

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2387

Wednesday, August 18, 2004, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Carnes	Bayles	Alberty	Romig, Legal
Coutant	Midget	Chronister	
Harmon	Miller	Fernandez	
Hill		Huntsinger	
Horner		Matthews	
Jackson			
Ledford			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, August 16, 2004 at 9:50 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, 1<sup>st</sup> Vice Chair Jackson called the meeting to order at 1:30 p.m.

### **Minutes:**

#### **Approval of the minutes of July 21, 2004, Meeting No. 2384**

On **MOTION** of **HARMON** the TMAPC voted 5-0-3 (Carnes, Coutant, Harmon, Hill, Jackson "aye"; no "nays"; Horner, Ledford, Westervelt "abstaining"; Bayles, Midget, Miller "absent") to **APPROVE** the minutes of the meeting of July 21, 2004, Meeting No. 2384.

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### **REPORTS:**

#### **Director's Report:**

Mr. Alberty reported on the City Council activity and indicated that there would not be a City Council meeting on August 19, 2004.

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Mr. Jackson reported that PUD-600-A-1 and PUD-312-A-5 have requested to be continued.

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

**TMAPC Action; 8 members present:**

On **MOTION** of **HARMON**, TMAPC voted 8-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Ledford, Jackson, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Midget, Miller "absent") to **CONTINUE** the minor amendment for PUD-600-A-1 to September 1, 2004 at 1:30 p.m.

**TMAPC Action; 8 members present:**

On **MOTION** of **HARMON**, TMAPC voted 8-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Ledford, Jackson, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Midget, Miller "absent") to **CONTINUE** the minor amendment for PUD-312-A-5 to September 1, 2004 at 1:30 p.m.

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**SUBDIVISIONS:**

**LOT-SPLITS FOR WAIVER OF SUBDIVISION REGULATIONS:**

**L-19711 – Adrian Jeffery Bigby** (9230)

(PD 23) (County)

7123 Skyline Drive

**STAFF RECOMMENDATION:**

The proposal is to split a 175' x 334' parcel out of a ten-acre tract and tie it to two platted lots to the north. Both resulting tracts would meet the RS bulk and area requirements. A waiver of the Subdivision Regulations would be required to approve the lot-split because Tract 2 would have more than three side-lot lines.

After being assured that only one dwelling could be placed on the combined three lots, the Technical Advisory Committee had no concerns regarding this lot-split. Staff believes this lot-split would not have an adverse effect on the surrounding properties and recommends **APPROVAL** of the waiver of Subdivision Regulations and of the lot-split subject to Tract 1 being tied to Lots 6 and 7, Block 3, Stratford Estates.

**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 **CARNES**, TMAPC voted 8-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Midget, Miller "absent") to **APPROVE** the waiver of Subdivision Regulations and of the lot-split subject to Tract 1 being tied to Lots 6 and 7, Block 3, Stratford Estates per staff recommendation.

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**L-19716 – Mazen Nijem** (6418)

(PD 20) (County)

North of northeast corner of East 211<sup>th</sup> Street & Mingo Road

**STAFF RECOMMENDATION:**

The applicant has applied to split a five-acre tract into two 2.5-acre tracts. Both resulting tracts would meet the AG bulk and area requirements. Both tracts have frontage on Mingo Road, a secondary arterial according to the Major Street and Highway Plan (MSHP), requiring 100' right-of-way. Currently there is a 24.75' statutory easement along Mingo Road. The applicant is seeking a waiver of Subdivision Regulations Section 6.5.1.(c)(3) requiring right-of-way be given to the City of Tulsa/Tulsa County in accordance with the MSHP.

The Technical Advisory Committee reviewed this application on August 5, 2004, and recommends that the full 50' of right-of-way be given along Mingo Road. Therefore, staff recommends **DENIAL** of the waiver of Subdivision Regulations for 50' of required right-of-way, and recommends **APPROVAL** of the lot-split, with the condition that 50' right-of-way from the center of the road be given to Tulsa County along Mingo.

**Applicant was not present.**

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

**TMAPC Action; 6 members present:**

On **MOTION** of **WESTERVELT**, TMAPC voted 8-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Midget, Miller "absent") to **DENIAL** of the waiver of Subdivision Regulations for 50' of required right-of-way, and recommends **APPROVAL** of the lot-split, with the condition that 50' right-of-way from the center of the road be given to Tulsa County along Mingo per staff recommendation.

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311 South Xanthus

**STAFF RECOMMENDATION:**

The applicant has applied to split a 30' x 80' parcel (Tract 1) out of a 142' x 130' parcel. The property is zoned CH, which has no bulk and area requirements. Tract 1 will not be served by sanitary sewer service; however, it is an existing parking lot and will continue to be a parking lot. If approved, verbiage would be required to be placed on the deed stating that the parcel cannot be developed as is. The applicant is requesting a waiver of Subdivision Regulation 6.5.2 requiring that each tract be served with sanitary sewer.

The Technical Advisory Committee reviewed this application at their August 5, 2004, meeting and recommended that a mutual access easement be given along the eastern boundary of proposed Tract 2. However, there is an existing fence surrounding Tract 1 that separates that tract from Tract 2.

Because Tract 1 is currently being used as a parking lot with an existing fence that separates it from Tract 2; and because a parking lot would not require sanitary sewer service, staff believes it would not have an adverse effect on the surrounding properties and would therefore recommend **APPROVAL** of the waiver of Subdivision Regulations and of the lot-split, subject to verbiage being included on the deed of Tract 1 stating that it cannot be developed without sanitary sewer line extension, and with the recommendation that a mutual access easement be given along the east property line of Tract 2.

**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 **HORNER**, TMAPC voted 8-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Midget, Miller "absent") to **APPROVE** the waiver of Subdivision Regulations and of the lot-split, subject to verbiage being included on the deed of Tract 1 stating that it cannot be developed without sanitary sewer line extension, and with the recommendation that a mutual access easement be given along the east property line of Tract 2 per staff recommendation.

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**LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:**

**L-19713 – Oltman Homes** (0333) (PD 3) (CD 3)

3551 East King Place

**L-19721 – Sisemore Weisz & Associates** (9406) (PD 5) (CD 6)

10102 East Admiral Place

**L-19728 – Mary Stumpf** (2224) (PD 13) (County)

505 East 146<sup>th</sup> Street North

**L-19729 – Phyllis Eileen Hawkins** (8310) (PD 18) (CD 8)

5803 East 75<sup>th</sup> Place

**L-19731 – Jerry Burns** (9402) (PD 17) (CD 6)

722 South Lynn Lane

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

**TMAPC Action; 8 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Midget, Miller "absent") to **RATIFY** these lot-splits given prior approval, finding them in accordance with Subdivision Regulations as recommended by staff.

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**FINAL PLAT:**

**Crystal Creek – PUD 221 F** (2894) (PD-17) (CD-6)

South of East 41<sup>st</sup> Street South and East of South 129<sup>th</sup> East Avenue

**STAFF RECOMMENDATION:**

This plat consists of 242 lots in eight blocks on 81 acres.

All release letters have been received and staff recommends **APPROVAL** of the final plat for Crystal Creek.

**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 **HORNER**, TMAPC voted 8-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Midget, Miller "absent") to **APPROVE** the final plat for Crystal Creek per staff recommendation.

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**Overland Park – (2322)**

(PD-13) (County)

North of East 146<sup>th</sup> Street North, East of U.S. 75

**STAFF RECOMMENDATION:**

This plat consists of 28 lots in three blocks on 31.9 acres.

All release letters have been received and staff recommends **APPROVAL** of the final plat for Overland Park.

**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 **HORNER**, TMAPC voted 8-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Midget, Miller "absent") to **APPROVE** the final plat for Overland Park per staff recommendation.

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**Camp Shalom Amended II- (8306)**

(PD-18) (CD-2)

North of East 71<sup>st</sup> Street South and West of South Lewis Avenue

**STAFF RECOMMENDATION:**

This plat consists of two lots in one block on 26.75 acres.

All release letters have been received and staff recommends **APPROVAL** of the final plat for Camp Shalom Amended II.

**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 **HILL**, TMAPC voted 7-0-1 (Carnes, Coutant, Harmon, Hill, Horner, Jackson, Westervelt "aye"; no "nays"; Ledford "abstaining"; Bayles, Midget, Miller "absent") to **APPROVE** the final plat for Camp Shalom Amended II per staff recommendation.

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**Southern Ridge – (8321)**

(PD-18) (CD-8)

3912 East 91<sup>st</sup> Street

**STAFF RECOMMENDATION:**

This plat consists of three lots in three blocks on 2.16 acres.

All of the release letters have been received and staff recommends **APPROVAL** of the final plat for Southern Ridge.

**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**, TMAPC voted 8-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Midget, Miller "absent") to **APPROVE** the final plat for Southern Ridge per staff recommendation.

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**PRELIMINARY PLAT:**

**The Tudors II – (9213)**

(PD-7) (CD-2)

Southwest corner of West 21<sup>st</sup> Street and Main Street

**STAFF RECOMMENDATION:**

This plat consists of ten lots, two blocks, on 2.75 acres.

The following issues were discussed July 15, 2004 and August 5, 2004 at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned PUD 703.
2. **Streets:** (From July 15<sup>th</sup> meeting: Show centerline of South Boulder and dimensioned right-of-way. Recommend removing "South Main and West 22<sup>nd</sup> Street" from limits of no access paragraph as no limits of access are required on those residential streets. Change typo showing South Boston to South Boulder Avenue. At the end of West 22<sup>nd</sup> Street the slope of over 9% from 11% into the cul-de-sac is an engineering concern. The cul-de-sac is undersized. Show limits of no access along Boulder per PUD with an emergency access. Show limits of no access along 21<sup>st</sup> Street subject to approval of Traffic Engineer. Additional right-of-way on the north and/or south side of 22<sup>nd</sup> Street may be necessary to accommodate a redesigned cul-de-sac. Reduction of the existing right-of-way along 22<sup>nd</sup> Street from 30 to 20 feet will require a waiver of the subdivision regulations. Traffic Engineering recommends a maximum closure of five (5) feet. The draft final plat will be subject to City Council approval of the application for right-of-way closure currently being reviewed by Public Works. Show on the face of the plat the mutual access easement within Reserve "A" per Section II D. In the covenants include pavement design standards for the private street to meet the City's standards for minor residential streets per the PUD. Include legal description. Change the dedication of street right-of-way to street rights-of-way. On the conceptual, the design is an adequate two-way gate for entry/exit. Extend Main Street sidewalk to 22<sup>nd</sup> Street per PUD request. The 20-foot radius cul-de-sac is inadequate and needs redesign.)

Show limits of no access along Boulder per PUD with "Emergency Access". Show LNA/LA along 21<sup>st</sup> Street subject to application for Traffic Engineer. Additional Right-of-way on the north and/or south side of 22<sup>nd</sup> Street may be necessary to accommodate a redesigned cul-de-sac. Reduction of the existing right-of-way along 22<sup>nd</sup> Street from 30 to 20 feet as shown on the PUD site plan will reduce the right-of-way below one-half of the normal right-of-way standard (25 feet). Traffic Engineering can recommend a minimum closure of five (5) feet but has no objection to the PUD. The draft final plat will be subject to City Council approval of the application for right-of-way

closure currently being reviewed by Public Works. Show on the face of the plat the mutual access easement within Reserve A per Section II.D. Include pavement design standards for the private street to meet the City's standards for minor residential streets per PUD. Include legal description. Change the dedication of street right-of-way to street rights-of-way (plural). Design an adequate two-way gate for entry/exit. Extend Main Street sidewalk to 22<sup>nd</sup> Street per PUD request. A 29-foot radius cul-de-sac is substandard but maximizes the existing 60-foot right-of-way. An emergency access to Boulder provides for fire apparatus and is preferred to an unsafe connection to Boulder. A variance from transportation design/engineering services may be necessary.

3. **Sewer:** Add a 17.5-foot easement along the north boundary line and a ten-foot easement along the east and south boundary line. The proposed sanitary sewer line must be ductile iron pipe.
4. **Water:** Install a six-inch gate valve west of proposed fire hydrant. Remove I.V. off of fire hydrant.
5. **Storm Drainage:** Collect the runoff from Block 2 in an area inlet and pipe to the back of the existing street inlet on 21<sup>st</sup> Street.
6. **Utilities:** There was considerable discussion about the need for wider easements for utilities and meeting the PUD setback requirements.
7. **Other: Fire:** There was considerable discussion about the size of the cul-de-sac proposed and what should be required. Also the need for additional fire hydrants and standard spacing requirements if a building is planned to be sprinkled was discussed.

**GIS:** The Basis of Bearing is incomplete. Show the point of beginning on the face of the plat and a bearing and distance to nearest section corner. Location map needs to show Elwood Avenue. Show legal description.

Street addresses need to be added. Show all right-of-way and existing easements. A 17.5-foot utility easement is needed along 21<sup>st</sup> Street. Change the 7.5-foot easement along the south side to a ten-foot utility easement and building line easement. Show the fence and landscape easements clearly. Delete the word "General" in Section I.A. Change 10 to 9 in Section II.G, and Section III since there are only nine lots in Block 1. Move Section II.E to Section 1.

There was so much discussion about easements and cul-de-sac/traffic design that it was recommended that the plat be continued to the next TAC. A separate meeting with staff and utility representatives could be called to facilitate redesign of the plat.

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

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

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

**Standard Conditions:**

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

10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefor 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 therefor 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.

23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.
24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

**The applicant indicated his agreement with staff's recommendation.**

**TMAPC Action; 8 members present:**

On **MOTION** of **WESTERVELT**, TMAPC voted 8-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Midget, Miller "absent") to recommend **APPROVAL** of the preliminary plat for The Tudors II, subject to special conditions and standard conditions per staff recommendation.

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**Paradise Corner – (7322)**

(PD 20) (County)

South Yale Avenue and 161<sup>st</sup> Street

**STAFF RECOMMENDATION:**

This plat consists of one lot, one block, on 2.44 acres.

The following issues were discussed August 5, 2004 at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned AG. The plat was submitted as a minor subdivision plat.
2. **Streets:** Dimension all limits of no access. Dimension the length and delta angle of the corner radius. Show perimeter, ownership lines matching the legal. Correct error in the legal description (south leg is 325 feet not 445 feet). Dedicate the street right-of-way rather than a road easement and designate all right-of-way to the section line as "dedicated by this plat". Standard right-of-way dedication is needed.
3. **Sewer:** A small public aerobic system is proposed.
4. **Water:** Rural Water District # 6 will supply water.

5. **Storm Drainage:** A detention easement must be shown on the plat with bearings and distances on all lines bounding the easement. Along the northern property line there must be an overland drainage easement added to convey the offsite water flowing onto the site, or if that water is to be collected and piped, then a storm sewer easement will be required for the public inlets and pipes. The conceptual plan shows a 35-foot building line from the south property line, but the plat shows this line 27 feet from the property line. Which is correct? A storm sewer easement may be required for the outlet pipe from the stormwater detention/retention facility to the 161<sup>st</sup> Street right-of-way. Standard language must be added for overland drainage easements, surface drainage and lot grading restriction, owner responsibility to water mains, sanitary sewers, and storm sewer services, and stormwater detention.
6. **Utilities: ONG:** Standard covenant language is needed. Additional easement is needed along 161<sup>st</sup> Street.  
  
**East Central Electric:** Plat is acceptable.
7. **Other: Fire:** N/A. Additional easements are needed to the west and south.

Staff recommends **APPROVAL** of the preliminary plat and not a minor subdivision plat as originally submitted subject to the special and standard conditions below.

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

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

**Standard Conditions:**

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)

3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A topography map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefor 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 therefor 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.
23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.
24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

**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 **LEDFORD**, TMAPC voted 8-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Midget, Miller "absent") to recommend **APPROVAL** of the preliminary plat for Paradise Corner, subject to special conditions and standard conditions per staff recommendation.

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**MINOR SUBDIVISION PLAT:**

**Arvest 4300** – (9429)

(PD 17) (CD 5)

Southeast corner of East 43<sup>rd</sup> Street and South Garnett Road

**STAFF RECOMMENDATION:**

This plat consists of one lot on one block, on 1.7 acres.

The following issues were discussed August 5, 2004 at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned Corridor Site Plan Z-5637-SP-1.
2. **Streets:** Recommend 30-foot intersection radius per Subdivision Regulations. Suggest a 16-foot inbound and two ten-foot outbound lanes on 43<sup>rd</sup> Street and a maximum drive of 30 feet at the secondary entry off of Garnett. Concur with the counterclockwise circulation of the drive-in facility. Mutual access easements must be shown.
3. **Sewer:** Increase the proposed 11-foot easements along the east and south boundary line to a 17.5-foot easement (upon further review, the 17.5-foot easement will not be needed).
4. **Water:** No comment.
5. **Storm Drainage:** No comment.
6. **Utilities: PSO:** Okay.  
**ONG:** Okay.
7. **Other: Fire:** N/A

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

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

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

### **Standard Conditions:**

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

13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefor 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 therefor 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.
23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.
24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

**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**, TMAPC voted 8-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Midget, Miller "absent") to recommend **APPROVAL** of the minor subdivision plat, subject to special conditions and standard conditions per staff recommendation.

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**Value Place Hotel –** (9313)

(PD 5) (CD 5)

North and east of the northeast corner of South 87<sup>th</sup> East Avenue and Skelly Drive service road

**STAFF RECOMMENDATION:**

This plat consists of one lot, one block, on 1.7 acres.

The following issues were discussed August 5, 2004 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned CS. PUD-550-A is in process for this site. All setbacks per the PUD must be shown properly on the plat.
2. **Streets:** License agreement may be required for paving parallel to north-south right-of-way line. Access needs to be approved through ODOT.
3. **Sewer:** Add a 17.5-foot perimeter utility easement along the north and east boundary lines.
4. **Water:** A six-inch line is along 87<sup>th</sup> East Avenue and an eight-inch line is located along Skelly bypass.
5. **Storm Drainage:** No comments.
6. **Utilities:** No comment.
7. **Other: Fire:** Building needs to be sprinkled and proper connection to water source is needed for fire protection.

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

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

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

**Standard Conditions:**

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

12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefor 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 therefor 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.
23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.

24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

**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**, TMAPC voted 8-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Midget, Miller "absent") to recommend **APPROVAL** for the minor subdivision plat, subject to special conditions and standard conditions per staff recommendation.

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**Mr. Ledford stated that he would be abstaining from the following plat waiver.**

**PLAT WAIVER:**

**Z-6164** – (9431)

(PD 18) (CD 6)

5630 South 107<sup>th</sup> East Avenue

**STAFF RECOMMENDATION:**

The platting requirement was triggered by rezoning to IL.

**Staff provides the following information from TAC at their August 5, 2004 meeting:**

**ZONING:**

TMAPC Staff: The plat waiver is for property zoned IL.

**STREETS:**

No comments.

**SEWER:**

Sanitary sewer is available.

**WATER:**

A ten-inch line is along the east side of South 107<sup>th</sup>.

**STORM DRAIN:**

Location is at 107<sup>th</sup> not 170<sup>th</sup>.

**FIRE:**

N/A

**UTILITIES:**

N/A

Staff can recommend **APPROVAL** of the plat waiver requested because of the existing platted property and the lack of concerns through the TAC members.

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

	Yes	NO
1. Has property previously been platted?	X	
2. Are there restrictive covenants contained in a previously filed plat?	X	
3. Is property adequately described by surrounding platted properties or street right-of-way?	X	

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

	YES	NO
4. Is right-of-way dedication required to comply with Major Street and Highway Plan?		X
5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived?		X
6. Infrastructure requirements:		
a) Water		
i. Is a main line water extension required?		X
ii. Is an internal system or fire line required?		X
iii. Are additional easements required?		X
b) Sanitary Sewer		
i. Is a main line extension required?		X
ii. Is an internal system required?		X
iii. Are additional easements required?		X
c) Storm Sewer		
i. Is a P.F.P.I. required?		X
ii. Is an Overland Drainage Easement required?		X
iii. Is on site detention required?		X
iv. Are additional easements required?		X
7. Floodplain		
a) Does the property contain a City of Tulsa (Regulatory) Floodplain?	X	

- b) Does the property contain a F.E.M.A. (Federal) Floodplain? X
- 8. Change of Access
  - a) Are revisions to existing access locations necessary? X
- 9. Is the property in a P.U.D.? X
  - a) If yes, was plat recorded for the original P.U.D.
- 10. Is this a major amendment to a P.U.D.? X
  - a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.?
- 11. Are mutual access easements needed to assure adequate access to the site? X
- 12. Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations? X

**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 **WESTERVELT**, TMAPC voted 7-0-1 (Carnes, Coutant, Harmon, Hill, Horner, Jackson, Westervelt "aye"; no "nays"; Ledford "abstaining"; Bayles, Midget, Miller "absent") to recommend **APPROVAL** of the plat waiver for Z-6164 per staff recommendation.

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**VACATION OF PLAT:**

**Vacation of Plat of Pinevale First Subdivision for Ameristar (PD 16) (CD 6)  
E-Coat Plant Plat -(0430)**

9903 East Pine Street

**STAFF RECOMMENDATION:**

Mrs. Fernandez stated that the applicant would like to vacate the existing underlying plat and staff recommends **APPROVAL**.

**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 **HORNER**, TMAPC voted 8-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Midget, Miller "absent") to recommend **APPROVAL** of the vacation of plat of Pinevale First Subdivision per staff recommendation.

\* \* \* \* \*

**CONTINUED ZONING PUBLIC HEARING:**

**Ms. Coutant stated that she would be abstaining from the following item.**

**Application No.:** PUD-230-6

**MINOR AMENDMENT**

**Applicant:** Don Rowland

(PD-17) (CD-5)

**Location:** North of 41<sup>st</sup> Street South, east side of 103<sup>rd</sup> East Avenue

**STAFF RECOMMENDATION:**

The applicant is requesting significantly more signage than is allowed under the original PUD-230. He offers two alternatives, one of which is to increase the maximum permitted display surface area of signs to 135 square feet and includes a wall sign on the west side of the building and a ground sign visible from the expressway. The second alternative would increase the permitted display surface area of signs to 150 square feet to accommodate two wall signs. According to the applicant's conceptual drawings, the proposed ground sign is to be 20 feet in height and have a 66 square-foot surface display area.

The sign standard approved in the original PUD for this development area is as follows:

- Item 3.h. "That one (1) ground identification sign be permitted not to exceed four (4) feet in height or 32 square feet of display surface area."

Based on the adopted signage requirements of PUD-230, staff cannot support the requested minor amendment and therefore recommends **DENIAL** of PUD-230-6.

**TMAPC COMMENTS:**

Mr. Westervelt asked staff if the height changed from the original height requested by the applicant initially. In response, Ms. Matthews stated that height was not discussed.

**Applicant's Comments:**

**Kevin Coutant**, 320 South Boston, Suite 500, Tulsa, Oklahoma 74103, submitted maps, pictures, etc. (Exhibit A-1), cited the history of the subject property and the described the surrounding properties.

Mr. Coutant stated that the subject property is the last undeveloped property in the subject PUD. The building that generates the need for the sign does not represent the full development of the parcel. After discussing the original application with staff, it was determined that the first proposal was not the right approach. There will be further development in Tract B-1 and they will have a need for signage as well. As a result of those discussions, he has scaled back his request from 150 SF to 60 SF. He requested that 60 SF be permitted as a ground sign, which would be 20 feet tall. This is smaller in scale than the signage permitted to the north of the subject property. The signage restrictions that were imposed as part of the PUD have proven to be too restrictive for what is appropriate on the site. The TMAPC has repeatedly permitted signage that is in compliance, generally, with the standards of an OL underlying zoning.

**INTERESTED PARTIES:**

**Shannon Beeler**, 3947 South 103<sup>rd</sup> East Avenue, Tulsa, Oklahoma 74145, representing Junior Achievement (JA), stated that she is opposed to the signage. She explained that JA went through the same process and were limited to four feet of signage. If a 20-foot sign is erected, then JA would be coming back before the Planning Commission and asking for additional signage. Currently, the subject property is being sold as four separate pieces of property and she is unsure what that would mean for additional buildings and signage requests. She expressed concerns that the subject property would become cluttered with signs. If this is granted, she would request that JA be given the same favor when they come back with a request for more signage.

**TMAPC COMMENTS:**

Mr. Alberty stated that based on the information submitted by the applicant, the calculation would be based on the frontage. The applicant stated that the PUD was originally approved with a restriction of signage limited to four feet in height and 32 square feet of display surface area. The original intent was to have monument identification signs. The applicant has pointed out that the restrictions have been modified in the past and that was based upon an OL sign computation. The Planning Commission has to decide today if they would like to keep the restriction that was originally approved or be willing to modify it as it has been done in the past.

Mr. Alberty explained that staff is concerned that the subject property may be divided into a number of other tracts and once this is approved, it opens the door for each individual office asking for the same type of signage.

Mr. Westervelt stated that it appears that the restrictions have been waived or modified on adjacent tracts.

**Applicant's Rebuttal:**

Mr. Coutant directed the Planning Commission to the photographs in Exhibit A-1 and pointed out modified signage that has already been approved by the Planning Commission in the past.

**TMAPC Action; 8 members present:**

On **MOTION** of **WESTERVELT**, TMAPC voted 7-0-1 (Carnes, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; Coutant "abstaining"; Bayles, Midget, Miller "absent") to **APPROVE** the minor amendment for PUD-230-6 for signage 20 feet in height and 60 square feet in display surface area for a ground sign.

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**Mr. Westervelt out at 2:19 p.m.**

**ZONING PUBLIC HEARING**

**Application No.:** Z-6951

**AG TO RS-1**

**Applicant:** Charles Norman

(PD-26) (CD-8)

**Location:** East side of South Louisville at East 109<sup>th</sup> Street South

**STAFF RECOMMENDATION:**

**Z-6894/PUD-681 June 2003:** Approval was granted to rezone a 15-acre tract located on the east side of Riverside Parkway and north of East 115<sup>th</sup> Street South from AG to RS-1/PUD for residential development for 15 single-family homes.

**PUD-675 February 2003:** Approval was granted for a request for a Planned Unit Development for a single-family development on property located north of the northwest corner of East 111<sup>th</sup> Street and South Yale Avenue.

**Z-6867/PUD-667 October 2002:** All concurred in approval, subject to conditions, of a request to rezone a 46-acre tract located on the east side of South Delaware and south of East 111<sup>th</sup> Street South from AG to RS-1 and PUD for residential development.

**Z-6829/PUD-655 September 2001:** A request to rezone the 46-acre tract located west of the subject tract from AG to RS-1 and RS-3. Staff and TMAPC

recommended approval of the proposed RS-1 and RS-3 zoning for single-family development with private gated entry and private streets. City Council concurred in RS-1 and RS-3 zoning as submitted with the PUD-655. The applicant withdrew the application and no ordinance was published.

**Z-6780 August 2000:** All concurred in approval of a request to rezone a four-acre tract located on the southwest corner of East 111<sup>th</sup> Street and South Yale Avenue from AG to OL and RS-1. OL zoning was granted on the east 210 feet of the tract with the balance being rezoned RS-1.

**BOA-17914 January 1998:** The Board of Adjustment denied a request for a 120' cellular tower on property located on the southwest corner of East 111<sup>th</sup> Street South and South Yale Avenue. Upon an appeal filed by the applicant to District Court, the BOA's decision was reversed.

**Z-6595 - July 1997:** All concurred in approval of a request to rezone the five-acre tract located west of the southwest corner of East 111<sup>th</sup> Street and South Yale Avenue, from AG to RS-2 for residential development.

**Z-6369 - October 1992:** A request to rezone a 30-acre tract located south of the southwest corner of East 111<sup>th</sup> Street South and South Yale Avenue from AG to RS-2. Staff and TMAPC recommended denial of RS-2 and approval of RS-1. City Council concurred in approval of RS-1.

**Z-6087 - December 1985:** A request to rezone the four-acre tract located on the southwest corner of East 111<sup>th</sup> Street South and South Yale Avenue from AG to CS was denied.

**Z-6055/PUD-399 - July 1985:** All concurred in approval of a request to rezone a twenty-acre tract located one-quarter mile south of the subject tract and fronting on South Yale from AG to RS-1/PUD.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is gently sloping, partially-wooded, vacant, and is zoned AG.

**STREETS:**

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
South Louisville Avenue	Residential collector	60'	2 lanes

**UTILITIES:** The subject tract has municipal water and sewer.

**SURROUNDING AREA:**

The property is abutted on the north, west and southeast by single-family homes zoned RS-1; to the east by a single-family development, zoned RS-2; and to the south by single-family dwellings, zoned AG.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 26 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Low Intensity-Residential. The extreme northwest corner and approximately 100' of the east side of the subject tract is located within a Special District-Steep Slopes/Erodible Soils area. According to the Zoning Matrix, the requested RS-1 **may be found** in accord with the District Plan for the area within the Special District and **is** in accord with the Plan for the area outside the Special District. Plan policies encourage use of the PUD for developments in this area.

**STAFF RECOMMENDATION:**

Based on the Comprehensive Plan and surrounding land uses, staff can support the requested RS-1 zoning, provided that the TMAPC recommends approval of the accompanying PUD or some version of it. Therefore, staff recommends **APPROVAL** of RS-1 zoning for Z-6951, provided that the TMAPC also recommends approval of PUD 706 or some variation thereof.

**RELATED ITEM:**

**Application No.:** PUD-706

**AG to RS-1/PUD**

**Applicant:** Charles Norman

(PD-26) (CD-8)

**Location:** East side of South Louisville at East 109<sup>th</sup> Street South

**STAFF RECOMMENDATION:**

This proposal involves development of a former single-family residential large-lot (18.5 acres) property by dividing it into 15 single-family residential lots, in addition to the existing single-family lot, which will remain. The entire property is surrounded by a large wall located ten feet inside the property boundaries, which will also remain. Access to the PUD is to be by two 16' wide entry and exit lanes protected by a security gatehouse off of South Louisville Avenue. Access to the existing single-family residence is to be by private driveway easement currently existing off Louisville. Although the planned access to both existing and planned developments here will result in an overly long cul-de-sac, the proposed very low density of development should mitigate any possible negative effects.

The proposed RS-1 underlying zoning is in accord with the District 26 Plan for the area outside of the Special District and may be found in accord with the Plan for the area within the Special District. The subject property is surrounded on the north, west and southeast by single-family residences, zoned RS-1; on the east

by a single-family development, zoned RS-2; and on the south by single-family residences, zoned AG.

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-706/Z-6951 to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected 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 706/Z-6951 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:

NET LAND AREA: 18.53 acres 807,167 SF

PERMITTED USES:

Those uses included as a matter of right in Use Unit 6, Single-Family Dwellings, including a landscaped entrance and security gatehouse and customary accessory uses. Detached accessory buildings, such as a garage and servants' quarters, including a bath and/or kitchen, are permitted. Any detached accessory servant's quarters may be occupied only by members of the owner's family, related by blood or adoption, or servants. No more than one accessory servant's quarters shall be permitted on each single-family lot.

MINIMUM LOT WIDTH: 120 FT

MAXIMUM NUMBER OF LOTS: 16

MINIMUM LOT SIZE: 35,000 SF

MAXIMUM BUILDING HEIGHT: 45 FT

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 YARDS:

Front:

From the centerline of the private street 65 FT

From the radius point of the cul-de-sac adjacent to Lots 7 and 8	80 FT
Side:	7.5 FT
Side Street: From the centerline of South Louisville Avenue	65 FT
Rear:	25 FT

PRIVATE STREET:

Minimum width:	26 FT
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All base and paving materials shall be of a quality and thickness that meet the City of Tulsa standards for minor residential public streets.

The covenants are to include provisions for the existing residents' access to the easement on this private street.

SIGNS:

One entry identification sign shall be permitted with a maximum display surface area of 32 square feet.

3. Landscaping and screening shall be in substantial compliance with the PUD-706 Landscape and Screening Concept Plan and the PUD text. The 26' wide easement along South Louisville and the 10' thick wall are to be included as a Reserve Area or landscape and screening easement in the covenants for maintenance by a homeowners association.
4. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City 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.
5. All private roadways shall have a minimum right-of-way of 30' and 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 which meets the City of Tulsa standards for a minor residential public street. The maximum vertical grade of private streets shall be ten percent.

6. The City shall inspect all private streets and certify that they meet City standards prior to any building permits being issued on lots accessed by those streets. The developer shall pay all inspection fees required by the City.
7. 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.
8. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
9. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during the subdivision platting process.

**TAC Comments for August 18, 2004:**

**Water:** Water main extension required.

**Wastewater:** If septic systems are to be used, then an internal sanitary collector system must be constructed, under an SSID, that will connect to the City's mainline extension when it becomes available. Check with Engineering Wastewater Design for the proper location of the proposed main.

**Traffic:** Private access to the out-parcel must be provided for through the PUD restrictions. Provide for 30' of right-of-way along the east side of Louisville. Suggest that the wall and the excess frontage outside the wall along Louisville be placed in a reserve.

**Applicant's Comments:**

**Charles Norman**, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, stated that the subject property was purchased through a bankruptcy auction and under the laws of Oklahoma, the property owner is allowed to select a maximum of one acre as the homestead. The configuration of the tracts is due to the location of the homestead and it is unusual, but he anticipates that sometime in the future the owner of the single-family residence would want to acquire the two proposed panhandles as part of their property.

Mr. Norman indicated that the development would meet all of the requirements and almost doubles the size requirement for the RS-1 zoning. The reason for the PUD is to have a private street, which would be fully enclosed by a ten-foot high masonry wall that was approved several years ago by the Board of Adjustment. The wall sets back about 30 feet from the required right-of-way of South Louisville Avenue and it will be a reserve area. Stormwater detention will be provided as required by Public Works. Mr. Norman requested the Planning Commission approve this application with the recommendations of the staff and including the requirement that the plat provide full access for the defined piece of property over the private street, which has a recorded easement.

**INTERESTED PARTIES:**

**Sandy Harrell**, 10945 South Louisville Avenue, Tulsa, Oklahoma 74137, stated that there is a natural drainageway that travels through the wall. She would like to make sure that nothing is built on Lot 14 and that the dirt is not moved around that it changes the drainage.

**Applicant's Rebuttal:**

Mr. Norman stated that the preliminary plat that has been submitted calls for the drainage to be taken across the subject property into a closed pipe into the detention facility. The street and the area in front of the subject property will be a reserve on the plat, with landscaping and screening imposed on the plat, maintenance of the wall and the ten or twelve feet outside of the wall to be financed by the homeowners association.

Ms. Hill re-recognized Ms. Harrell.

Ms. Harrell stated that she is concerned about the drainage that would be across Lot 14.

Mr. Norman stated that his client will be required under Public Works to pick up any stormwater that comes from the south.

**TMAPC Action; 8 members present:**

On **MOTION** of **WESTERVELT**, TMAPC voted 8-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Midget, Miller "absent") to recommend **APPROVAL** of RS-1 zoning for Z-6951 per staff recommendation and recommend **APPROVAL** of PUD-706, subject to the conditions per staff recommendation.

**Legal Description for Z-6951/PUD-706:**

A TRACT OF LAND THAT IS THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (N/2, SE/4, SW/4) OF SECTION 28, T-18-N, R-13-E OF THE INDIAN BASE AND MERIDIAN, CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, **LESS AND EXCEPT A ONE (1)**

ACRE TRACT OF LAND IN THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (N/2, SE/4, SW/4) OF SECTION 28, T-18-N, R-13-E OF THE INDIAN BASE AND MERIDIAN, CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, SAID ONE (1) ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT THE NORTHWEST CORNER OF SAID N/2 SE/4 SW/4, THENCE S 00°11'37" W ALONG THE WESTERLY LINE THEREOF FOR A DISTANCE OF 310.23'; THENCE S 89°53'25" E FOR A DISTANCE OF 1027.60' TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND; THENCE N 00°06'35" E FOR A DISTANCE OF 224.54'; THENCE S 89°53'25" E FOR A DISTANCE OF 194.00'; THENCE S 00°06'35" W FOR A DISTANCE OF 224.54'; THENCE N 89°53'25" W FOR A DISTANCE OF 194.00' TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND, and located on the east side of South Louisville Avenue on the north and south side of East 109<sup>th</sup> Street South, Tulsa, Oklahoma, **From AG (Agriculture District) To RS-1/PUD-706 (Residential Single-family Low Density District/Planned Unit Development).**

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**Mr. Westervelt out at 2:19 p.m.**

**Application No.:** Z-6952

**AG to OL**

**Applicant:** Eric G. Sack

(PD-17) (CD-6)

**Location:** East of northeast corner of East 51<sup>st</sup> Street and South 129<sup>th</sup> East Avenue

**STAFF RECOMMENDATION:**

**PUD-669 September 2002:** An application for a Planned Unit Development proposed for a 180 multifamily development on an 11.9-acre tract located west of the northwest corner of East 51<sup>st</sup> Street and South 145<sup>th</sup> East Avenue and east of the subject property. All concurred in approval of the request subject to conditions.

**Z-6781/PUD-635 September 2000:** All concurred in approval of OL zoning as recommended by staff and approval of a PUD on a 160-acre tract located north and east of the northeast corner of East 51<sup>st</sup> Street and South 129<sup>th</sup> East Avenue from AG to OL/PUD for the development of the QuikTrip Corporate Campus.

**PUD-221-F May 1999:** All concurred in approval of a major amendment, subject to modification of development standards. The 38-acre tract is located east of

the southeast corner of East 41<sup>st</sup> Street and South 129<sup>th</sup> East Avenue. The amendment included approval for office use, church use and a private school.

**PUD-221-E August 1996:** All concurred in approval of a major amendment to allow a monopole tower for a cellular telephone service on a .22-acre tract located east of the southeast corner of East 41<sup>st</sup> Street and South 129<sup>th</sup> East Avenue.

**PUD-221-B, C, & D May 1990:** Major amendments to PUD-221 were approved to increase the density and types of residential uses previously allowed by the PUD standards. Office and commercial uses and a children's day care were also approved under requests for major amendments of the PUD.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 28.9 acres in size. It is located east of the northeast corner of East 51<sup>st</sup> Street South and South 129<sup>th</sup> East Avenue. The property is gently sloping, non-wooded, vacant and zoned AG.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design.</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
East 51 <sup>st</sup> Street	Secondary arterial	100''	2 lanes

**UTILITIES:** Municipal water and sewer appear to be available.

**SURROUNDING AREA:**

The subject property is abutted on the north by the QuikTrip Corporate Offices campus, zoned OL/PUD-635; to the east by vacant land, zoned RS-3; to the west by the Tulsa City/County Health Department, zoned SR; to the southwest by the Metropolitan Life Insurance Office complex, zoned OM and OL and to the south by a single-family dwelling, zoned AG.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 17 Plan, a part of the Comprehensive Plan for the City of Tulsa, designates the subject property as Low Intensity-No Specific land use north of the East 51<sup>st</sup> Street frontage, Low Intensity-Linear Development Area along the East 51<sup>st</sup> Street frontage and a small portion of Development Sensitive in conjunction with the floodplain.

According to the Zoning Matrix the requested OL **may be found** in accord with all of the Plan designations.

**STAFF RECOMMENDATION:**

This area appears to be developing in office park-type facilities. Based on surrounding uses, zoning trends and the Comprehensive Plan, staff can support the requested OL zoning and recommends **APPROVAL** of OL zoning for Z-6952.

Applicant was not present.

There were no interested parties wishing to speak.

**TMAPC Action; 7 members present:**

On **MOTION** of **HORNER**, TMAPC voted 7-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford "aye"; no "nays"; none "abstaining"; Bayles, Midget, Miller, Westervelt "absent") to recommend **APPROVAL** of the OL zoning for Z-6952 per staff recommendation.

**Legal Description for Z-6952:**

A TRACT OF LAND THAT IS PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (SE/4 SW/4) OF SECTION 28, T-19-N, R-14-E, OF THE INDIAN BASE AND MERIDIAN, CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: "BEGINNING AT A POINT" THAT IS THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (SE/4 SW/4) OF SECTION 28; THENCE N 00°00'59" E ALONG THE EASTERLY LINE OF SAID SE/4 SW/4 FOR 1321.04' TO THE NORTHEAST CORNER OF SAID SE/4 SW/4, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF LOT 1 IN BLOCK 1 OF "QUIKTRIP CORPORATE CAMPUS", AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF; THENCE N 89°59'12" W ALONG THE NORTHERLY LINE OF SAID SE/4 SW/4 AND ALONG THE SOUTHERLY LINE OF SAID LOT 1 FOR 940.94' TO THE NORTHEAST CORNER OF LOT 1 IN BLOCK 1 OF "DOWELL RESEARCH CENTER", AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF; THENCE S 00°02'29" W ALONG THE EASTERLY LINE OF SAID LOT 1 OF "DOWELL RESEARCH CENTER" AND SOUTHERLY EXTENSION THEREOF FOR 1320.95' TO A POINT ON THE SOUTHERLY LINE OF SECTION 28; THENCE S 89°58'53" E ALONG SAID SOUTHERLY LINE FOR 941.52' TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND, and located east of the northeast corner of East 51<sup>st</sup> Street South and South 129<sup>th</sup> East Avenue, Tulsa, Oklahoma, **From AG (Agriculture District) To OL (Office Low Intensity District).**

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**Application No.: CZ-346**

**AG to RS**

**Applicant:** Dave Embry

(PD-19) (County)

**Location:** West of southwest corner of East 131<sup>st</sup> Street and South 193<sup>rd</sup> East Avenue

**STAFF RECOMMENDATION:**

**CZ-313 October 2002:** Approval was granted for a request to rezone the 2.5-acre tract located on the northwest corner of East 131<sup>st</sup> Street South and South 193<sup>rd</sup> East Avenue to CS for residential/office use.

**CBOA-1619 January 1999:** The County Board of Adjustment approved a special exception to allow the change of a nonconforming use on the subject property and located in an AG-zoned district, to allow a dwelling and a chiropractic office. The property is located on the northwest corner of East 131<sup>st</sup> Street and South 193<sup>rd</sup> East Avenue.

**CBOA-1491 April 1997:** The County Board of Adjustment approved a special exception to permit a 100' monopole antenna in an AG-zoned district. The property is located on the northwest corner of East 131<sup>st</sup> Street South and South 185<sup>th</sup> East Avenue directly west of the subject property.

**CBOA-1273 July 1994:** The County Board of Adjustment approved a variance to allow two dwellings per lot of record on the property located on the northwest corner of East 131<sup>st</sup> Street South and South 185<sup>th</sup> East Avenue.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property contains approximately eight acres. It is located west of the northwest corner of East 131<sup>st</sup> Street South and South 193<sup>rd</sup> East Avenue. The property is gently sloping, partially wooded, vacant and zoned AG.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design.</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
East 131 <sup>st</sup> Street South	Secondary arterial	100'	2 lanes

**UTILITIES:** The Broken Arrow City Council approved use of the City of Broken Arrow Water Supply for the proposed development. Sewer is available to the west of this tract.

**SURROUNDING AREA:**

The subject property is abutted on the north and east by vacant property, zoned AG, and farther east, at the northwest corner of East 131<sup>st</sup> Street South and South 193<sup>rd</sup> East Avenue is office/residential use, zoned CS; to the west by agricultural uses and single-family dwellings, zoned AG; and to the south by vacant land within the Broken Arrow fenceline and zoned AG.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The Broken Arrow Comprehensive Plan designates this area Urban Residential. The requested RS zoning would be **in accord** with the Plan.

**STAFF RECOMMENDATION:**

Based on the Comprehensive Plan for the City of Broken Arrow, the recommendations from the Broken Arrow Planning Commission and the Broken Arrow City Council, staff can support the requested rezoning and therefore recommends **APPROVAL** of RS zoning for CZ-346.

**The applicant indicated his agreement with staff's recommendation.**

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

**TMAPC Action; 7 members present:**

On **MOTION** of **HARMON**, TMAPC voted 7-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford "aye"; no "nays"; none "abstaining"; Bayles, Midget, Miller, Westervelt "absent") to recommend **APPROVAL** of the RS zoning for CZ-346 per staff recommendation.

**Legal Description for CZ-346:**

A tract of land located in the Southeast Quarter of Section 1, T-17-N, R-14-E of the IBM, Tulsa County, Oklahoma, according to the U. S. Government survey thereof, more particularly described as: beginning at a point on the South line of the SE/4 of Section 1, 368.97' East of the Southwest corner of the SE/4 of said Section 1; thence East along the South line of the SE/4 a distance of 500.00'; thence North and parallel with the West line of said SE/4 a distance of 526.35'; thence West and parallel with the South line of said SE/4 a distance of 868.97' to the West line of said SE/4; thence South along the West line of said SE/4 a distance of 231.18'; thence East and parallel with the South line of said SE/4 a distance of 368.97'; thence South and parallel with the West line of said SE/4 a distance of 295.17' to the Point of Beginning, and located west of the northwest corner of East 131<sup>st</sup> Street South and South 193<sup>rd</sup> East Avenue, Broken Arrow, Oklahoma. **From AG (Agriculture District) To RS (Residential Single-Family District).**

\*\*\*\*\*

Mr. Westervelt in at 1:20 p.m.

Embry Lane – (7401)

(PD 19) (County)

North of 131<sup>st</sup> Street South and West of 193<sup>rd</sup> East Avenue

**STAFF RECOMMENDATION:**

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

The following issues were discussed August 5, 2004 at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned AG with RS zoning requested in the County under CZ-346. Staff questioned the applicant as to whether or not there would be sidewalks, water wells (per covenants), common areas (per covenants but not shown on the plat) or gates. The consulting engineer said there might be a common area near the entrance to the subdivision but no gates. Possible islands would be used at the entrance. There were no sidewalks proposed. The homeowners' association needs to take responsibility for maintenance of these items.
2. **Streets:** Right-of-way dedication for one-half width not required unless County desires to have it. If 185<sup>th</sup> Street does not exist, then there will be no access to Lot 6. The proper curve radius needs to be shown. This is a County road with no right-of-way and a 40-foot right-of-way is okay.
3. **Sewer:** Out of Tulsa service area.
4. **Water:** No comment.
5. **Storm Drainage:** Article VI: In 6.1 please remove the word "General" from the title. Add standard language for "Surface Drainage" and for "Owner Responsibility to Water Mains, Sanitary Sewers, and Storm Sewer Services." It appears that nearly all drainage from this subdivision will flow onto 187<sup>th</sup> East Avenue and from there into its intersection with 131<sup>st</sup> Street South, a major arterial street. Water should be collected in curb inlets or a trench inlet across 187<sup>th</sup> East Avenue and then be piped into the 131<sup>st</sup> Street bar ditch.
6. **Utilities: ONG:** A 17.5-foot utility easement is needed. **PSO:** In Section 6.4 in the covenants the right to allow overhead lines needs to be granted. **Valor:** Okay.

7. **Other: Fire:** No comment. Full size prints should be submitted. The City of Broken Arrow had sent a letter per a rezoning referral that they would serve water to the site.

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

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

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

**Standard Conditions:**

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

9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefor 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 therefor 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.
23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.
24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

**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 **CARNES**, TMAPC voted 8-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Midget, Miller "absent") to **APPROVE** the preliminary plat for Embry Lane, subject to special conditions and standard conditions per staff recommendation.

\*\*\*\*\*

**Application No.: CZ-347**

**AG to RE**

**Applicant:** Brian Kellogg

(PD-15) (County)

**Location:** Southwest corner of East 86<sup>th</sup> Street North and east of North Sheridan Road

**STAFF RECOMMENDATION:**

There has been no recent zoning activity in this area.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property contains approximately 160 acres. It is located on the southeast corner of East 86<sup>th</sup> Street North and North Sheridan Road. The property is gently sloping, partially wooded, vacant and zoned AG.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
East 86 <sup>th</sup> Street North	Primary arterial	120'	2 lanes
North Sheridan Road	Secondary arterial	100'	2 lanes

**UTILITIES:** Water is from Rural Water District 3. Sewer could be available from the City of Owasso at the developer's expense in extending the main lines. Otherwise, sewer would have to be by septic or alternative system.

**SURROUNDING AREA:**

The subject property is abutted on the north by vacant property, zoned AG; to the east single-family dwellings, zoned RE, and vacant property, zoned AG; to the south by single-family dwellings and vacant land zoned RE and AG.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The North Tulsa County Plan designates this area as having a ten-acre commercial-office node (Type II) at the intersection of East 86<sup>th</sup> Street North and North Sheridan, with the remainder of the section as residential and development sensitive, in conjunction with the floodplains. The requested RE zoning is in accord with the Comprehensive Plan.

**STAFF RECOMMENDATION:**

Staff can support the requested RE zoning and therefore recommends **APPROVAL** of RE zoning for CZ-347. It should be noted that this case has been referred to the City of Owasso, and at the time of this writing, the City has indicated it will make no recommendation.

**The applicant indicated his agreement with staff's recommendation.**

**INTERESTED PARTIES OPPOSING CZ-347:**

**Wes Robbins**, 7952 North 71<sup>st</sup> East Avenue, Owasso, Oklahoma 74055 (Submitted photographs, maps and petition Exhibit B-1); **Steve Montee**, 6705 East 80<sup>th</sup> Street North, Owasso, Oklahoma 74055; **John Palovik**, 7302 East 86<sup>th</sup> Street North, Owasso, Oklahoma 74055; **Mike Maxwell**, 6622 East 80<sup>th</sup> Street North, Owasso, Oklahoma 74055.

**COMMENTS OF INTERESTED PARTIES OPPOSING CZ-347:**

Interested parties expressed the following concerns: septic tanks and aerobic systems being used in the proposed subdivision would be detrimental to the surrounding properties; the existing roads are unable to accommodate the increased traffic that the proposal would generate; there are no police, fire or ambulance services for the subject area; there are drainage issues; the developer is from out-of-state and doesn't care about the community, but only is

concerned with making money; there has been no urban transition to suggest that the proposed subdivision is best at this time; the surrounding properties are on a minimum of two acres or more and that would be more appropriate for the proposed subdivision; residents in the adjoining RE district were not aware that they were zoned RE; the natural wildlife would be impacted by the proposal; the proposal should not be allowed in the subject area until infrastructure is in place; rezoning the subject property would change the character of the subject area; concerns regarding water pressure and not being able to support fire hydrants; concerns that the streets in the proposed subdivision would have substandard streets; prefer that the subdivision be in a PUD to address all the issues; there is a potential for a lot of sewer to pumped out onto the ground with this type of concentration of homes.

**TMAPC COMMENTS:**

Mr. Westervelt asked staff if the interested parties' "Exhibit E" was accurate regarding the grid and the size of lots that would be allowed in an RE zoning. In response, Mr. Alberty stated that the grid is obviously for illustration purposes. The grid does not indicate the streets and gives no indication of the size of the lots, so there is no way to determine if it is accurate. Mr. Alberty further stated that the minimum lot size in an RE district is basically .5-acre and up is usually what is expected in RE district. There is no key on the grid and it is difficult to determine if the grid represents .5-acre lots. Mr. Alberty explained that 25% of the property would have to be taken for streets, access, open space and drainage, which is not presented on the grid in Exhibit E.

Mr. Westervelt asked Mr. Maxwell if the proposal were approved for lots the same size as the other RE lots, would he be in favor of this application. In response, Mr. Maxwell stated that he would feel more comfortable with 2.5-acre lots; however, he is still worried about the septic systems. Mr. Maxwell explained that there are currently problems with the septic systems of the existing homes. There is limestone and sandstone in the area and it creates drainage problems.

**Applicant's Rebuttal:**

**Brian Kellogg**, Kellogg Engineering, 6755 South 4060 Road, Talala, Oklahoma 74080, stated that usually with zoning cases there are concerns expressed about roads, water, sewers and drainage. It is his understanding that during a zoning hearing this is not supposed to be discussed and it is not what is before the Planning Commission to discuss. He commented that he believes that the Planning Commission has been misled by the interested parties.

Mr. Kellogg stated that there is no big conspiracy, he made the application and therefore signed the application. He stated that the developer has many partners and most of the partners live in Oklahoma close by the subject area.

Mr. Kellogg stated that the subject property is located inside the City of Owasso's fence line and he did make an application for annexing, but decided to pull the

request. He commented that he believed that the subject application was well suited for the subject area. He suggested that if had annexed to Owasso the proposal would have been for RS-3, which is more intense. In the past if someone submitted an application for RS, then the protestants would request it be allowed RE instead of RS. He stated that he has had enough experience with the Planning Commission and the surrounding communities to know that RS would not be approved. Usually the concern of the staff and the Planning Commission is whether sewer is available. He further stated that he would not like to discuss the aerobic systems today because that is not what he is here for. The aerobic system is a State-approved system, which is allowed on .5-acre tracts. He commented that he is not stating that every lot in the proposal would be .5-acre tracts. He suggested that there may be one-acre, 1.5-acre or ¾-quarter acre tracts.

Mr. Kellogg described the subject property and its terrain. The RE zoning is the best possible answer for the subject property. It would be a county subdivision with wide frontages. The intent was to stay with what has been approved in the past within mile sections of the subject area.

Mr. Kellogg indicated that he has not committed to the City of Owasso, but there is an offer on the table to provide sewer to the subject area. He commented that he doesn't know if he will exercise this offer.

Mr. Kellogg stated that there is water and fire protection available for the subject area. He explained that he has received approval from Rural Water District 3, for 250 homes and meeting their requirement as far as fire protection. The proposal is not intended to be developed at one time and there is not attempt to weave and bob through the process. He indicated that his intent is to develop the proposal in phases.

**TMAPC COMMENTS:**

Mr. Harmon asked Mr. Kellogg if he considered developing the subject property into two-acre tracts and leaving the property zoned AG. In response, Mr. Kellogg stated that the developers have not considered that type of development. Mr. Kellogg explained that with the costs of development, a two-acre tract would be out of the upper end of what he would be able to develop.

Mr. Harmon asked Mr. Kellogg if he would consider a limitation of one-acre tracts. In response, Mr. Kellogg stated that he believes that there will be some one-acre tracts. In response, Mr. Harmon stated that he was talking about a minimum of one-acre tracts. In response, Mr. Kellogg stated that he didn't believe the developers would be willing to commit to one-acre tracts. He explained that with this zoning, there will be a significant number of one-acre tracts due to the topography, and with the layout of the proposal, there will be a wide variety of lot sizes that are allowed in the RE district.

Ms. Coutant asked Mr. Kellogg if he considered filing a PUD, which would show the one-acre tracts and what the developer intends to do. In response, Mr. Kellogg stated that a PUD was the farthest thing from his mind. Mr. Kellogg further stated that he knew there was a lot of RE zoning in the subject area. He explained that he developed an RE subdivision 1.5 miles away and it is totally aerobic. The preliminary plat would show how the subdivision will be developed and where the roads are located, the different phases of development.

Mr. Carnes stated that he believes that 160 acres zoned RE would be spot zoning considering the surrounding area. He indicated that he could not support the RE zoning.

Ms. Coutant stated that she believes that 160 acres of RE zoning is a lot of land and blanket zoning would be considered over development without any protection.

Mr. Jackson asked staff to explain the differences between AG, AG-R and RE districts for the audience. In response, Mr. Alberty stated that in the AG district the land area is 2.2 acres per unit, AG-R is 1.1 acre and the RE would be .5 acre.

Mr. Harmon stated that RE zoning is usually considered prestigious zoning and something that people look forward to. Perhaps it is too intense for the subject property and possibly AG-R would be more appropriate. The AG district could allow it to be developed in much less desirable ways.

Mr. Westervelt stated that he trusts Mr. Carnes' knowledge regarding the County environment, since that is who appointed him to this Board. This is a tough application because he is struggling with the protection of RE zoning with smaller lot sizes, but nevertheless the uses allowed in the AG and AG-R districts. Sometimes one has to be careful of what is asked for because there could be some type of mobile home development on these tracts. He expressed that he would prefer a PUD for the subject development in order to control lot sizes.

Mr. Ledford stated that one of the options is to leave it as AG zoning, unless there is something different in a plan that would give us more insight as to why this should be approved for smaller lots.

Mr. Jackson stated that the interested parties expressed that they didn't know that they were zoned RE when they purchased the land. In response, Mr. Alberty stated that County zoning was implemented September 15, 1980 and the entire unincorporated area of the County was surveyed by planners on staff and for anything that indicated it was a development, it was given what was considered an appropriate zoning. Anything that seemed to be moving toward urbanization was given an appropriate category. As far as notice, there was a lot of notice, which included full-page maps that were published. There was adequate notice given for the blanket zoning at that time.

Mr. Westervelt asked staff if they discussed a PUD development with the applicant in order to control the lot sizes and make it more pleasing to the surrounding neighbors. In response, Mr. Alberty stated that he didn't personally have conversation with the applicant. To his knowledge there was no discussion of a PUD development. Typically in these situations, where zoning is considered appropriate with the Comprehensive Plan, then the staff does not initiate that type of conversation.

Mr. Jackson asked the applicant if he would consider a PUD. In response, Mr. Kellogg stated that he has seen the Planning Commission deny RS in favor of RE zoning many times in the subject area. He indicated that he chose RE zoning thinking that it would be consistent with what he has observed in the past. He commented that normally under zoning criteria, a site plan is not required. He stated that he wouldn't have a problem with bringing a site plan showing the location of one-acre tracts. He commented that there is nothing here to not show the Planning Commission. He further commented that he has gone by the book and adhered to the rules.

Mr. Jackson asked Mr. Kellogg if it would be that much of an encumbrance on his project if he did come in with a PUD. In response, Mr. Kellogg stated that he would have to consider that the subject application was denied, but he would have to look at RS-3 zoning with the City of Owasso as well. He believes that he is doing exactly what the Planning Commission would like and he has RE zoning on both sides of the subject property, with the City of Tulsa annexing property across the street.

Mr. Jackson explained that with straight zoning, a site plan doesn't give the neighbors any guarantees, and if he doesn't do what the site plan indicated the zoning is just what it is. The homeowners would like some assurances and the only way to do this is to go with a different zoning category or return with a PUD outlining the access points, lot sizes, green space area etc.

Mr. Kellogg stated that he would prefer that the Planning Commission send him with a recommendation of a PUD, rather than a denial.

Mr. Jackson stated that he couldn't give Mr. Kellogg a recommendation for a PUD unless he requested a continuance in order to submit a PUD. In response, Mr. Kellogg stated that he would be willing to submit a PUD if he hasn't convinced the Planning Commission that the RE zoning isn't a good thing.

Mr. Westervelt asked Mr. Kellogg if he would be willing to request a continuance in order to prepare a PUD that the Planning Commission and interested parties could view. In response, Mr. Kellogg answered affirmatively.

Mr. Kellogg stated that he could have the PUD ready by the next agenda.

Mr. Alberty explained that if the applicant is agreeable to submitting a PUD, then it would have to be advertised and the next meeting that could meet the advertising and noticing requirements would be October 6, 2004. Mr. Alberty further explained that this date would only work if the applicant submitted his PUD by August 26<sup>th</sup>.

Mr. Kellogg asked if he takes a PUD would he be allowed to petition the County Commission. In response, Mr. Jackson explained that the application would go before the County Commissioners for a final decision because the Planning Commission is only a recommending board.

Mr. Kellogg stated that it is very frustrating today because he thought by submitting RE, the Planning Commission would agree.

Mr. Westervelt asked Mr. Kellogg to make a decision regarding the continuance or a vote on the straight zoning.

Mr. Kellogg requested a continuance to the next hearing in order to make a decision whether to submit a PUD or have a vote on the RE zoning. He explained that he needed to discuss this with his clients.

**TMAPC Action; 8 members present:**

On **MOTION** of **WESTERVELT**, TMAPC voted 8-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Ledford, Jackson, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Midget, Miller "absent") to **CONTINUE** CZ-347 to August 25, 2004 at 1:30 p.m.

\* \* \* \* \*

**Mr. Ledford indicated that he would be abstaining from PUD-309-A and the plat waiver for PUD-309-A.**

**Application No.:** PUD-309-A

**MAJOR AMENDMENT**

**Applicant:** Charles Norman

(PD-18) (CD-7)

**Location:** East of southeast corner of East 66<sup>th</sup> Street South and South Memorial

**STAFF RECOMMENDATION:**

This application is to change uses from the original PUD-309, approved in 1983, for CS and OM zoning to accommodate office and retail uses in 10.28 net acres in two development areas. Permitted uses included those in Use Units 11, 12, 13, some 14 and those permitted in an OM district. Maximum floor area allowed

in Area A, the commercial area, was 100,000 square feet, with a one-story height limit of 28 feet. Maximum floor area in Area B, the office area, was 72,000 square feet, with a maximum of four stories and a 56-foot height limit.

The proposal for PUD-309-A is to redevelop this area and some additional property as a Wal-Mart Super Center. It will involve clearance of four buildings, two of which are vacant and two largely unleased. The 2.5-acre tract approved for 72,000 square feet of office use at the southwest corner of East 66<sup>th</sup> Street and South 85<sup>th</sup> East Avenue has remained undeveloped and will also be part of the PUD. The four buildings to be removed contain approximately 165,000 square feet, which, with the unused office area, is a total of 237,000 square feet. The current proposal 309-A would develop 203,000 square feet as a Super Center.

The proposed site for PUD-309-A is separated from the nearest neighborhood, Burning Tree, by an 80' right-of-way (four lanes) for East 66<sup>th</sup> Street and a 70'-wide stormwater drainage channel. A maximum of two access points from East 66<sup>th</sup> Street South are planned, and no access is proposed from South 85<sup>th</sup> East Avenue. A five-foot wide sidewalk is to be constructed along East 66<sup>th</sup> Street, South 85<sup>th</sup> East Avenue and East 68<sup>th</sup> Street frontages in the City-owned property.

The subject tract is surrounded by commercial and related uses on all sides except for the Burning Tree neighborhood to the north, from which it is well-buffered. This proposal would retain the existing underlying zoning of CS and OM. Staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds PUD-309-A 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.

Therefore, staff recommends **APPROVAL** of PUD-309-A 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:**

**Net:** 18.1 Acres 788,872 SF

**PERMITTED USES:**

Those uses permitted as a matter of right in Use Unit 10, Off-Street Parking Areas; Use Unit 11, Offices, Studios and Support Services; Use Unit 12, Eating Establishments other than Drive-Ins; Use Unit 13, Convenience Goods and Services; Use Unit 14, Shopping Goods and uses customarily accessory to permitted principal uses.

**MAXIMUM BUILDING FLOOR AREA:** 217,500 SF

**MAXIMUM HEIGHTS:**

Building - to top of parapet	32 FT
Building perimeter architectural features	40 FT

**MAXIMUM BUILDING SETBACKS**

From the centerline of East 66 <sup>th</sup> Street	
To the building wall	135 FT
To the pharmacy drive thru canopy	110 FT
From the centerline of South 85 <sup>th</sup> East Avenue	95 FT
From the centerline of East 68 <sup>th</sup> Street	130 FT
From the west boundary of the planned unit development	500 FT

**BULK AND TRASH CONTAINER SETBACKS:**

From the centerline of East 66 <sup>th</sup> Street	120 FT
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**MAXIMUM ACCESS POINTS ON EAST 66<sup>TH</sup> STREET:**

The maximum number of access points to East 66<sup>th</sup> Street shall be two.

**OFF-STREET PARKING:**

Off-street parking shall be provided on the property as required by the applicable use unit of the Tulsa Zoning Code.

#### **LANDSCAPE OPEN SPACE:**

A minimum of 10% of the net land area shall be improved as internal landscaped open space in accord with the Landscape Chapter of the Tulsa Zoning Code.

For purposes of calculating the landscaping required under Section 1002 of the Tulsa Zoning Code, the East 66<sup>th</sup> Street yard shall be considered as 75 feet from the south right-of-way line, the South 85<sup>th</sup> East Avenue street yard shall be considered as 50 feet from the west right-of-way line, and the East 68<sup>th</sup> street yard shall be considered as 50 feet from the north right-of-way line.

#### **LIGHTING:**

Light standards shall not exceed 30 feet in height.

Lighting used to illuminate the property shall be so arranged as to shield and direct the light away from adjacent residential areas. Shielding of such light shall be designed so as to prevent the light-producing element or reflector of the light fixture from being visible to a person standing in the residential district to the north of East 66<sup>th</sup> Street.

#### **TRASH, MECHANICAL AND EQUIPMENT AREAS:**

All trash, mechanical and equipment areas shall be screened from public view of persons standing at ground level.

#### **SIGNAGE:**

- A. Two ground signs shall be permitted along the East 68<sup>th</sup> Street frontage as shown on Exhibit A.

The ground sign at the southwest corner of the site shall not exceed 30 feet in height and 160 square feet of display surface area.

The ground sign southwest of the store building directing customers to the tire and auto lubrication area shall not exceed 20 feet in height and 32 square feet of display surface area.

- B. Wall signs other than directional signs shall be permitted only on the west and south facing building walls and shall not exceed 2 square feet of display surface area per lineal foot of building wall to which attached. No east or north facing wall signs shall be permitted.

**GENERAL CONDITIONS:**

1. There shall be no outside storage of recyclable materials, trash, or similar material (outside a screened receptacle) nor shall trucks or truck trailers be parked in the planned unit development except while they are actively being loaded or unloaded.

Truck trailers shall not be used for storage or inventory.

2. All exterior walls of the Wal-Mart building shall be split faced masonry and shall be constructed of the same materials.
3. Landscaping and screening shall be in substantial compliance with Exhibit B, Landscape and Screening Concept Plan and the PUD text. All landscaping shall meet or exceed the requirements of the PUD chapter and the Landscape Chapter of the Tulsa Zoning Code.
4. No zoning clearance permit shall be issued for a lot within the PUD until a detail site plan for the lot, which includes all buildings, parking, screening fences and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
5. A detail landscape plan for each lot shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved landscape plan for the lot, prior to issuance of an occupancy permit. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.
6. No sign permits shall be issued for erection of a sign on a lot within the PUD until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
7. Flashing signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement shall be prohibited.

8. All trash, mechanical and equipment areas, including building mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.
9. Lighting used to illuminate the subject tract shall be so arranged as to shield and direct the light away from adjacent residential areas. Shielding of such light shall be designed so as to prevent the light-producing element or reflector of the light fixture from being visible to a person standing in the adjacent residential area to the north of East 66<sup>th</sup> Street. Lighting standards shall not exceed 30' in height.
10. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City 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.
11. Access and circulation shall be provided as delineated in the PUD-309-A Access and Circulation concept plan and the PUD development standards. All curbs, gutters, base and paving materials used shall be of a quality and thickness which meets the City of Tulsa standards.
12. 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.
13. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
14. 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.
15. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, nor shall trucks or truck trailers be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers and shipping containers shall not be used for storage within this PUD.

**TAC Comments for August 18, 2004:**

**Water** - Water is available to the site.

**Stormwater** – Additional drainage from all lots must be conveyed to the stormwater detention facility.

**Wastewater** – Sanitary sewer service to the PUD is available.

**Traffic** – Concur with all three TAC recommendations as follows: a second access drive onto East 68<sup>th</sup> Street, the lengthening of the two southbound left-turn bays on Memorial Drive and the creation of a westbound left-turn bay on East 68<sup>th</sup> Street. Design wall and landscape along the inside of the 85<sup>th</sup> East Avenue curve to provide adequate sight distance (220') for 30 mph. Recommend as a special condition of the PUD a PFPI for the construction of a permanent traffic-calming island to physically operate 85<sup>th</sup> East Avenue as a one-way street southbound out of the Burning Tree addition.

**Applicant's Comments:**

**Charles Norman**, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, representing Wal-Mart Stores, described the proposed site and surrounding property. Mr. Norman cited the history of the subject properties and their recent approvals and allowed uses.

Mr. Norman submitted photographs and maps of the existing property (Exhibit C-2). He explained how the Wal-Mart Super Center would be placed on the subject property. He explained which existing buildings would be removed.

**TMAPC COMMENTS:**

Mr. Harmon asked Mr. Norman if his plat map shows ingress/egress at the one-way exit from the adjoining neighborhood. In response, Mr. Norman stated that if the plat map shows an entrance at that point, it is in error. He explained that the City of Tulsa installed this diverter at the request of the neighbors. He further explained that Wal-Mart does not object to the exit point being retained as a one-way outbound only, or to it being closed off entirely. That would be a decision of the City of Tulsa, and to close the street, it would require approval of the City Council. Mr. Norman stressed that Wal-Mart has no objections to the subject street being one-way outbound only or closed completely.

Mr. Norman described the proposed layout of the Wal-Mart Super Center. He indicated that there is an area under the old PUD and is limited to office use only and permits 72,000 SF but has never been developed. The existing buildings (which will be removed) presently contain 165,000 SF of building floor area and the proposal is less than 205,000 SF for the Wal-Mart Super Center. With the existing 165,000 SF and the 72,000 SF that is permitted for office use, there would be a floor area in excess of what is proposed under the current PUD. The existing zoning will not be changed due to the underlying CS zoning being adequate for the proposed development.

Mr. Norman stated that on the East 66<sup>th</sup> Street side there will be two entrances for customer traffic and there will be no truck traffic entering from East 66<sup>th</sup> Street, nor from South 85<sup>th</sup> Street. There is only one entrance that can be negotiated by the trucks going into the rear loading dock facility. There will not be room for outside storage that has been associated with Wal-Mart Centers, which is also prohibited by the PUD. The grocery operation will be located in the northern 1/3 portion of the proposed building. There will be a drive-through pharmacy and the tire, battery, lube and garden center are all in the southern portion of the proposal.

Mr. Norman submitted a landscape plan (Exhibit C-1) and stated that he is proposing a six-foot high masonry screening wall along the parking area on the north side, then the screening wall increases to eight feet all the around to 68<sup>th</sup> Street. The area to the north and the rear of the store building is screened by a high screening wall. The screening wall will be set back 18 feet from the property line and does not interfere with existing utility installations. He indicated the landscaping that would be installed along the screening wall.

Mr. Norman indicated that the Wal-Mart frontage will not be the usual type of Wal-Mart Store. The proposal is to be two shades of beige and tan with a light green accent on the frontage. The building materials will be split-faced block, which will continue on all four sides.

Mr. Norman stated that he has proposed one sign at 160 SF display surface area located at the southeast part of the property on 68<sup>th</sup> Street. The second sign would have 32 SF display surface, which would be an identification sign for the garden center and tire and lube area. No wall signs would be permitted on any of the wall, except the west-facing wall.

Mr. Norman indicated that he had a traffic impact analysis made by Traffic Engineering Consultants, Inc., which was delivered to Frank Spiegelberg, attorney for the Burning Tree Neighborhood Association, along with all other PUD documentation. He indicated that he further offered to meet with the neighborhood representatives. The traffic impact analysis indicates that the p.m. peak hour traffic around the proposal should operate at level-of-service "B". The signalized intersection at 66<sup>th</sup> Street and Memorial will operate at level-of-service "A". Mr. Norman read the traffic impact analysis and the recommendations proposed by Traffic Engineering Consultants, Inc. He indicated that Wal-Mart has offered to pay the costs of the improvements proposed by Traffic Engineering Consultants, Inc. He reminded the Planning Commission that the traffic impact analysis does not include the Christmas shopping season.

Mr. Norman stated that he was asked by Mr. Spiegelberg about the truck traffic that this type of store would generate. He indicated that the super stores require five to seven semi-tractors each day. There are usually four trucks in the a.m.

hours and two to three in the p.m. hours. Trucks would not arrive earlier than 6:00 a.m.

**INTERESTED PARTIES:**

**Larry Taylor**, 3223 East 21<sup>st</sup> Street, Tulsa, Oklahoma 74105, representing 72 Burning Tree HOA; **Donald F. Zetik**, 9124 East 67<sup>th</sup> Place South, Tulsa, Oklahoma 74133; **Theresa Buchert**, 542 South 127<sup>th</sup> East Avenue, Tulsa, Oklahoma 74128; **Win Ochsner**, 6432 South 88<sup>th</sup> East Place, Tulsa, Oklahoma 74133.

**COMMENTS OF INTERESTED PARTIES:**

Cut-through traffic is a concern and the City should make the one-way outbound lane more permanent or close it; request that Wal-Mart pay for the costs of closing the street or make it a permanent one-way outbound lane; if 85<sup>th</sup> Street were to be closed it would eliminate the only access for the neighborhood to turn left on Memorial with a traffic light; an additional traffic light on Memorial out of Burning Tree to allow the residents to make a left-hand turn; no outside storage in trailers; the subject area is already saturated with shopping centers and too bad Wal-Mart isn't moving this proposal in East Tulsa where it is needed; cut-through traffic backups past his home and he is unable to get out of driveway, please close 85<sup>th</sup> East Avenue, both directions.

**TMAPC COMMENTS:**

Mr. Harmon asked Mr. Taylor if it is his general feeling that the neighborhood would rather have the entry onto 85<sup>th</sup> East Avenue completely closed or left one-way. In response, Mr. Taylor stated that the petition he has is to close the access completely (Mr. Taylor did not submit the petition). In response, Mr. Harmon stated that he would think there should be a crash gate installed for emergency issues.

**Applicant's Rebuttal:**

Mr. Norman reiterated that he has consulted with Wal-Mart and they will voluntarily agree to pay for whatever solution is approved by the City of Tulsa. He stated that the absence of representatives from the Burning Tree Homeowners Association is very significant compared to the issues that Burning Tree Homeowners Association has contributed to over the years.

Mr. Norman stated that it is unhealthy for Tulsa and Woodland Hills Mall to have empty buildings and an underperforming shopping area. This application represents an opportunity for Tulsa to have a flagship Wal-Mart Super Center designed specifically for the subject site. It will be landscaped and screened beyond anything he has ever seen in Tulsa.

Mr. Harmon stated that he could support this application, but he would like to see 85<sup>th</sup> Street permanently closed with crash gates.

Ms. Hill stated that she is aware of the traffic in the subject area, but she feels that the subject property would eventually develop and this type of use is preferable. She indicated that she can support this application.

Mr. Harmon stated that he would appreciate and encourage the City of Tulsa to consider closing 85<sup>th</sup> Street with a crash gate and additional signaling along Memorial for left-turn lanes onto Memorial.

**TMAPC Action; 8 members present:**

On **MOTION** of **HARMON**, TMAPC voted 7-0-1 (Carnes, Coutant, Harmon, Hill, Horner, Jackson, Westervelt "aye"; no "nays"; Ledford "abstaining"; Bayles, Midget, Miller "absent") to recommend **APPROVAL** of the major amendment for PUD-309-A per staff recommendation.

**Legal Description for PUD-309-A:**

Lot 2 and 3, Block 3, Woodland Hills Mall, Blocks 2, 3, 4 and 5, a subdivision in the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof and located east of the southeast corner of East 66<sup>th</sup> Street South and South Memorial Drive, Tulsa, Oklahoma, **From CS & OM and CS/OM/PUD (Commercial Shopping Center District & Office Medium Intensity District and Commercial Shopping Center District/Office Medium Intensity District/Planned Unit Development) To CS/OM/PUD (Commercial Shopping Center District/Office Medium Intensity District/Planned Unit Development).**

**RELATED ITEM:**

**Mr. Carnes out at 4:10 p.m.**

**PUD 309 A** – (8301)

(PD 18) (CD 7)

East of Memorial Drive, South of East 66<sup>th</sup> Street, West of South 85<sup>th</sup> East Avenue, North of 68<sup>th</sup> Street

**STAFF RECOMMENDATION:**

The platting requirement was triggered by major amendment PUD-309-A.

**Staff provides the following information from TAC at their August 5, 2004 meeting:**

**ZONING:**

TMAPC Staff: The plat waiver is for property zoned PUD 309. New restrictive covenants will be needed per the PUD amendment. The applicant suggests that these be filed separately.

**STREETS:**

No comment.

**SEWER:**

No comment.

**WATER:**

Available to the site.

**STORM DRAIN:**

No comment.

**FIRE:**

Fire hydrants will be required through the PUD.

**UTILITIES:**

No comment.

Staff does not object to the plat waiver because of the existing platted area and the existing infrastructure to the site. A minor subdivision plat should be considered by the applicant to include the new restrictive covenants with the new PUD standards for the site.

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

	Yes	NO
1. Has property previously been platted?	X	
2. Are there restrictive covenants contained in a previously filed plat?	X	
3. Is property adequately described by surrounding platted properties or street right-of-way?	X	

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

	YES	NO
4. Is right-of-way dedication required to comply with Major Street and Highway Plan?		X
5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived?	X	
6. Infrastructure requirements:		
a) Water		
i. Is a main line water extension required?		X
ii. Is an internal system or fire line required?		X
iii. Are additional easements required?		X
b) Sanitary Sewer		
i. Is a main line extension required?		X
ii. Is an internal system required?		X

- iii Are additional easements required? X
  - c) Storm Sewer
    - i. Is a P.F.P.I. required? X
    - ii. Is an Overland Drainage Easement required? X
    - iii. Is on site detention required? X
    - iv. Are additional easements required? X
- 7. Floodplain
  - a) Does the property contain a City of Tulsa (Regulatory) Floodplain? X
  - b) Does the property contain a F.E.M.A. (Federal) Floodplain? X
- 8. Change of Access
  - a) Are revisions to existing access locations necessary? X
- 9. Is the property in a P.U.D.? X
  - a) If yes, was plat recorded for the original P.U.D. X
- 10. Is this a Major Amendment to a P.U.D.? X
  - a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.? X
- 11. Are mutual access easements needed to assure adequate access to the site? X
- 12. Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations? X

**INTERESTED PARTIES:**

**Malcolm Smith**, 8508 East 65<sup>th</sup> Street, Tulsa, Oklahoma 74133, stated that he opposes the whole proposal (PUD-309-A and the plat waiver). He doesn't feel that the eight-foot wall will stop the noise. He explained that he lives closest to where the trucks will be loading and unloading, and he doesn't believe the noise level will be stopped. Traffic will increase drastically with the shoppers and other delivery vehicles. Mr. Smith read a traffic study from 1997.

**There was no motion to reconsider the major amendment for PUD-309-A.**

**Applicant's Comments:**

**Charles Norman**, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, stated that the subject property is fully developed and has all of the water, sewers and storm sewers in place. There is a difference in opinion also whether in order to replat, Lots 2 and 3 would have to be vacated. In Oklahoma it is required that 60% of the owners of property other than the subject property be notified and agreeable.

**TMAPC COMMENTS:**

Mr. Harmon asked Mr. Norman if he is stating that all of the covenants would be incorporated into the new PUD and found in one place. In response, Mr. Norman answered affirmatively.

**TMAPC Action; 7 members present:**

On **MOTION** of **HARMON**, TMAPC voted 6-0-1 (Coutant, Harmon, Hill, Horner, Jackson, Westervelt "aye"; no "nays"; Ledford "abstaining"; Bayles, Carnes, Midget, Miller "absent") to **APPROVE** the plat waiver for PUD-309-A, subject to a tie agreement between Lots 2 and 3 and covenants will be filed per staff recommendation.

\*\*\*\*\*

**Application No.: PUD-636-1**

**MINOR AMENDMENT**

**Applicant:** Ricky Jones

(PD-8) (CD-2)

**Location:** North of northwest corner 81<sup>st</sup> Street and South Union Avenue

**STAFF RECOMMENDATION:**

The applicant requests a minor amendment to allow residential single-family uses per RS-3 standards in Development Areas D and E of PUD-636. These two areas were originally approved for multifamily residential uses on 15.09 gross acres (Area D) and 17.51 gross acres (Area E) in September, 2000. At that time, the City Council imposed the condition that Area D have a maximum of 20 (multifamily) dwelling units per acre. At RS-3 standards, the developer can build only approximately five units per acre average, well under the Council-imposed conditions.

Staff can support the proposed minor amendment to develop single-family residential uses rather than multifamily residential in Development Areas D and E. Therefore, staff recommends **APPROVAL** of PUD-636-1.

**Applicant was not present.**

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

**TMAPC Action; 7 members present:**

On **MOTION** of **HARMON**, TMAPC voted 7-0-0 (Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Midget, Miller "absent") to **APPROVE** the minor amendment for PUD-636-1 per staff recommendation.

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**Application No.: PUD-555-2**

**MINOR AMENDMENT**

**Applicant:** Mark Turner

(PD-18) (CD-8)

**Location:** 8861-8863 East 91<sup>st</sup> Street

**STAFF RECOMMENDATION:**

This application is to add a Use Unit 5, Church (600-seat sanctuary) and Accessory Church Uses to PUD-555. The original PUD proposed a mixed-used development on 13.3 acres as primary headquarters for Living Word Ministries. The southern portion, zoned OL under the PUD/Z-6580, is the location of the physical development of the structural improvements allowed by the PUD (Mission offices, small chapel, auditorium, museum, kitchen/dining area, daycare center, guest quarters, and storage). The northern portion, zoned AG, is to remain in a natural state. The proposed church appears to be in the southern area.

According to the parking statistics, the church will require one space per three seats, or a total of 200 spaces. The site currently has 136 spaces, leaving a total of 64 additional spaces needed. The Minor Amendment proposes to add 65 parking spaces.

Staff can support the added church use and the additional parking spaces to support it, so long as the intended purposes and guidelines of the original PUD are still in effect. Therefore, staff recommends **APPROVAL** of Minor Amendment PUD-555-2.

**The applicant indicated his agreement with staff's recommendation.**

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

**TMAPC Action; 7 members present:**

On **MOTION** of **HARMON**, TMAPC voted 7-0-0 (Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Midget, Miller "absent") to **APPROVE** the minor amendment for PUD-555-2 per staff recommendation.

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**OTHER BUSINESS:**

**Applicant:** Sack & Associates, Inc.

**REFUND REQUEST**

**Location:** Skelly Drive Center, Krispy Kreme

**STAFF RECOMMENDATION:**

The applicant withdrew his request for an authorization to release an accelerated building permit and has requested a refund.

Staff recommends a full refund.

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

**TMAPC Action; 7 members present:**

On **MOTION** of **HARMON**, TMAPC voted 7-0-0 (Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Midget, Miller "absent") to **APPROVE** the full refund to Sack & Associates.

\* \* \* \* \*

**Application No.:** PUD-650

**DETAIL SITE PLAN**

**Applicant:** Mark Capron

(PD-18) (CD-7)

**Location:** East Skelly Drive and South Darlington

**STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for a new retail development. The proposed uses, Use Unit #12, Eating Establishments Other Than Drive-Ins, and Use Unit #14, Shopping Goods and Services, are in conformance with development standards.

The proposed buildings for Lots 5 and 7 comply with setbacks and maximum height and floor area permitted. Parking is in compliance with the Zoning Code and Development Standards and meets setback requirements. Access to the lots will be from four points along East Skelly Drive. No access is permitted or proposed from Darlington or East 46<sup>th</sup> Street South. The lots meet minimum landscaped street yard and open space requirements. A landscaped area not less than 50 feet in width is proposed along the east boundary as required by development standards. The Lighting Plan as currently submitted is incomplete.

Regarding site screening, development standards require "an eight-foot high pre-cast screening wall shall be located along the East 46<sup>th</sup> Street and South Darlington Avenue boundaries, provided the screening fence shall be a minimum of three feet high along the south side of the stormwater detention area. The TMAPC shall determine the appropriate design and exact location of the wall as part of the detail site plan approval process." The applicant is proposing a three foot high pre-cast screening wall along the west parking bay fronting Darlington, then a six foot high pre-cast wall along East 46<sup>th</sup> St. South to the east end of the detention area where it becomes and remains eight feet in height along the south and east boundaries of the site. It is Staff's opinion that the proposed screening meets the intent of the development standards.

Development standards also require that "truck loading docks within 500 feet of the east boundary or within 200 feet of the south boundary of the PUD shall be enclosed by a masonry screening wall a minimum of ten feet in height. Final design and height of the wall shall be approved by TMAPC during the detail site plan approval process." Loading docks are proposed for Buildings 'A', 'D', 'E', 'F', and 'G', all of which are within 500' and 200', respectively, of the PUD boundaries. Docks for all but Building 'A' are in compliance with regard to screening. However, the configuration of the dock for Building 'A' does not sufficiently screen it from the east boundary. Staff recommends that the loading dock be relocated or additional landscaping and/or increased height in perimeter screening be required.

Staff recommends **APPROVAL** of PUD-650 detail site plan contingent upon (1) TMAPC approval of the design and location of the proposed perimeter screening; (2) relocation of the loading dock for Building 'A' to setback 500 feet from the east boundary, or additional landscaping and/or increased height in perimeter screening of the affected east boundary; and (3) an approved lighting plan in conformance with development standards and the Zoning Code.

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

**TMAPC COMMENTS:**

Mr. Harmon asked staff if the screening wall was already eight feet in height. In response, Ms. Matthews stated that the screening wall may not be high enough because the loading dock is raised. It may only give two feet of sound shield.

**Applicant's Comments:**

**Ted Sack**, Sack & Associates, 111 South Elgin, Tulsa, Oklahoma 74120, representing White Wing Norman, LLC, stated that this PUD was approved three years ago. He indicated that Mr. John Leischer is one of the developers of this proposal and he is one of the individuals that was involved and went to all of the neighborhood meetings as part of the original PUD process. The developer has every intention of meeting all of the PUD requirements.

Mr. Sack indicated that the lighting plan has been submitted and it is in compliance with the ordinances and the PUD standards. Regarding the screening on the perimeter of the subject property the requirement has been met according to the PUD. The concern that staff had was that the loading dock for Best Buy wouldn't be screened sufficiently. He indicated that there will be a 50-foot landscape buffer that will be maintained with large mature existing trees. The truck dock will have to be screened with a ten-foot wall coming out 70 feet from the building. He believes that the truck dock is adequately screened with the 70-foot in length wall at ten feet in height.

**TMAPC COMMENTS:**

Ms. Hill asked Mr. Sack how far the loading dock would be located from the residential property line. In response, Mr. Sack stated that it would be 229 feet from the property line.

**INTERESTED PARTIES:**

**Jo Ann Banfield**, 5506-D East 46th Street, Tulsa, Oklahoma 74135, stated that she wanted to make sure the screening would be of a pre-cast masonry type. She further stated that she would like the turnaround shown on 46<sup>th</sup> Street off of Fulton. At one point, the City of Tulsa suggested that a cul-de-sac be installed at that point for a calming device.

Mr. Jackson stated that the detail site plan shows a pre-cast screening fence.

Ms. Matthews stated that the height of the fence varies due to the topography changes.

**Charles Beach**, 4512 South Hudson Place, Tulsa, Oklahoma 74135, stated that he was involved with the original PUD. He stated that there was a traffic diverter placed on Hudson and the service road, which has been removed and speed humps were installed. He indicated that the speed humps have not slowed the traffic down. He asked if the traffic diverter would be reinstalled.

Ms. Matthews stated that this would be a Traffic Engineering decision.

Mr. Romig stated that in the original PUD there was an agreement to pay for the traffic control device, which the applicant had done. After it was installed, Traffic Engineering removed it, which was their prerogative. There was a lot of discussion about what would take place if this would ever develop and there would be discussions that would have to take place between Traffic Engineering and the City Council. Mr. Romig suggested that the interested parties contact Councilor Sullivan to open up discussion about this again.

**Ms. Coutant out at 4:47 p.m.**

**Pat Oglesby**, 5350 East 46<sup>th</sup> Street, Tulsa, Oklahoma 74135, stated that she owns the office building at Fulton and 46<sup>th</sup>. Ms. Oglesby asked if Fulton would be a one-way street with no left-hand turn onto 46<sup>th</sup> Street allowed. This would affect her office building if this is done.

**Applicant's Comments:**

Mr. Sack stated that the screening fence would be an eight-foot fence along the east boundary and the south boundary. It reduces to six feet along the detention facility and then to three feet with the balance of the property, which is in conformance with the PUD.

Mr. Sack stated that many of the traffic concerns were addressed during the City Council meeting. The traffic conditions were approved subject to approval by the City Traffic Engineering Department. He explained that he has met with Councilor Sullivan regarding this issue and he has another meeting scheduled to discuss this issue. It is his understanding that there was a vote of the neighborhood to remove the traffic diverter and install speed humps.

There is no access from the proposed developed onto 46<sup>th</sup> Street. He explained that 46<sup>th</sup> Street does go through to the service road and it is two-way and will continue to be two-way; however, the traffic will be diverted and that is why there is a cul-de-sac in place. Fulton will have to turn right and that would slow down on the cut through traffic. The city has not determined what the traffic calming devices will be, but they believe that speed humps are the most affective and a condition of the PUD is that the developer pays 50% of the costs.

**TMAPC Action; 6 members present:**

On **MOTION** of **HARMON**, TMAPC voted 6-0-0 (Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Coutant, Midget, Miller "absent") to **APPROVE** detail site plan for PUD-650, subject to TMAPC approval of the design and location of the proposed perimeter screening and an approved lighting plan in conformance with development standards and the Zoning Code, and all traffic-calming devices be in place subject to the approval of Public Works and the City Council per staff recommendation.

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**Application No.: PUD-450-A-4**

**MINOR AMENDMENT**

**Applicant:** Jerry Hall

(PD-26) (CD-8)

**Location:** 6330 East 111<sup>th</sup> Place South

**STAFF RECOMMENDATION:**

The applicant is requesting a minor amendment to PUD-450-A to reduce the required setback from the south lot boundary from 20' to 17'. The PUD encompasses 4.5 acres (gross) at the southwest corner of East 111<sup>th</sup> Street and South Sheridan Road. It was approved in March, 2000 by the City Council for a maximum of 23 single-family units and amended most recently, in April 2003, to allow a reduction in the minimum required yards for garages abutting private street rights-of-way from 20' to 15' on a lot north of the subject lot. Several other similar minor amendments have been approved since the PUD's approval.

Staff can support the reduced setback from the south boundary, since the resulting building line will then line up with the building line to the west. Therefore, staff recommends **APPROVAL** of the request.

**The applicant indicated his agreement with staff's recommendation.**

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

**TMAPC Action; 6 members present:**

On **MOTION** of **HARMON**, TMAPC voted 6-0-0 (Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Coutant, Midget, Miller "absent") to **APPROVE** of the minor amendment for PUD-450-A-4 per staff recommendation.

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There being no further business, the Chair declared the meeting adjourned at 4:47 p.m.

Date Approved:

9. 15. 04

*John J. John*

Chairman

ATTEST:

*Mary E. Hill* *2nd Vice Chair*

*acting Secretary*

Secretary

