-Clark has been included in a City of Jenks special use permit for industrial purposes. He commented that under the code in Jenks a specific or special use permit for industrial purposes is required for land zoned agricultural without rezoning. He stated that his client is in accord with the Comprehensive Plan and the staff recommendation has been revised. Mr. Norman requested the Planning Commission to approve the staff recommendation.

Mr. Norman stated that this application was continued once due to some concerns of Kimberly-Clark that sometime in the future when they develop their property farther to the south, that they might be the recipients of any complaints about their operations from the single-family neighborhood. Mr. Norman further stated that he would reserve any further comments until after Mr. Gable's comments.

Interested Parties Comments:

Richard Gable, 100th West 5th, Suite 1100, Tulsa, Oklahoma 74103, stated that he had not seen the revised plat, but Mr. Norman assured him that there was no significant change except combining phases one and two. He further stated that he has not seen the revised staff recommendation nor was he aware of a revised staff recommendation.

Mr. Gable stated that the Kimberly-Clark plant has been developed over the years from the west to the east directly toward the subject property. He indicated that there is a trucking operation that is gradually moving directly toward the subject property and they have added warehouse space equal to the warehouse space in the entire City of Tulsa. A tissue mill with a warehouse space this large has a significant trucking operation existing, and when the warehouse space is completed there would be 24 hour a day/seven day a week trucks going in and out of the facility adjacent to the subject property. Kimberly-Clark prefers to be a good neighbor and is concerned about future relationships with the potential owners of the single-family neighborhood. Mr. Gable stated that Kimberly-Clark is concerned about complaints from the proposed neighborhood about the 24-hour trucking facility.

Mr. Gable stated that he would like to see a buffer zone between the two properties. He commented that since Kimberly-Clark was established first, he feels that it is appropriate that the buffer zone be on the subject property along the western border running down to the point where Kimberly-Clark's property ends.

TMAPC Comments:

Mr. Boyle stated that it unusual for the Planning Commission to have someone complaining about a proposed use that would not injure the adjacent facility, but the adjacent facility might injure the proposal. Mr. Boyle commented that the Planning Commission doesn't normally hear this type of argument. In response, Mr. Gable stated that Kimberly-Clark doesn't want complaints from the neighbors asking why they weren't warned before purchasing their property when the Kimberly-Clark expansion was known beforehand. Mr. Gable commented that the applicant has a Reserve B on the plat and he would like it to be restricted to where development could not occur along that area. In response, Mr. Boyle asked if that would be enough to satisfy their troubles. In response, Mr. Gable answered negatively.

Interested Parties Comments:

Fred Emmer, Metropolitan Tulsa Chamber of Commerce, 616 South Boston, Tulsa, Oklahoma 74103, stated that he is present to lend his support to Kimberly-Clark's position today. He expressed concerns about the industrial development prospects and would not want anything to hamper Kimberly-Clark's planned expansion.

Applicant's Rebuttal:

Mr. Norman stated that he would think that the City of Jenks set some reasonably appropriate setbacks from the subject property within the industrial specific use permit. There are some physical facts that make the problems or concerns of Kimberly-Clark unlikely. The creek that crosses the property immediately adjacent to the lower part of the subject property, which goes into the Arkansas River, is a significant barrier.

Mr. Norman stated that the Reserve B area is not yet engineered, but anticipated to be a required detention facility. He explained that the detention might be required to protect the Kimberly-Clark property because the property drains to the west.

Mr. Norman stated that he has brought an application for RS zoning, which is currently RE, and this type of requirement for some sort of protection provided to the industrial complex from this type of single-family development is unusual. There is absolutely nothing in the Comprehensive Plans or the Development Guidelines that would suggest that there be industrial development permitted in the middle of this square mile or at this location. Mr. Norman concluded that he would be very concerned and would object to any required protection. He expressed concerns with a precedent being established by agreeing with what has been suggested by Kimberly-Clark's attorney.

TMAPC Comments:

Mr. Boyle asked Mr. Norman if he would object to limiting the ability to develop Reserve Area B to anything other than a detention facility. In response, Mr. Norman stated that he would object for the reasons he stated earlier. In response, Mr. Boyle asked Mr. Norman how he felt this action would create a precedent. In response, Mr. Norman stated that the Planning Commission would be establishing a requirement in a PUD that establishes setbacks to protect undeveloped industrial land. Mr. Boyle stated directing that Reserve Area B be developed only as a stormwater detention facility does not suggest that Mr. Gable is right that he is entitled to protection against the proposed single-family use. Mr. Norman stated that until the subject property is engineered, it would be inappropriate to direct that Reserve Area B be developed as stormwater detention facility only. Mr. Norman continued to state that the stormwater detention facility is usually determined during the platting process. Mr. Norman commented that there is some concern that someone would complain about an adjacent land use in the future. Mr. Norman stated that there are transition uses

presented regularly where 200 feet or 300 feet away there is something going on that might be completely unacceptable to the neighbors and they might complain, but he can't think of any instance in which the Planning Commission required residential to provide a buffer from light industrial use. Mr. Boyle asked Mr. Norman if it shouldn't be required for the protection of the residential. In response, Mr. Norman stated that it would be a matter for people who buy four-acre lots to decide if they are willing to live next to Kimberly-Clark. Mr. Norman commented that the plant is completely visible and anyone buying the lots would not be deceived in any way.

Mr. Harmon stated that the purchaser of the lots would know that the plant is existing and there is no reason to believe that anyone would look at the lot and not be aware of the adjacent land usage. In response, Mr. Norman stated that there are parts of the subject property that are heavily wooded in the summer time and it might block the view of the Kimberly-Clark facility. Mr. Harmon stated that if he wanted to purchase a lot overlooking a smokestack then he should have the right to do so. Mr. Norman agreed and pointed out that there is a concrete plant across the street from the subject property and he suspects that there could be complaints received about their trucks coming and going at 4:00 a.m., but that is one of the obligations that a potential purchaser should check out before investing in property.

Mr. Boyle asked Mr. Norman if it would be sound zoning practice to develop RE this close to an industrial facility. In response, Mr. Norman stated that he doesn't think it is unacceptable if the City of Jenks included in its industrial permit appropriate setbacks and protections for undeveloped property. Mr. Boyle stated that the Planning Commission still has to look at the planning principles. Mr. Norman stated that the Planning Commission would be protecting people from the consequences of a decision that they make about where they live. Mr. Norman further stated that he understands that Kimberly-Clark does not want to have complaints in the future. Mr. Norman commented that Kimberly-Clark has made their record and have their protest into the record and that should be all they are allowed to do.

Mr. Ledford asked Mr. Norman if he didn't research the setbacks from the Jenks Plan, he would have a problem with Mr. Gable coming forward explaining the plan and what type of setbacks that are required. Mr. Norman said he would not.

Ms. Pace asked Mr. Norman to indicate the amount of property that is owned by his client and the property owned by Kimberly-Clark. She further requested to know where the City of Jenks fence line is located. In response, Mr. Norman demonstrated on the case map.

Mr. Midget in at 2:36 p.m.

Mr. Gable indicated the layout for the proposed truck and warehouse facility and the existing truck and warehouse facility. He stated that Kimberly-Clark has always planned to use the entire tract and they do not want to experience complaints from future homeowners. He further stated that to his knowledge, there are no setbacks; however, he has not read the special use permit carefully.

Mr. Westervelt stated that there is nothing to preclude the Kimberly-Clark Company from owning a residential tract to make a nice buffer. It seems that Kimberly-Clark is asking the Planning Commission to do this for them. Mr. Jackere stated that there is nothing precluding the Kimberly-Clark Company from using their own property for a buffer. Mr. Westervelt stated that it is obvious that Kimberly-Clark is not interested in doing that. Mr. Westervelt further stated that they seem to be asking the Planning Commission to require the applicant to set aside some undevelopable property and not zone it for future use, but it would be just as easy for the Kimberly-Clark Company to buy it rather than have the Planning Commission take it. Mr. Gable stated that it would be one way to solve the problem, but he doesn't see that it would prevent the Planning Commission from doing some smart planning either. Mr. Gable commented that Kimberly-Clark purchased their property years ago and spent a half billion dollars in that operation with the intention of using the entire tract of land. Mr. Gable stated that now he sees at best a possible social problem and at worst a possible complaint about their utilization of this property.

Mr. Westervelt stated that he can understand Kimberly-Clark's concerns, but he has a difficult time understanding, with the significant investment and the company's net worth and this great concern for future protection, why it had not been solved economically and now they want it resolved at the Planning Commission instead. In response, Mr. Gable stated that at the time Kimberly-Clark purchased their property the adjoining property was zoned agriculturally and there was no potential problem. Mr. Gable explained that once he found out about the potential problem, he came to suggest that it should be solved now.

Mr. Ledford stated that he doesn't see anything that would preclude anyone from building residential on the subject property zoned AG. Mr. Ledford explained that with the current AG zoning a person could build two-acre tracts and build single-family homes adjacent to Sheridan today.

Ms. Pace asked why the applicant is rezoning the subject property. Mr. Norman stated that there is a requirement for two-acre dwelling units in AG and his client wants to have 62 units on 83 acres, which requires a change in zoning to achieve the most restrictive density that the code provides for. Mr. Norman commented that he originally applied for the RS zoning to enable to have more units. Mr.

Norman stated that the only bad thing that could happen to Kimberly-Clark is that they may receive a complaint. Mr. Norman further stated that if Kimberly-Clark hasn't violated the law and are not a nuisance, then nothing happens, except they receive a complaint. Mr. Norman commented that what Kimberly-Clark is suggesting is that if they are allowed to use some of the applicant's land as a buffer for their activities, then there is something inherently wrong about that approach.

Mr. Westervelt asked whether, if the Planning Commission were not inclined to have the applicant set aside a buffer from the residential use, there would be any way to put the purchaser on notice regarding the adjacent facility. In response, Mr. Norman stated that he worked on two committees that attempted to deal with the problem of finding a way to record information about future or planned public improvements, but that has never been accomplished. Mr. Norman asked the Planning Commission what kind of note would be put on the plat and said that any type of note would start a long list of notes and warnings, which would change from time to time after the plat is filed. Mr. Norman commented that if it was a requirement of the Subdivision Regulations, then he would abide by it, but he would object to these unique approaches without going through the process and making the requirements uniform in its application. Mr. Norman stated that trying to notify people of existing conditions and future conditions is enormous and he doesn't know how it could be accomplished satisfactorily.

Mr. Stump stated that if Kimberly-Clark is concerned about the proposed development, then they could put a sign on their border (adjacent to the subject property) stating that it is a future expansion area for Kimberly-Clark. It is an open area where the two properties abut and everyone could read the sign.

Mr. Harmon stated that he is inclined to support staff's recommendation because he can't find any sound reason not to recommend approval.

TMAPC Action; 7 members present:

On **MOTION** of **HARMON**, the TMAPC voted **6-1-0** (Harmon, Hill, Ledford, Midget, Pace, Westervelt "aye"; Boyle "nays"; none "abstaining"; Carnes, Horner, Jackson, Selph "absent") to recommend **DENIAL** of the RS zoning and **APPROVAL** of RE zoning for CZ-284 and to recommend **APPROVAL** of PUD-653, subject to conditions as recommended by staff.

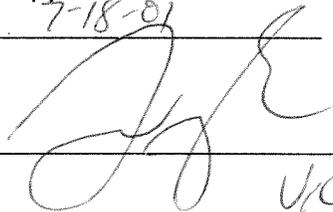
Legal Description for CZ-284/PUD-653:

All that portion of the SE/4 of Section 10, T-17-N, R-13-E of the IBM, Tulsa County, Oklahoma, according to the U. S. Government survey thereof, lying South of the abandoned railroad right-of-way line of the Texas and Pacific Railroad Company and being more particularly described as follows, to-wit: beginning at the Southeast corner of said SE/4, thence N 89°25'24" W along the South line of said SE/4 for 2,643.25' to the Southwest corner thereof, thence N 00°13'12" E along the West line of said SE/4 for 2,378.88' to the Southerly right-

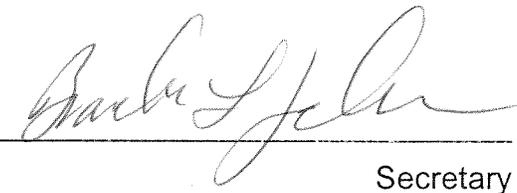
of-way line of said Texas and Pacific Railroad Company, thence S 52°05'22" E along said right-of-way for 3,012.71' to the East line of said SE/4 thence S 00°17'28" W along said East line for 340.86' to the point of beginning and containing 82.86 acres more or less, **From AG (Agriculture District) To RE/PUD (Residential Single-family, Estate District/Planned Unit Development).**

There being no further business, the Chairman declared the meeting adjourned at 2:42 p.m.

Date Approved:

7-18-01

VICE Chairman

ATTEST:


Secretary