

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
**Minutes of Meeting No. 2400**

Wednesday, January 19, 2005, 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>
Bayles	Coutant	Alberty	Romig, Legal
Carnes	Dick	Chronister	Ackermann, Legal
Harmon	Hill	Fernandez	
Horner	Jackson	Huntsinger	
Ledford		Matthews	
Midget			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Friday, January 14, 2005 at 9:33 a.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

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

**Minutes:**

**Approval of the minutes of December 15, 2005, Meeting No. 2398.**

On **MOTION** of **CARNES** the TMAPC voted 5-0-2 (Bayles, Carnes, Harmon, Midget, Westervelt "aye"; no "nays"; Horner, Ledford "abstaining"; Coutant, Dick, Hill, Jackson "absent") to **APPROVE** the minutes of the meeting of December 15, 2005, Meeting No. 2398.

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**REPORTS:**

**Chairman's Report:**

Mr. Westervelt reported that there are several items on the agenda that need to be continued or stricken.

**SUBDIVISIONS:**

L-19785 – Tulsa Engineering and Planning, 2122 East 22<sup>nd</sup> Place, Lot-split for waiver of Subdivision Regulations, has been stricken from the agenda.

**OTHER BUSINESS:**

Z-6958-SP-1 – Jerry Ledford, Jr., North of northwest corner of East 11<sup>th</sup> Street and South 123<sup>rd</sup> East Avenue (Detail Corridor Site Plan) (Applicant has requested a continuance.)

Commissioner, Jerry Ledford, Sr. stated that he would be abstaining from this application.

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

**TMAPC Action; 7 members present:**

On **MOTION** of **CARNES**, TMAPC voted 6-0-1 (Bayles, Carnes, Harmon, Horner, Midget, Westervelt "aye"; no "nays"; Ledford "abstaining"; Coutant, Dick, Hill, Jackson "absent") to **CONTINUE** Z-6958-SP-1, Detail Corridor Site Plan to January 26, 2005.

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PUD-687 – Dwayne Wilkerson, Southwest corner East 71<sup>st</sup> Street and South Harvard (Detail Site Plan) (Staff is requesting a continuance to 1/26/05).

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

**TMAPC Action; 7 members present:**

On **MOTION** of **CARNES**, TMAPC voted 7-0-0 (Bayles, Carnes, Harmon, Horner, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Coutant, Dick, Hill, Jackson "absent") to **CONTINUE** PUD-687 to January 26, 2005.

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**Worksession Report:**

Mr. Westervelt reported that there will be a worksession immediately following the Planning Commission today to discuss the proposed amendment to the Major Street and Highway Plan.

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**Director's Report:**

Mr. Alberty reported that the Board of Adjustment study is not completed at this time and the City Council gave the Planning Commission additional time.

Mr. Alberty reminded the Planning Commission that during the public hearing when the Planning Commission and staff were receiving comments on the Board of Adjustment, the next-to-the-last speaker raised the issue about the Spartan School of Aeronautics. He explained that there has been some confusion regarding this issue. In 1968, there was an application Z-5949 and Spartan School of Aeronautics was approved for the entire parcel, which is slightly less than 80 acres. There was a recent permit issued that came into question and it was ruled that the original approval granting the operation of the school was sufficient to allow for the recent permit issued to build dorms for the students. There was some confusion among the Planning Commission members and some of the staff that there had been a subsequent application; however, that was on property to the east of the school in the Mingo Creek area that apparently never developed.

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**SUBDIVISIONS:**

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

**L-19771 – McGee Enterprises Inc.** (0227) (PD 11) (CD 1)  
1009 West Tecumseh

**STAFF RECOMMENDATION:**

The proposal is to split off a portion of Tract 1 and tie it to Tract 2 for driveway purposes. Both proposed tracts would meet the RS-3 bulk and area requirements. A waiver of the Subdivision Regulations is being requested, however, because both resulting tracts would have more than three side lot lines.

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, with the condition the portion being split off Tract 1 be tied to Tract 2.

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

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

**INTERESTED PARTIES:**

**Larry Duke**, representing Gilcrease Hills Homeowners Association, 1919 West Seminole, Tulsa, Oklahoma 74127, stated that the association has no objections to this application.

**TMAPC Action; 7 members present:**

On **MOTION** of **HARMON**, TMAPC voted 7-0-0 (Bayles, Carnes, Harmon, Horner, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Coutant, Dick, Hill, Jackson "absent") to **APPROVE** the waiver of Subdivision Regulations and of the lot-split for L-19771, subject to the portion being split off Tract 1 being tied to Tract 2 per staff recommendation.

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**L-19777 – Sheila Reed** (9230)

(PD 23) (County)

6621 West 51<sup>st</sup> Street

**STAFF RECOMMENDATION:**

The proposal is to split a 150' x 290' parcel (Tract 1) out of a five-acre tract. Both proposed tracts would meet the RS bulk and area requirements. West 51<sup>st</sup> Street is a secondary arterial, requiring 50' of right-of-way from the centerline of the street. A waiver of the Subdivision Regulations is being requested because Tract 2 will have more than three side lot lines.

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, with the condition that 50' of right-of-way from the centerline of West 51<sup>st</sup> Street be given to Tulsa County.

**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 (Bayles, Carnes, Harmon, Horner, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Coutant, Dick, Hill, Jackson "absent") to **APPROVE** the waiver of Subdivision Regulations and of the lot-split for L-19777, subject to the condition that 50' of right-of-way from the centerline of West 51<sup>st</sup> Street be given to Tulsa County per staff recommendation.

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

- L-19708 – Hammond Engineering** (9327) (PD 6) (CD 7)  
4126 South Fulton
- L-19768 – Mike Marrara** (9317) (PD 6) (CD 9)  
2823 East 25<sup>th</sup> Street
- L-19773 – Jeffrey Levinson** (8321) (PD 18) (CD 8)  
Southwest corner of East 93<sup>rd</sup> Street and Toledo Avenue
- L-19774 – Jeffrey Levinson** (8301) (PD 18) (CD 7)  
9525 East 71<sup>st</sup> Street
- L-19781 – Sisemore Weisz & Associates** (8406) (PD 18) (CD 8)  
9717 East 71<sup>st</sup> Street
- L-19782 – Sisemore Weisz & Associates** (8406) (PD 18) (CD 8)  
10001 East 71<sup>st</sup> Street
- L-19783 – Sisemore Weisz & Associates** (9324) (PD 18) (CD 5)  
8141 East 41<sup>st</sup> Street
- L-19784 – Sisemore Weisz & Associates** (9201) (PD 1) (CD 4)  
Northeast corner of Archer and Detroit
- L-19786 – Sisemore Weisz & Associates** (9327) (PD 18) (CD 5)  
6242 East 41<sup>st</sup> Street

**STAFF RECOMMENDATION:**

These lot-splits are in order and staff can recommend **APPROVAL**.

**TMAPC Action; 7-0-0 members present:**

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

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**MINOR SUBDIVISION PLAT:**

**Remington Plaza –** (8312)

(PD 18) (CD 8)

North of the northeast corner of East 81<sup>st</sup> Street and Memorial Drive

**STAFF RECOMMENDATION:**

This plat consists of one lot, one block, on .958 acres.

The following issues were discussed January 6, 2005 at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned PUD-574. All PUD requirements must be met.
2. **Streets:** No comment.
3. **Sewer:** No comment.
4. **Water:** No comment.
5. **Storm Drainage:** No comment.
6. **Utilities:** N/A
7. **Other: Fire:** Correct "Woodland" versus "Woodward" Addition on plat and location map.

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; 7 members present:**

On **MOTION** of **MIDGET**, TMAPC voted 7-0-0 (Bayles, Carnes, Harmon, Horner, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Coutant, Dick, Hill, Jackson "absent") to recommend **APPROVAL** the minor subdivision plat for Remington Plaza, subject to special conditions and standard conditions per staff recommendation.

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**PRELIMINARY PLAT:**

**Indigo Run – (1306)**

(PD 12) (County)

122<sup>nd</sup> Street North, West of Lewis

**STAFF RECOMMENDATION:**

This plat consists of nine lots, one block, on 25.18 acres.

The following issues were discussed November 18, 2004 and January 6, 2005, at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned AG (agricultural). Any problems with salt water from oil wells should be identified and rectified (neighbors have expressed concern about this). The section of the subdivision regulations concerning oil wells must be followed exactly. Septic systems must be located on the appropriate lot for each dwelling. Oil well setbacks must be clearly defined.
2. **Streets:** Change 60-foot to 40-foot (maximum) Limits of Access. Correct minor errors in the legal and match and show all appropriate bearings on the plat. Include limits of no access language in the covenants. Suggest creating a curve in the Yorktown approach so as to intersect 122nd Street North at nearly 90 degrees for safety purposes. Remove the word "general" from section I.A "general utility easements". The County Engineer will work out street issues with the developer.
3. **Sewer:** Out of service area for Tulsa. Septic systems are proposed.
4. **Water:** Well water is proposed. DEQ will have to approve of the well water usage.
5. **Storm Drainage:** No comment.

6. **Utilities: PSO:** Show existing easement per ALTA survey (especially along 122<sup>nd</sup> Street). The blanket easement will not be released unless there is a specific easement identified.
7. **Other: Fire:** Addresses must be identified and lots and blocks numbered correctly. The legal description needs to be corrected. Show date of preparation. Include PSO symbol in legend.

Staff will have a recommendation at the meeting. The proposed use of well water is of concern to staff, but if DEQ approves the wells, it is our understanding that this system can be used.

#### **Waivers of Subdivision Regulations:**

1. None requested.

#### **Special Conditions:**

1. The concerns of the Public Works Department 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.

Staff has learned that there have been salt-water injection lines and oil wells to be drilled in the subject area. There could be a problem with the PSO easement. Staff recommends a continuance. Subdivision Regulations requires that notification be made to persons with surface rights or ground rights to minerals. After notification, anyone with rights has 60 days to state whether they intend to drill oil wells in the future. Staff would request a continuance to March 16, 2005.

**Applicant's Comments:**

**Robert Dunkel**, 1600 East 126<sup>th</sup> Street North, Skiatook, Oklahoma 74070, stated that he has owned the subject property for ten years, and to this date, the owner of the lease has suggested that he would drill wells, but he has not drilled. Last summer the owner of the lease was to file the locations of the drilling, but to his knowledge that has not been done. Mr. Dunkel commented that he believes the owner of the lease has had ample time to drill for wells and hasn't done so.

**TMAPC COMMENTS:**

Mr. Westervelt asked staff for guidance. In response, Mrs. Fernandez stated that at this time there are several issues that concern staff and staff is not comfortable recommending approval of the preliminary plat. The issues of the future oil wells and existing salt-water injection line that runs through the subdivision should be narrowed down and placed on the face of the plat.

Mrs. Fernandez stated that the applicant is proposing that the subdivision use well water and that is of concern to staff. She commented that she believes that the 60-day continuance is warranted.

**TMAPC Action; 7 members present:**

On **MOTION** of **MIDGET**, TMAPC voted 7-0-0 (Bayles, Carnes, Harmon, Horner, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Coutant, Dick, Hill, Jackson "absent") to **CONTINUE** the preliminary plat for Indigo Run to March 16, 2005.

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**Wal-Mart Supercenter No. 1597-03 – (8326)**

(PD 26) (CD 8)

West of northwest corner East 111<sup>th</sup> Street and Memorial Drive

**STAFF RECOMMENDATION:**

This plat consists of two lots, one block, on 28.7 acres.

The following issues were discussed November 18, 2004 and January 6, 2005 at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned PUD-578-A. All PUD conditions must be adhered to and if there is a change required per the regional detention pond, then a minor or major amendment must be approved through TMAPC. Development areas must be agreed upon by surrounding parties per PUD.
2. **Streets:** Show dimensions and documentation for all right-of-way dedications on Memorial and East 111<sup>th</sup>. Note # 3 does not document full width. Please show all Limits of No Access and Access for adjacent properties. Where property abuts South Memorial with mutual access easements at two locations, please dedicate 17.5 foot utility easements along Memorial to conform to utility easements on adjacent plats. Please show all utility easements and other easements on adjacent plats. In sections I.A. and I.B.1 remove "general". Public Works policy requires sidewalks on arterials; please show sidewalk to be included on East 111<sup>th</sup> Street South. Confirm full 50-foot width of existing right-of-way in note # 3. Change the 46-foot access to a 40-foot access maximum. Provide for a mutual access easement to 111<sup>th</sup> Street at the drive adjacent to Citizens (Gold) Bank. Include language under section I. H. to provide for use of all mutual access easements to/from the out-parcels per the PUD. In section I.F. change typo from 11<sup>th</sup> the 111<sup>th</sup> Street. Confirm your existing rights allowing for mutual access to/from the private street in the Southern Crossing Second plat.

3. **Sewer:** Add additional easement along the north boundary, adjacent to the existing PSO right-of-way easement. Make sure we have at least 11 feet of easement along the east boundary line. Sanitary sewer is existing and available for the proposed plat. Easements of at least 17.5 feet to the north and 11 feet to the east are needed.
4. **Water:** No comment.
5. **Storm Drainage:** A drainage easement is needed for the storm drain along the east side of property. The proper storm drainage easement language is needed. The County Engineer expressed concern about drainage on the east side and near 111<sup>th</sup> Street. He needs details for that drainage. There is a regional detention pond which will affect the plat as it is approved in its design.
6. **Utilities: PSO:** Lines will need to be relocated from the pond.
7. **Other: Fire:** N/A Basis of bearing needs to be defined. Remove survey from plat for review.

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.

**Applicant's Comments:**

**Charles Norman**, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, stated that his client will be allocating the floor area between Lots 1 and 2 in accord with the PUD. The regional detention facility that his client has been encouraged to participate in will satisfy the detention requirements for several properties combined. He explained that if this is finalized then he would be deleting a portion of the subject property from the plat and conveying it to the City of Tulsa, which would be a City-owned facility as a regional facility.

Mr. Norman stated that all of the technical requirements are acceptable to his client.

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



**TMAPC Action; 7 members present:**

On **MOTION** of **WESTERVELT**, TMAPC voted 7-0-0 (Bayles, Carnes, Harmon, Horner, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Coutant, Dick, Hill, Jackson "absent") to recommend **APPROVAL** the preliminary plat for Wal-Mart Supercenter No. 1597-03 subject to special conditions and standard conditions per staff recommendation.

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**Union Elementary #12 – (9428)**

(PD 17) (CD 6)

North of East 51<sup>st</sup> Street and West of 145<sup>th</sup> West Avenue

**STAFF RECOMMENDATION:**

This plat consists of one lot, one block, on 40.3 acres.

The following issues were discussed November 18, 2004 and January 6, 2005 at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned OL with a Special Exception granted per BOA 19943.
2. **Streets:** Traffic Engineering objects to the excessive length of the ½ mile collector street and recommends sketch plat approval only. At least one physical break in the permanent street alignment is recommended along with various traffic-calming design features as approved by the Traffic Engineer. Modify the south roadway easement line to provide for a transition from 80 feet to 60 feet while remaining at least 12 feet behind and parallel to the proposed curb line. Provide for a 17.5-foot utility easement adjacent to 145<sup>th</sup> East Avenue and show all easements as dashed lines rather than solid for clarity. An engineering analysis of the sight distance provided at the intersection of 46<sup>th</sup> Place and 145<sup>th</sup> East Avenue shall be required. Dedicate the arterial intersection radii and/or request a waiver of the subdivision regulations. The 46<sup>th</sup> Place South roadway easement is to extend only from east edge of main site to west edge of 145<sup>th</sup> Street; 60-foot dedication for right-of-way on 145<sup>th</sup> is to be right-of-way dedication full width (24.75-foot statutory and 35.25 feet dedicated per plat). All of 46<sup>th</sup> Place South dedication west of east edge of main site is to be right-of-way, not easement. Label 17.5-foot utility easement along south property boundary. Remove "general" from section I.A. heading. Section I needs section for street rights-of-way and special language for roadway and utility easement special conditions (ref. e-mail dated 12/10/04 from H. Tohlen). Roadway construction standards shall be referenced as appropriate in the two sections (right-of-way and easement dedications). Make corrections to

easement and right-of-way labels per plat comments above.

3. **Sewer:** Identify the easement width along the south property line.
4. **Water:** A 20-foot restricted water line easement with appropriate language is needed for the looped line. Letters of understanding are required for the single-feed source and main line extension along 145<sup>th</sup> East Avenue for when development begins. The school will be required to tie onto and extend a main line.
5. **Storm Drainage:** The Ford Creek regulatory floodplain shown in the southeast corner should be the surveyed line for the floodplain and not a smooth line. The overland drainage easement can be done as shown.
6. **Utilities: PSO, Valor, ONG, Cox:** Okay.
7. **Other: Fire:** Show dimension of 80.80 feet west of the section line as shown in covenants. Crystal Creek subdivision needs to be added to the location map.

Staff will have a recommendation at the TMAPC meeting. Issues of right-of-way dedication and Traffic Engineering and Legal recommendations need to be clarified before the meeting.

#### **Waivers of Subdivision Regulations:**

1. A waiver to Section 3.3 concerning right-of-way dedication is requested.
2. A waiver to Section 4.2.8 concerning intersection radii is 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.

**Applicant's Comments:**

**Charles Norman**, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, representing Union School District, stated that presently the subject property has access through the Quail Ridge neighborhood and a collector street from 129<sup>th</sup> Street. The school district required right-of-way by virtue of the generosity of Quik-Trip to build the road. The Technical Advisory Committee had no objection to there being only a single point of access at the time of construction. Usually after a school is developed, the surrounding properties develop and it is anticipated that there will be multiple dwelling units being constructed in the immediate area. The Board of Adjustment, in reviewing the application for the special exception to permit the elementary school, attached a condition that the second point of access be constructed over to 145<sup>th</sup> Street. The Fire Marshal is usually the person most concerned about a second point of access, and the Fire Marshal indicated that for a school that is constructed with all of the protective devices of fire walls and sprinkler systems for this type of occupancy, they were not concerned with having an immediate second point of access. In anticipation that the second point of access may be needed, the school district purchased a

75-foot wide strip of property to go to 145<sup>th</sup> Street. There is some thought that there should be a collector street that bends to the north or south through one of the neighborhoods. At this point the only right-of-way available is the 75-foot wide strip of property that the school district has purchased. This is considered to be by the Department of Public Works and the school district a temporary road, pending development to the north and south that would establish a different pattern. The road will be constructed to collector street standards along the north boundary of the subject property. The school district will provide the materials and the right-of-way and the Tulsa County will construct the road to county specifications and not to the specifications required under the Subdivision Regulations. In addition to those requests for waivers of the Subdivision Regulations, the applicant is requesting that the Planning Commission grant the secondary access as discussed as an additional recognition of the plan.

Mr. Westervelt informed Mr. Norman that the Planning Commission has received both letters regarding the temporary right-of-way and the 30-foot radius. In response, Mr. Norman asked if the Planning Commission has the letter or email from Harold Tohlen, Engineer for the Department of Public Works, referring to the agreement between Charles Hardt and Ray Jordan. In response, Mr. Westervelt stated that he doesn't have that letter.

Mr. Norman submitted an email from Harold Tohlen (Exhibit B-1). He explained that the email is his understanding of the agreement regarding the temporary road from the northeast corner of the subject property. The City will not be involved with the design or construction of the road and it will be considered temporary and be realigned as part of the development of the area east of the school whenever it is developed. The roadway in front of the school will be built to City standards, which would be to collector street standards on the north boundary. Mr. Norman stated that he and the school district wanted the Planning Commission to be aware of this agreement.

Mr. Norman stated that the other issue is the one referred to by Traffic wanting a permanent fee dedication along the entire right-of-way. Under state law, as advised by Eric Nelson, the general attorney for the school district, school districts are not permitted to spend school money off site, and in order to spend school money for the construction of the public road, it is done over an easement rather than fee dedication of the right-of-way. He indicated that he has been advised by Eric Nelson that this has been accepted by the City on other school projects where there has been off-site roads and Pat Boulden has written a memorandum, which he believes has been accepted by Darryl French, that this is an acceptable waiver of that requirement.

Mr. Norman stated that he also has requested a single point of water access at this point, which was not required by the Technical Advisory Committee because of the availability of an existing source and the other protections against fire.

Mr. Norman stated that a petition has been submitted to the Planning Commission by the residents of Quail Creek neighborhood requesting that the Planning Commission exercise some jurisdiction on the direction in which the school buses travel to and from the school site from other areas within the school district. The school district will be redistricted to allocate students who are presently going to other elementary schools into the new one in order to balance the population of the other 12 elementary schools. He indicated that he would have an objection to any suggestion or requests by the neighbors of Quail Ridge that in some way the Planning Commission attempt to manage the use of public streets through the platting process. This is a subject that should be discussed by those who are interested with the Board of Education of the Union School District at the time the school is completed.

**TMAPC COMMENTS:**

Mr. Harmon asked Mr. Norman to define what "temporary" means with regard to the road. In response, Mr. Norman stated that from the standpoint of the school district it's a permanent easement, but the Traffic Engineering Department would prefer a road for a collector street that is not a straight line. The City considers this temporary until the surrounding properties are developed, at which time it would probably be suggested that the temporary road deviate to the north or to the south.

Mr. Harmon asked if the road is temporary until those properties are developed, then it could be temporary for five to fifteen years. Who would be responsible for maintaining the roadway during that period of time? In response, Mr. Norman stated that it would be considered a County road.

Mr. Harmon stated that the letter doesn't indicate that the County would maintain the road. In response, Mr. Norman stated that he wasn't involved with the negotiations regarding maintenance and it may deserve clarification before the final plat is approved. Mr. Norman further stated that he understood that it would be the responsibility of the County.

Ms. Bayles asked Mr. Norman what the maximum student population would be attending the proposed school. In response, Mr. Norman stated that the population is approximately 600 students. The experience has been that approximately 50 to 60 percent of those students are bused to the elementary sites.

Mr. Westervelt asked Mr. Norman about the letter regarding the 30-foot radius. In response, Mr. Norman stated that this is a radius requirement for a collector street and that radius, at this point, will be essentially a 90-degree radius due to the physical circumstances of the two properties.

Mr. Harold Tohlen, Public Works and Development Services, 111 South Greenwood, stated that he has been involved in all of the discussions regarding

the temporary road. Mr. French and the Traffic Engineering Department would like a street that does not have a long, straight stretch in order to slow traffic down. What has been agreed to is that when the permanent street is placed with the development either to the south or north, then the street would curve and take care of those concerns. The temporary street would be abandoned at such time as the permanent street is in place. Mr. Tohlen concluded that the maintenance of the temporary road was not discussed during the meeting he attended, but it was his understanding that the City would maintain the road since it is within the City, but designed and constructed by the County.

Mr. Harmon asked Mr. Tohlen how the County standards compared with the City standards. In response, Mr. Tohlen stated that the City standards for a collector street would require that it have curbs and gutters, which it will have in front of the school; however, the temporary road would have a lighter-weight pavement without curbs and gutters and minimal drainage requirements.

Mr. Harmon stated that to him it is important to understand the maintenance of the temporary road. If vehicles are given a drivable option, then it has to be a well-maintained road. It can't be considered as having two points of access if the road is full of potholes. In response, Mr. Tohlen stated that he would clarify with Mr. Hardt as to who would actually maintain the road.

Mr. Ledford stated that he thought by State law the City will maintain it because it is within the fenced area of the City.

Mr. Norman stated that if the ultimate development of the collector street over to 145<sup>th</sup> is completed, then the school would apply to vacate the easement and that would restore the property to the way it was before.

**INTERESTED PARTIES:**

**Joann McKeal**, 4533 South 135th East Avenue, Tulsa, Oklahoma 74134, stated that the neighborhood association has never been opposed to a school being developed, but there are concerns about the impact of traffic this proposal will have on the neighborhood. Thankfully, the BOA understood their concerns and required a second access to the proposed school. She explained that she was happy that the Planning Commission was concerned about the maintenance of the temporary road for the second point of access. If it were in disrepair, then it would negate everything that was intended.

Ms. McKeal stated that she would like to request that a requirement be made that all buses that serve the subject property be required to use the 145<sup>th</sup> Street access, all heavy trucks be required to use the 145<sup>th</sup> Street access and all employees as well. Ms. McKeal stated that she isn't sure where the appropriate place is to pursue this request.

**TMAPC COMMENTS:**

Mr. Midget suggested that Ms. McKeal contact the Union Public Schools to work with directing traffic.

Ms. McKeal asked if this request is outside of the jurisdiction of the Planning Commission. In response, Mr. Midget stated that normally the Planning Commission doesn't deal with directing traffic.

Mr. Westervelt stated that this could have been addressed during a PUD or BOA action, but he doesn't know how to address it during a preliminary plat.

Mr. Romig stated that once it becomes a public street, it would be up to the City of Tulsa to control. It would be a combination of the school system and Traffic Engineering.

Ms. Bayles asked Ms. McKeal if the petition has been given to the school district. In response, Ms. McKeal stated that she doesn't know because the vice president of the homeowners association is taking care of that.

Mr. Westervelt reminded the Planning Commission to that before the Planning Commission is a legal requirement for a perpetual easement for the right-of-way purposes, which Legal has worked out with Mr. Eric Nelson; the desire to waive the 30-foot radius at 145<sup>th</sup> Street, which Mr. Norman explained; the request from the homeowners for the Planning Commission to regulate the traffic and the suggestion from Legal is that they should work with the school and Traffic Engineering; a requirement regarding the maintenance of the collector street to 145<sup>th</sup> Street to be made clearer before the final plat is approved.

Mr. Norman requested that the motion include the waiver from the Subdivision Regulations for the construction standards from the northeast corner of the school site over to 145<sup>th</sup> if that is the Planning Commission's intention. In response, Mr. Midget answered affirmatively.

**TMAPC Action; 7 members present:**

On **MOTION** of **WESTERVELT**, TMAPC voted 7-0-0 (Bayles, Carnes, Harmon, Horner, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Coutant, Dick, Hill, Jackson "absent") to recommend **APPROVAL** of the preliminary plat and waivers of Subdivision Regulations for a waiver to Section 3.3, right-of-way dedication and a waiver of Section 4.2.8 intersection radii for Union Elementary #12, waiver of Subdivision Regulations for the northeast corner of the school site over to 145<sup>th</sup>, subject to special conditions and standard conditions per staff recommendation, and a legal requirement for a perpetual easement for the right-of-way purposes, which Legal has worked out with Mr. Eric Nelson; the desire to waive the 30-foot radius at 145<sup>th</sup> Street, which Mr. Norman explained; the request from the homeowners for the Planning Commission to regulate the traffic and the suggestion from Legal is that they should work with the school and Traffic



Engineering; a requirement that a clarification is needed regarding the maintenance of the collector street to 145<sup>th</sup> Street to be made clearer before the final plat is approved.

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**Cottages at Trinity Creek – (9426)**

(PD 17) (CD 6)

North of East 51<sup>st</sup> Street, East of South 161<sup>st</sup> East Avenue

**STAFF RECOMMENDATION:**

This plat consists of 36 lots, three blocks, on 9.36 acres.

The following issues were discussed January 6, 2005 at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned PUD 711. All PUD conditions must be met after the PUD is approved by Council.
  
2. **Streets:** Label access easement. Assure that language/terminology of easements matches same on face of plat; e.g., “SS/E” in covenants versus “restricted sanitary sewer easement” on plat. Include provision/language for the access easement, may be combined in section I.I. Need to add the following standard language to section II B 9.” The owner/developer acknowledges for itself and its successors in title that the City of Tulsa, Oklahoma shall have no duty to maintain any private streets within the subdivision, nor have any implied obligation to accept any subsequent tender of dedication of any private streets within the subdivision.” Correct title of sheet on conceptual to include “The Cottages...” Access easement (A.E.) as provided in legend is not shown on drawing. The redesigned island to accommodate the proposed gate design will require revising the existing PFPI and shall be approved by the Traffic Engineer as a detailed site plan and may require relocation of a curb line. Show and dimension the islands from both the north and south property lines of Lot 1 per the site plan. Confirm the status of the arterial right-of-way as to whether it is dedicated by the previous plat or by this plat. Depending on the right-of-way issue, either the east or west property line dimension is incorrect per the legal. Change the access points to read “75 foot with median” and “50 foot emergency access”. Label the arterial right-of-way as East 51<sup>st</sup> Street South. Prefer the perimeter bearings to be consistent (clockwise) with the legal description. Discuss which of the homeowners associations will be responsible for the maintenance of the private streets in section II B 9. (see also A and J in section V) Suggest the future dedication of common area in section VE 3 be subject to the approval of the TMAPC and exclude the Reserve H private street from such dedication. Delete duplications in section

VI and VII. Traffic recommends 40 to 60 feet between the future curb and the call box as well as adequate vehicular storage for the entry design. Design the north island for adequate access into a proposed drive for Lot 1.

3. **Sewer:** Add a legend to the face of the plat.
4. **Water:** No comment.
5. **Storm Drainage:** Show the revised floodplains. Do not show offsite reserves and overland drainage easements.
6. **Utilities:** Okay.
7. **Other: Fire:** Revise font. Match bearing on plat with legal description. Show 51<sup>st</sup> Street dimension on west boundary (200.98 feet in legal).

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.

**Applicant's Comments:**

**Charles Norman**, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, stated that he is in agreement with staff recommendation. Mr. Norman explained that he had an additional item to ask about. He indicated that all of the lots are going to be purchased by one developer. Under the standards that the Planning Commission approved in the PUD there is a requirement for a 25-foot front yard and he has been asked to request to propose an amendment to the City Council, with the TMAPC comments, to reduce that to 20 feet. Lots 1, 2 and 3 have been platted and the infrastructure is under construction. There will be a private street that is 50 feet with 26 feet of paving. If it is agreeable with the Planning Commission to reduce the front yard setback from 25 feet to 20 feet, then the distance between the houses would be 50 feet, plus 20 feet, plus 20 feet, which would be a total of 90 feet. If, under the PUD, there were a 30-foot wide reserve area for the private streets and 25 feet of paving, then the separation would be 80 feet. This will give ten feet more of separation front yard, and front building wall and this would allow a larger building envelope on some of the smaller lots that are RS-3 or larger. Mr. Norman concluded that he thought this could be presented to the Planning Commission as amendment to the building setback line on the plat and if that were acceptable to staff and the Planning Commission, he would propose it to the City Council with the Planning Commission's comments.

**TMAPC COMMENTS:**

Mr. Alberty stated that typically under a PUD with private streets there is a requirement of 30 feet of dedication and 26 feet of pavement, which would give two feet from the curb line to the property line plus 20 feet. It is typically amended down to 20 feet under a PUD for a private street. Under this scenario, even with the five-foot waiver of 25-foot to 20-foot, there are 12 feet from the curb line to the property line, plus 20 feet and therefore it is still ten feet to the curb line. Staff has no problem with Mr. Norman's proposal.

Mr. Norman stated that if this is agreeable to the Planning Commission, then he would ask that the Planning Commission permit the amendment of the building line shown on the plat of the cottages and move it from 25 feet to 20 feet and he will propose an amendment to the City Council. The record will reflect this conversation.

Mr. Midget asked if this proposal would include the entire development area (all lots). In response, Mr. Norman stated that it would apply to 37 lots in three blocks.

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

**TMAPC Action; 7 members present:**

On **MOTION** of **HARMON**, TMAPC voted 7-0-0 (Bayles, Carnes, Harmon, Horner, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Coutant, Dick, Hill, Jackson "absent") to recommend **APPROVAL** the preliminary plat for Cottages at Trinity Creek per staff recommendation with the amendment proposed by Mr. Norman reducing the building setback from 25 feet to 20 feet.

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**PARTIAL VACATION OF PLAT:**

**Trinity Creek I** – (9426) (PD 17) (CD 6)

North of East 51<sup>st</sup> Street, East of South 161<sup>st</sup> East Avenue

**STAFF RECOMMENDATION:**

Mrs. Fernandez stated that a partial vacation of the entire plat for the area that was recently approved for preliminary plat approval (Cottages at Trinity Creek). Staff can recommend **APPROVAL** of the vacation of the underlying plat.

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

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

**TMAPC Action; 7 members present:**

On **MOTION** of **MIDGET**, TMAPC voted 7-0-0 (Bayles, Carnes, Harmon, Horner, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Coutant, Dick, Hill, Jackson "absent") to **APPROVE** the partial vacation of plat for Trinity Creek 1 per staff recommendation.

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House of Prayer – (9402)

(PD 17) (CD 6)

North of the northwest corner of East 11<sup>th</sup> Street and Lynn Lane

**STAFF RECOMMENDATION:**

This plat consists of one lot, one block, on 4.6 acres.

The following issues were discussed January 6, 2005 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned AG.
2. **Streets:** Dimension the center Limits of No Access. All-weather surface may be required for the proposed parking lot. Include date of preparation. Show any easements on adjacent Ledco Addition.
3. **Sewer:** Put the proposed septic tank and lateral field in an easement. Add language restricting the use of the septic easement. In section D, add water, sanitary sewer, and storm sewer to the paragraph with the other utilities. The septic design needs to be submitted.
4. **Water:** The installation of a fire hydrant for fire protection coverage may be needed. The hydrant, if required, will need to be within 400 feet of the most remote part of the building by the way the hose is laid. (A payback for the hydrant is okay.)
5. **Storm Drainage:** Easement or reserve area must be shown for the detention pond. Contours need to be extended to be able to see if offsite water is coming onto the site. If so, then overland drainage easements may be required on the plat and in the covenant language.
6. **Utilities:** Okay.
7. **Other: Fire:** See water comments. Indicate date of expiration of the C.A. Show basis of bearing. Final plat will require Cad dxf or dwg. See section 3, page 8, # 6, in the subdivision regulations.

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.**

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

**TMAPC Action; 7 members present:**

On **MOTION** of **HARMON**, TMAPC voted 7-0-0 (Bayles, Carnes, Harmon, Horner, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Coutant, Dick, Hill, Jackson "absent") to recommend **APPROVAL** the preliminary plat for House of Prayer, subject to special conditions and standard conditions per staff recommendation.

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**Stanford Court** – (9426)

(PD 17) (CD 6)

North of the Northwest corner of East 51<sup>st</sup> Street and Lynn Lane

**STAFF RECOMMENDATION:**

This plat consists of 22 lots, three blocks, on ten acres.

The following issues were discussed January 6, 2005 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned RS-3.
2. **Streets:** Dimension the fixed positions of reserve islands A and B. Add "south" as a prefix to Lynn Lane Road. Suggest the perimeter bearings be reversed (counter clockwise) to be consistent with the legal. No objection to the large island with one-way roadways subject to striping the large transition areas at both ends of "B". Recommend land widths at island A be changed from 16/24 feet to 18 feet in and 22 feet out for safety purposes (no change to outside curbs). The northern boundary of plat requires explanation for not being collinear with southern boundary of Oxford Park. Street addresses need to be established. Delete utility easement from

section I, subsection G and H. (Utility easements are not conveyed to homeowners' associations) Include Limits of No Access standard language subsection I.

3. **Sewer:** The developer must pay \$700 per acre system development fees to the City of Broken Arrow and \$640 per acre for excess capacity fees. According to City design policy, taps on 15" sewer lines must be approved by Underground Collections prior to issue of a permit. Lot 5 Block 2 will require written approval from Mark Rogers, or an eight-inch pipe and lamp hole will be required for service.
4. **Water:** Extend main around cul-de-sac. Gate valve installed at 49<sup>th</sup> Street South and 175<sup>th</sup> East Avenue. A tap sleeve and valve will be used to connect into the main line along South 177<sup>th</sup> East Avenue.
5. **Storm Drainage:** No comment.
6. **Utilities: ONG:** Additional easements are needed.
7. **Other: Fire:** Needs Fire Department approval (probably okay).

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.

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

**TMAPC Action; 7 members present:**

On **MOTION** of **MIDGET**, TMAPC voted 7-0-0 (Bayles, Carnes, Harmon, Horner, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Coutant, Dick, Hill, Jackson "absent") to recommend **APPROVAL** of the preliminary plat for Stanford Court, subject to special conditions and standard conditions per staff recommendation.

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**Olympia Medical Park II – (8202)**

(PD 8) (CD 2)

Northeast corner of West 71<sup>st</sup> Street and US 75

**STAFF RECOMMENDATION:**

This plat consists of four lots, one block, on 17.78 acres.

The following issues were discussed January 6, 2005 at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned PUD 648. All PUD conditions must be met.
2. **Streets:** Show plat boundaries in more distinguishable detail on location map. Delineate and label Limits of No Access along Highway 75. Show ODOT taking adjacent to west boundary of Block 1 per Book 3503 Page 666-668. Remove the word "general" in all instances as a modifier of "utility easements", notably section I. A. subheading and in section I. B. 3. What are conditions and provisions yet to be recorded referenced in section III emergency access easements? Question ownership of certain areas. Along 71<sup>st</sup> Street show right-of-way documentation (total width of right-of-way). Show limits of no access. A physical break in the street is recommended to prohibit excessive speeds. There needs to be a break in the next phase of development (such as a new intersection or a 90-degree angle). An intersection radius waiver is needed and supported. Access on 71<sup>st</sup> Street will be right-turn only as a new median is anticipated. Building setbacks must be per PUD. Identify the four previous right-of-way dedications from the first plat and document the two recent dedications adjacent to Blocks 1 and 2 and potentially a third adjacent to Reserve A and immediately east of Block 1. Dimension the total right-of-way of 71<sup>st</sup> Street at the west end (103 ft?). Show Limits of No Access along US 75 and along the south line of Block 1. For future phases extending the Collector street, traffic will highly recommend physical breaks in each half-mile section for speed control. Show an intersection radius or request a waiver. Label the drive onto 71<sup>st</sup> as 40-foot access and notify the owner that this access on a Primary Arterial may likely be limited in the future to "right-turn-only" due to future medians on 71<sup>st</sup> Street. Identify the out-parcel strip at the northwest corner of block 1. Check the PUD setback along Olympia and change 25 feet to 35 feet if necessary to meet the 65-foot setback per the covenants. Discuss the Landscape Preservation Areas proposed in the PUD. Identify the tract east of Block 2 as unplatted. Dimension the large building line for Lot 1; Block 2 from the southeast corner of Lot 1. There needs to be a collector sidewalk system.
3. **Sewer:** No comment.
4. **Water:** No comment.
5. **Storm Drainage:** No comment.
6. **Utilities: Cox:** Additional easements are needed. **PSO:** There is an existing switch cable and conduit there but an easement is needed along the east property line.
7. **Other: Fire:** Show block and page or plat number for emergency access easement.

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

**Waivers of Subdivision Regulations:**

1. A waiver to intersection radius is needed.

**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; 7 members present:**

On **MOTION** of **MIDGET**, TMAPC voted 7-0-0 (Bayles, Carnes, Harmon, Horner, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Coutant, Dick, Hill, Jackson "absent") to recommend **APPROVAL** of the preliminary plat and waiver of the Subdivision Regulations to intersection radius for Olympia Medical Park II, subject to special conditions and standard conditions per staff recommendation.

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## **ZONING PUBLIC HEARING**

**Application No.:** Z-6974/PUD-306-G-7      **RM-2/RS-3 to CS/MINOR  
AMENDMENT**

**Applicant:** Charles Norman      (PD-18) (CD-8)

**Location:** 95<sup>th</sup> Street and South Delaware

### **STAFF RECOMMENDATION FOR Z-6974:**

**PUD-306-G March 1999:** A major amendment and a zoning application, requesting CS and PK zoning to a 2.5 acre tract, to be added to the original Development Area E of PUD-306 resulting in a 25.7 acre tract. This included the subject tract. The major amendment proposed two new development areas for a retail commercial center, allowing 221,500 square feet of commercial uses and 60,000 square feet of office uses along with a 60' wide landscaped buffer area along the eastern boundary. All concurred in approval of the zoning and the major amendment.



**PUD-306-F March 1998:** All concurred in approval of a request for a major amendment to the PUD for a proposed multifamily residential development on 18.3 acres of land located at the northeast corner of South Delaware Avenue and the Creek Turnpike and on the south side of Vensel Creek.

**Z-6522/PUD-306-D January 1996:** All concurred in approval of a request for rezoning and for a major amendment to the PUD from RM-1/RS-3/PUD to CO/PUD on 18.3 acres located at the northeast corner of South Delaware Avenue and the Creek Turnpike. The proposal was to develop an ice sports facility.

**PUD-306-C February 1995:** All concurred in approval of a major amendment on approximately 57 acres of PUD-306 to allow a school use.

**PUD-306 February 1983:** All concurred in approval of rezoning and the proposed PUD on 273 acres which included the subject tract, for a mixed use development.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately .688 acres in size and involves part of the existing parking for PUD-306-G. This application is related to the minor amendment PUD-306-G-7, elsewhere on this agenda.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
South Delaware Avenue	Secondary arterial	100'	4 lanes

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

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the property as Low Intensity-No Specific land use. According to the Zoning Matrix, the requested CS is **not** in accord with the District Plan.

**STAFF RECOMMENDATION:**

Development in this area has continued to evolve since the construction of the Creek Turnpike and remains in a state of transition. This property, first conceived as a mixed commercial/office use, has been successful in attracting commercial uses but continues to experience office space vacancies. The applicant perceives a continued strong market for commercial space and therefore requests conversion of a portion of the unused office space to commercial. Staff can support the requested rezoning and recommends **APPROVAL** of CS zoning for Z-6974, subject to TMAPC's recommendation of approval of PUD-306-G-7.

Staff further recommends that if the TMAPC deems it appropriate to recommend approval of CS zoning for Z-6974, they direct staff to prepare amendments to the District 18 Plan to reflect that intensity.

**STAFF RECOMMENDATION PUD-306-G-7:**

This application is related to Z-6974, which seeks to convert a portion of the allowed and unused office space to commercial use. PUD-306-G allows a maximum of 156,500 square feet of commercial space and a maximum of 34,000 square feet of office space within Development Area B. The floor area within existing buildings allocated for commercial space has been completely utilized, but some 8,3000 square feet remaining in approved office area has not been used due to lack of market for office space within a commercial center. The applicant perceives a continued strong market demand for commercial space and therefore requests this change.

Rezoning application Z-6974 seeks approval of 30,000 additional square feet of CS zoning, which would allow an additional 15,000 square feet of gross building floor area for commercial uses, for a total of 171,500 square feet of allowed use. This application would allocate the permitted floor area among five tracts in Lot 1, Block 2 in terms of allowed commercial and office square footage, resulting in the 171,500 square feet of commercial and 19,000 square feet of office uses. The office floor area reduction corresponds to the increase in commercial square footage.

If approved, this application would allow the use of all space within existing buildings for commercial purposes as permitted under PUD-306-G and allow construction of an additional building within Tract B, which would be sized so that all required off-street parking would be available within that tract. The proposed increase in commercial floor area is approximately 9.5%, which is within the definition of a minor amendment, and therefore staff recommends **APPROVAL** of PUD-306-G-7, subject to TMAPC recommendation of approval of Z-6974.

**Applicant's Comments:**

**Charles Norman**, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, stated that he assured the neighborhood association that this application has nothing to do with the existing landscaped area and it doesn't change the building setbacks or any impact on the area between the shopping area and the residential area. Mr. Norman demonstrated the area that is under application for CS zoning.

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

**TMAPC Action; 7 members present:**

On **MOTION** of **MIDGET**, TMAPC voted 7-0-0 (Bayles, Carnes, Harmon, Horner, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Coutant, Dick, Hill, Jackson "absent") to recommend **APPROVAL** of CS zoning for Z-6974 and recommend **APPROVAL** of the minor amendment for PUD-306-G-7 per staff recommendation.

**Legal Description for Z-6974:**

A tract of land that is part of the SW/4, NE/4 of Section 20, T-18-N, R-13-E, of the IBM, City of Tulsa, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, said tract of land being more particularly described as follows, to-wit: starting at a point that is the Northeast corner of Government Lot 4, in said Section 20; thence Southerly along the Easterly line of said Government Lot 4 for 1,142.60' to the Point of Beginning of said tract of land; thence continuing Southerly along said Easterly line for 64.24'; thence Easterly and parallel with the Northerly line of said Section 20 for 467.00'; thence Northerly and parallel with the Easterly line of said Government Lot 4 for 64.24'; thence Westerly and parallel with the Northerly line of said Section 20 for 467.00' to the Point of Beginning of said tract of land, and located south of the southeast corner of East 96<sup>th</sup> Street and South Delaware Avenue, Tulsa, Oklahoma, **From RM-1& RS-3 (Residential Multifamily Low Density District & Residential Single-family High Density District) To CS (Commercial Shopping Center District).**

\* \* \* \* \*

**Application No.:** PUD-360-C

**MAJOR AMENDMENT**

**Applicant:** Stephen Schuller

(PD-18) (CD-8)

**Location:** 7715 East 91<sup>st</sup> Street

**STAFF RECOMMENDATION:**

**PUD-360-B February 2003:** All concurred in approval of a request for a major amendment to permit an hourly daycare center on the subject property.

**Z-6475/PUD-529 January 1995:** A request to rezone a four-acre tract located north of the subject property and fronting South Memorial Drive from AG to CS for a mini-storage facility. All concurred in denial of the request and recommended the applicant submit a PUD for the mini-storage facility and amend the request from CS to OL. All concurred in approval of the amended request and approved OL zoning on the east half of the tract with the balance of the property to remain AG.

**PUD-360-A September 1989:** A request for a major amendment to PUD-360 was approved to establish stricter setbacks and landscape requirements within the development standards to be more compatible with the surrounding residential development. This major amendment also reallocated floor area within the PUD. Approval was granted for the amendment.

**PUD-448 June 1989:** A request to develop a 32-acre tract located on the northeast corner of East 91<sup>st</sup> Street and South Memorial Drive with underlying CS and RM-1 zoning to allow use units 11, 12, 13, 14 and 16 was approved, per conditions.

**PUD-360 August 1984:** All concurred in approval of a request to rezone a 20-acre tract, which included the subject property, from CS and RM-0 to PUD for a mixed-use development.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is gently sloping, non-wooded, contains a retail shopping center, and is zoned RM-0/PUD-360-B.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design.</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
East 91 <sup>st</sup> Street South	Secondary arterial	100'	4 lanes

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

**SURROUNDING AREA:**

The property is abutted on the north by vacant property, zoned AG; to the northeast by a mini-storage facility, zoned OL/PUD-529; to the east by a grocery store and restaurants, zoned RM-0/CS/PUD-360, to the south by automobile sales and automotive businesses, zoned CS/PUD-405; to the west by single-family dwellings, zoned RS-3/PUD215; and to the south by a restaurant, also within PUD-360.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property as Low Intensity – No Specific Land Use.

**STAFF RECOMMENDATION:**

This application is to allow a 24-hour fitness club for women only within an existing building; with an aggregate floor area ratio of 14,600 square feet (Suite 7715A on the applicant's Attachment 3). The number of available parking spaces exceeds the number required by the Zoning Code and the terms and conditions of the PUD development standards. This is coming forward as a major amendment because it is a Use Unit 19, which is not one of the permitted

Use Units within the original PUD. A similar major amendment to allow a Use Unit 5 use was approved in 2003.

No changes to the boundaries of any of the Development Areas of the PUD are contemplated. The intensity of non-residential uses, the number of parking spaces and the number of loading berths would remain unchanged. No changes are proposed in amount of open space, number and size of business signs, building heights and setbacks, landscaped areas and screening. The use would be conducted entirely indoors.

Staff believes this change will have no detrimental effect on the surrounding area and will not materially deviate from the originally approved PUD. Therefore staff recommends **APPROVAL** of PUD-360-C.

[Note: Reviewed at the TAC on January 6 and no comments were received.]

**Applicant's Comments:**

**Steve Schuller**, 100 West 5<sup>th</sup> Street, Suite 500, Tulsa, Oklahoma 74103, representing the property owner, stated that this application is for a Fitness For Her health club for women, which will be a 24-hour facility. The west 200 feet of the subject property was limited to Use Units 11, 12 and 14. Today's request is a Use Unit 19 and the Planning Commission has previously permitted another use within the subject building that is very similar to this requests. The parking and bulk and area requirements are met and he is not requesting any other changes. Mr. Schuller concluded that he is in agreement with the staff's recommendation.

**TMAPC COMMENTS:**

Mr. Harmon asked staff what other uses would be allowed under Use Unit 19. In response, Mr. Alberty asked Mr. Schuller if he has restricted his request to the health club use only or is he asking for all of the Use Units within 19. In response, Mr. Schuller stated that he is only requesting this particular use.

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

**TMAPC Action; 7 members present:**

On **MOTION** of **CARNES**, TMAPC voted 7-0-0 (Bayles, Carnes, Harmon, Horner, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Coutant, Dick, Hill, Jackson "absent") to recommend **APPROVAL** of the major amendment for PUD-360-C to allow a 24-hour fitness club for women only within an existing building per staff recommendation.

**Legal Description for PUD-360-C:**

A tract of land that is part of Lot 2, Block 1, Homeland No. 0102, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, said tract of land being described as follows: beginning at the

Northwest corner of Lot 2, thence due East and along the North line of Lot 2 for 263.24'; thence due South for 523.90'; thence due West for 263.88' to a point on the West line of Lot 2; thence North 00°04'10" East along said West line for 523.90' to the Point of Beginning and located north and west of the northwest corner East 91<sup>st</sup> Street and South Memorial Drive (7715 East 91<sup>st</sup> Street South), Tulsa, Oklahoma, **FROM CS/RM-0/PUD (Commercial Shopping Center District/Residential Multifamily Lowest Density District/Planned Unit Development [PUD-360-B]) TO CS/RM-0/PUD (Commercial Shopping Center District/Residential Multifamily Lowest Density District/Planned Unit Development [PUD-360-C]).**

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**Application No.: CZ-351**

**AG to IH**

**Applicant:** Jack Hubbard

(PD-15) (County)

**Location:** Southeast corner of East 116<sup>th</sup> Street North and Highway 75

**STAFF RECOMMENDATION:**

**CZ-335 March 2004:** A request to rezone a twenty-acre tract located on the southeast corner of East 116<sup>th</sup> Street North and North Yale, from AG to IL or CG was approved for IL on the west half. TMAPC recommended denial of IL or CG on the east half. A resolution has not been published for the zoning change.

**CZ-333 January 2004:** A request to rezone a 21-acre tract located on the southwest corner of East 116<sup>th</sup> Street North and U. S. Highway 75 from AG to IL or CG was filed. Staff and TMAPC recommended denying CG and approving IL zoning on the north 660'. The Board of County Commissioners approved IL zoning on the north 660' on February 17, 2004.

**CZ-328 and CZ-329 November 2003:** Requests were filed to rezone two separate five-acre tracts from AG to CS. One tract was located on the northeast corner of East 96<sup>th</sup> Street North and Highway 75 and the second tract was located on the northeast corner of 106<sup>th</sup> Street North and Highway 75. Both requests were withdrawn by the applicants upon determination that both properties had street frontage but did not have rights-of-way to access.

**CZ-325 August 2003:** A request to rezone a 2.5-acre tract located on the southeast corner of East 146<sup>th</sup> Street North and Highway 75 from AG to CS was denied. The site did not qualify as a Medium Intensity node under the terms of the Development Guidelines.

**CZ-324 August 2003:** A request to rezone a 342-acre tract located south and east of the southeast corner of East 146<sup>th</sup> Street North and Highway 75 for residential development was approved for RE zoning.

**CZ-264 May 2000:** A request to rezone a 3.4-acre tract located on the northwest corner of East 96<sup>th</sup> Street North and Highway 75 North from RS to CS was approved for CS zoning on the south 150' with the remainder remaining RS.

**CZ-173 June 1989:** A request to rezone a 12.6-acre tract located in the southeast corner of East 106<sup>th</sup> Street North and U. S. Highway 75 and extending south along the Highway 75 right-of-way for approximately 1,463 feet for automobile sales. All concurred in denial of CG zoning and CS zoning was approved in the alternative.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property contains approximately 12.49 acres. It is located on the southeast corner of East 116<sup>th</sup> Street North and U. S. Highway 75 North. The property is flat, non-wooded, contains a non-conforming salvage yard and is zoned AG.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
U. S. Highway 75 South	Freeway/Highway	varies	4 lanes
East 116 <sup>th</sup> Street North	Primary arterial	120'	2 lanes

**UTILITIES:** Water is served to this area by Washington County Rural Water District and septic systems or lagoons are required for sewer.

**SURROUNDING AREA:**

The surrounding uses are agricultural with single-family homes, zoned AG. The northeast corner of East 116<sup>th</sup> Street North and North Yale Avenue is zoned CS and contains is vacant.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The North Tulsa County Comprehensive Plan designates the property as being within the Corridor District.

**STAFF RECOMMENDATION:**

Despite the fact that this use has been in operation for many years, staff cannot support the requested IH zoning. Allowed uses under that zoning, including the current use, are far more intense than any surrounding uses. The only other industrial zoning in the area is IL, and staff could support that designation for the subject property. However, IL would not permit the existing use. Therefore, staff recommends **DENIAL** of IH for CZ-351. If the TMAPC is inclined to approve the

lesser intense IL zoning, staff can support that and could recommend **APPROVAL** of IL in the alternative.

**TMAPC COMMENTS:**

Mr. Midget asked staff if this is an existing salvage yard. In response, Ms. Matthew stated that the applicant is a legally nonconforming use. She explained that if the Planning Commission approved IM zoning, then the applicant could go to the Board of Adjustment for approval.

Mr. Westervelt stated that the Planning Commission action would not put the applicant out of business, but it would make him a legal nonconforming use. In response, Ms. Matthews stated that the Planning Commission could also choose to not rezone the subject property and the applicant would remain non-conforming.

**Applicant's Comments:**

**Jack Hubbard**, 1236 South Indianapolis, Tulsa, Oklahoma 74112, representing the owner of the subject property, stated that the owner has no problem with the IL zoning. He is simply trying to bring the subject property into compliance with the Zoning Code.

**TMAPC COMMENTS:**

Mr. Westervelt asked Mr. Hubbard if he realized that the IL zoning would not bring the subject property into compliance, but it would be a legal nonconforming use. The zoning that would bring the subject property into compliance has been recommended by staff for denial. In response, Mr. Hubbard asked what zoning is recommended. In response, Mr. Westervelt stated that the staff is recommending IL rather than IH. In response, Mr. Hubbard stated that he would be willing to go to IL zoning. Mr. Westervelt reminded Mr. Hubbard that IL zoning is not sufficient to bring the subject property into compliance. Mr. Westervelt stated that if the applicant is in agreement with the IL zoning, he should be aware that it does not bring the subject property into compliance as he had indicated was his goal.

Mr. Hubbard stated that when he visited INCOG, he understood that in order to be in compliance he would have to request IH zoning.

Ms. Matthews stated that the applicant is advertised so that he could request IL zoning. In response, Mr. Hubbard stated that he would be willing to change his request to IL.

Mr. Midget asked Mr. Hubbard if he understood that he is currently a legally nonconforming use and it is not a use by right with regard to the IL zoning. In response, Mr. Hubbard stated that he would have to talk with the INCOG staff to get it changed.



Mr. Westervelt asked Mr. Hubbard if he would like a continuance in order to talk with INCOG. In response, Mr. Hubbard answered affirmatively.

Mr. Westervelt stated that Mr. Romig has offered to talk with Mr. Hubbard after this hearing.

**TMAPC Action; 7 members present:**

On **MOTION** of **BAYLES**, TMAPC voted 7-0-0 (Bayles, Carnes, Harmon, Horner, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Coutant, Dick, Hill, Jackson "absent") to **CONTINUE** CZ-351 to January 26, 2005 at 1:30 p.m.

**INTERESTED PARTIES:**

**Bill Goodwin**, 5704 West Creekside Drive, Stillwater, Oklahoma, 74075, stated that he owns property in the subject area and drove to Tulsa to speak about this specifically. He further stated that he opposes the IH zoning.

Mr. Westervelt explained that the reason for the continuance is due to the applicant not understanding the uses for the zoning he has requested.

Mr. Goodwin stated that IH is the most intrusive zoning. In response, Mr. Westervelt stated that staff is recommending denial of the IH zoning and suggesting the IL zoning in the alternative; however, it will not bring the applicant into compliance.

Mr. Goodwin stated that he would mail his response to this application to staff for the next hearing.

**Joe Ogden**, 3304 Heritage, Claremore, Oklahoma 74017, friend of the applicant, stated that his comments are related to whether the subject property would be zoned IH or IL. Mr. Ogden further stated that the business has been operating on the subject property for 40 years and the owner wishes to get his affairs in order and put them in a trust for his children. The children hoped to continue the operation and make improvements. He asked what it would take to bring the subject property into compliance.

In response to Mr. Ogden, Mr. Westervelt stated that the applicant would need IH zoning or IM with a Board of Adjustment action to bring it into compliance. Staff is recommending to deny the IH zoning and there didn't seem to be any interest for the IM zoning.

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Mr. Westervelt stated that the Planning Commission could continue with this application.

Mr. Moody stated that he doesn't agree with the staff recommendation. He explained that there are three hotels, Spring Hill Suites, Marriott Resident and Staybridge Inn, in this PUD. When the PUD was originally developed there were sign standards imposed and all of the parcels were one development area. Four years ago there was an amendment to the PUD and lot-splits were submitted to divide it into the existing tracts. The development floor area was allocated in the amendment, but there was no mention of the allocation of signage or restrictions to signage. All of the signs were subject to the standard or typical type PUD sign standards and were on the 70<sup>th</sup> Street frontage. A subsequent minor amendment was submitted on one lot to permit a four-foot by eight-foot monument sign as well as a pole sign at the corner of the lot on 71<sup>st</sup> Street. The monument sign was for the benefit of Staybridge Inn next to Albertson's.

Mr. Moody stated that over the years, the three hotels have had considerable trouble with being located by their customers. Signage does serve a purpose, other than being an irritant, because signs help to identify locations. Mr. Moody submitted comment cards from customers of the hotels (Exhibit D-1). The comment cards have comments that the customers were not able to find the hotel and that a sign would help.

Mr. Moody stated that he is requesting two pole signs. One pole sign is an existing pole sign that was permitted erroneously. When the applicant went back to Permitting to redo the face of the sign, they were advised that the existing pole sign would have to be removed because it was installed by error. He indicated that the existing pole sign serves the two properties that are under common ownership (Marriott Residence and the Spring Hill Suites). He requested that the existing pole sign be allowed to remain and the second requests is for a sign located on the farthest east lot behind Albertson's. These pole signs would be located on the north sides of the mentioned hotels on their own lots. They would not be located on East 73<sup>rd</sup> Street across from the apartment area. The requested signs would be screened by their own structures.

Mr. Moody stated that the subject property is zoned corridor district and a PUD was filed on the subject property in order to provide flexibility. There are developments along the collector commercial street (South 109<sup>th</sup> and East 73<sup>rd</sup> Street). In a corridor district there is a provision that specifically states that primary access shall be off an internal collector street. It was always contemplated that there would not be commercial lots along the arterial streets and that property owners would request ground signs and pole signs on these internal lots. It is compatible with and contemplated by the corridor district. One of the primary reasons that PUDs are done over the corridor district is to give the Planning Commission or applicant some flexibility for setbacks, and in order to

give access to some of these other lots to the primary arterial street. He explained that he is pointing this out to make a point that ground signs have always been contemplated under corridor usage.

Mr. Moody stated that the ground signs that he is proposing would be a maximum of 105 square feet display surface area and the existing height. They would also be located on the north side and wouldn't be visible to any of the areas to the south. The requested pole signs are critical to the existing hotels. Signs are an integral part of any business and in this one in particular, they are extremely important, as shown by the customers comment cards.

Mr. Moody requested that the Plan Commission approve two ground signs that would be on the north side of the Staybridge Inn Suites and one on the corner, which would be for the other two hotels that would use the sign jointly. He believes that this is a good compromise and there would only be two signs on the north side of the building.

**TMAPC COMMENTS:**

Mr. Westervelt asked Mr. Moody if he was requesting that the Planning Commission allow the illegal ground sign to remain. In response, Mr. Moody stated that the illegal sign would be one of the two requested.

Mr. Westervelt asked Mr. Moody if he was requesting the Planning Commission to go against the staff recommendation and allow the illegal sign to remain and add another pole sign on the easterly most motel in the front where it is comparably located to the existing illegal pole sign. In response, Mr. Moody answered affirmatively.

Mr. Moody stated that if the Planning Commission doesn't approve his request the illegal pole sign would have to come down. If the Planning Commission is not in favor of approving his request, he would request that the owner would have the option to place a monument sign on East 73<sup>rd</sup>. If the Plan Commission is in agreement with allowing Staybridge Inn having a pole sign, they would agree to remove the monument sign on East 71<sup>st</sup> Street. That would leave only two pole signs and eliminate the monument sign.

Mr. Westervelt asked staff if the signage they recommended was intended to be on the north side or south side of East 73<sup>rd</sup> Street. In response, Ms. Matthews stated that staff would prefer signage be on the north side as the applicant has requested.

Mr. Carnes asked staff if their opinion has changed since Mr. Moody is willing to take the monument sign down on the southwest corner. In response, Ms. Matthews stated that staff's opinion would remain the same. Ms. Matthews explained that Mr. Moody would have to file a major amendment since his clients are out of signage space. She explained that the only reason staff could

recommend the ground signs is because of the underlying zoning, which allows it.

Mr. Moody stated that if it had not been for the PUD, he wouldn't have to come before the Planning Commission for the pole signs because the underlying zoning would allow the pole signs.

Mr. Westervelt explained to Mr. Moody that the Planning Commission can't grant his request for the way it was filed and advertised. Planning Commission can either approve staff's recommendation or file a different application.

Mr. Moody stated that he was informed that a minor amendment was all he needed in order to achieve his goal. He explained that he was prepared to file a major amendment or go to the Board of Adjustment and after several conferences he was informed that a minor amendment was all that was required.

Mr. Alberty stated that this is probably confusing. He commented that he was not aware of what the application was going to be. The property is subject to the PUD conditions and when an applicant voluntarily puts a PUD over it, then the zoning is out the window. What is restricting the site is the PUD, and he not sure how to get what Mr. Moody wants without a major amendment. Even though the corridor district may permit the signage requested, it is still a consideration that the applicant has to apply under the corridor district with a specific site plan and he doesn't see anything in the file specifically. If the applicant is not willing to take the staff recommendation, then it should be continued to allow staff to determine what relief is actually needed.

Mr. Moody stated that he would like to continue this application, because he is nonplussed. He intended to file a major amendment and a Board of Adjustment application and was told that it wouldn't be necessary.

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

**TMAPC Action; 7 members present:**

On **MOTION** of **MIDGET**, TMAPC voted 7-0-0 (Bayles, Carnes, Harmon, Horner, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Coutant, Dick, Hill, Jackson "absent") to **CONTINUE** the minor amendment for PUD-567-C-4/Z-4789-SP-6d to January 26, 2005.

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**Application No.: PUD-450-A-11**

**MINOR AMENDMENT**

**Applicant:** Jerry Hall

(PD-26) (CD-8)

**Location:** 6317 East 111<sup>th</sup> Place South

**STAFF RECOMMENDATION:**

The applicant is requesting a minor amendment to PUD-450-A-11 for relief on a house that was built one foot over the 20-foot building line by mistake. Several other minor amendments with regard to rear setbacks have been approved in this PUD, all for more than one foot (the property immediately west was just approved for a decrease from 20 feet to 17.5 feet.) Staff can support this proposed minor amendment, finding that it will not adversely affect the adjacent properties and is in keeping with the spirit of the PUD. Therefore, staff recommends **APPROVAL** of the minor amendment for PUD-450-A-11.

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

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

**TMAPC COMMENTS:**

Mr. Ledford stated that he has a comment before the recommendation is made by the Planning Commission. If the Planning Commission is going to grant waivers based on an inspection plat, which states that it is not used for building lines and improvements, then the builder should be required to present to the staff a plat of survey that has some definition and true dimensions rather than the inspection plat. The Planning Commission and staff shouldn't be relying on the information from an inspection plat.

**TMAPC Action; 7 members present:**

On **MOTION** of **MIDGET**, TMAPC voted 7-0-0 (Bayles, Carnes, Harmon, Horner, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Coutant, Dick, Hill, Jackson "absent") to **APPROVE** the minor amendment for PUD-450-A-11 per staff recommendation.

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**Application No.:** Z-6973

**RS-3 to RS-4**

**Applicant:** John Moody

(PD-6) (CD-9)

**Location:** 3603 South New Haven

**STAFF RECOMMENDATION:**

**Z-6825 August 2001:** Approval was granted on a request to rezone a tract located south of the southwest corner of East 31<sup>st</sup> Street and South Louisville Avenue from RS-3 to PK.

**Z-6666 December 1998:** A request to rezone a .75-acre tract located between South Indianapolis Avenue and South Jamestown Avenue on the south side of East 33<sup>rd</sup> Street from RS-3 and RM-1 to CS or CG for a kennel business was denied.

**Z-6269 December 1989:** A request to rezone a .63-acre tract located on the northeast and northwest corner of East 36<sup>th</sup> Street and South Indianapolis Avenue from RS-3 to PK. TMAPC and staff recommended that only the southern five lots on either side of Indianapolis Avenue be approved for PK zoning with the balance to remain RS-3. City Council concurred in approval per the recommendation.

**PUD-332 January 1984:** An application for a Planned Unit Development and rezoning were filed on a .35-acre tract located west of the northwest corner of 36<sup>th</sup> Place and South New Haven, south of the subject property, to permit two single-family attached units or a total of four dwellings. All concurred in approval of the request.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 100' x 140' in size; it is located on the southeast corner of East 36<sup>th</sup> Street South and South New Haven Avenue. The property is flat, non-wooded, contains a single-family residential unit, and is zoned RS-3.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
South New Haven Avenue	Residential	50'	2 lanes
East 36 <sup>th</sup> Street South	Collector	80'	2 lanes

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

### **SURROUNDING AREA:**

The subject property is abutted on the north by single-family residential uses, zoned RS-3; on the south by single-family residential units, zoned RS-3; on the east by single-family residential units, zoned RS-3; and on the west by single-family residential units, zoned RS-3.

### **RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 6 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the property as Low Intensity-Residential land use. According to the Zoning Matrix, the requested RS-4 is in accord with the District Plan. Staff notes, however, that any development resulting from an RS-4 designation could be in two lots that are significantly smaller than existing adjacent lots.

### **STAFF RECOMMENDATION:**

This request appears to be spot zoning. There are no RS-4 lots either adjacent to or nearby. Although the District Plan might support the rezoning, existing conditions would not. Therefore, staff recommends **DENIAL** of RS-4 zoning for Z-6973.

### **APPLICANT'S COMMENTS:**

**John Moody**, 1800 South Baltimore, Tulsa, Oklahoma, representing Cherie Bass, stated that he is surprised at staff's recommendation and it is necessary to go into some history. Submitted the following exhibits: photographs (Exhibit D-1), OSCN Court Case report (Exhibit D-2) and a final plat of New Haven Place (Exhibit D-3). Mr. Moody addressed the staff's recommendation that this application is spot zoning and read court cases in which similar cases were upheld. Mr. Moody commented that a zoning change is spot zoning initially because it is a change in the area, but the Supreme Court states that the physical facts and other factors to determine whether the zoning is appropriate.

Mr. Moody stated that in the subject neighborhood is a mixed neighborhood. The subject subdivision was platted in 1922. Half of the subdivision was platted with 50-foot wide lots, starting from Harvard to Louisville. From Louisville to Pittsburgh there are some large blocks that were later subdivided by lot-splits. Over the course of years there have been a number of lot-splits done. He indicated that he tried to subdivide the subject property into two lots and file a Board of Adjustment application for a variance of the 60-foot frontage to 50 feet (the subject lot is 100' x 130'). The subject lot has enough area and depth, but it is only 100 feet in width and would create two 50-foot lots. The Planning Commission staff stated that Lot 16 has been split more than four times, which would require a subdivision plat. Staff also stated that they would prefer that he not go to the Board of Adjustment for a variance because he would have to prove a hardship and would prefer that this be RS-4 zoning because it would accomplish what the applicant would like. He indicated that he did not file the lot-split, but did file a subdivision plat application, which is New Haven Place, and it



is splitting the subject property into two lots (50' x 100'). The purpose of the lots is to permit two new single-family residences.

Mr. Moody stated that the existing house is small and has been rented for years. It is currently in poor condition and rundown. Mr. Moody described the surrounding properties and the duplexes that are located on East 36<sup>th</sup> Place, which is in the interior of the subdivision (zoned RD). The subject area has several non-standard 60-foot RS-3 lots. In terms of the actual circumstances, there is a reason for changing the zoning for the subject property. This is not spot zoning, but rather the best way to resolve and provide for infill in this particular area. If the Planning Commission denies this application, then the subject property will remain an old rental property and no one will build a new single-family home on 100' x 130' lot due to economics. His client is preparing to build two new single-family homes with 1500 square feet on each lot. This will be a vast improvement over the area and what is located there presently. He believes that this application is appropriate use of the subject property and it is consistent with infill policies. The RS-4 is the appropriate zoning to encourage for infill development in the subject area. Mr. Moody concluded that he believed that he was following what the staff in the office had recommended to his client.

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

**TMAPC COMMENTS:**

Mr. Carnes stated that he would have preferred that this come in under a PUD; however, the Planning Commission can help this old neighborhood by clearing off an older home in order to build two new single-family homes he would be voting in favor of the RS-4 zoning.

Mr. Midget stated that he would be in favor of the zoning in order to encourage more infill development. This is not the typical zoning, but as the Planning Commission looks at infill development it will have to be more flexible. He indicated that he is not opposed to 50-foot lots because he has seen some very nice homes built on 50-foot lots.

Ms. Bayles stated that she would have to disagree with Mr. Carnes in one respect, as a neighborhood resident of a historic district; she is not necessarily in favor of tearing down something old in order to put something new in its place. However, there has been obvious redevelopment on 36<sup>th</sup> Street between Utica and Lewis. It has been advantageous to tear down the homes on the large lots that have been in decline for a number of years for new larger homes. For this reason she will be voting in favor of this application.

**TMAPC Action; 7 members present:**

On **MOTION** of **CARNES**, TMAPC voted 6-1-0 (Bayles, Carnes, Harmon, Horner, Midget, Westervelt "aye"; Ledford "nay"; none "abstaining"; Coutant, Dick, Hill, Jackson "absent") to recommend **APPROVAL** the RS-4 zoning for Z-6973.

**Legal Description for Z-6973:**

A tract of land in Block 16, Thirty Sixth Street Suburb, Tulsa County, State of Oklahoma, according to the recorded plat thereof, being more particularly described as follows: Beginning 15' South of the Northwest corner of Block 16, thence East 140'; thence South 100', thence West 140'; thence North 100' to the Point of Beginning, and located on the southeast corner of East 36<sup>th</sup> Street South and South New Haven Avenue (3603 South New Haven), Tulsa, Oklahoma, **From RS-3 (Residential Single-family High Density District) To RS-4 (Residential Single-family Highest Density District).**

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**Application No.: PUD-699-1**

**MINOR AMENDMENT**

**Applicant:** Sisemore, Weisz & Associates, Inc. (PD-11) (CD-1)

**Location:** South of southeast corner of West Newton Street and North 24<sup>th</sup> West Avenue

**STAFF RECOMMENDATION:**

Based on some information provided by the applicant (see attached letter from Gilcrease Hills Estates, Limited Partnership, January 13, 2005), staff can now support the proposed PUD-699-1. The applicant, by this letter, agrees to conduct a tree survey within the eastern greenbelt area to identify trees with six-inch caliper or greater. Trees that are removed during construction will be replaced 1:1 with new trees having a two-inch or greater caliper and an approximate height of ten feet or more. These conditions satisfy TMAPC staff concerns regarding the deforestation of the property. The applicant must still satisfy the requirements of Public Works – Engineering staff regarding stormwater and grading.

Staff recommends **APPROVAL** of PUD-699-1 with these conditions.

Ms. Matthews stated that staff has numerous conversations with the applicant regarding this application. This new recommendation is staff's revised recommendation with the recommendation for approval with conditions.

**APPLICANT'S COMMENTS:**

**Jeffrey Levinson**, 9308 South Toledo, Tulsa, Oklahoma, stated that he is in agreement with the staff recommendation, but he would like to have some clarification regarding the reforestation. He wanted it clarified that once the reforestation is done that the screening fence is eliminated. This issue has been back and forth and he doesn't believe that the screening fence will serve much purpose once the reforestation is accomplished.

Ms. Matthews stated that she is not sure staff discussed the screening fence being eliminated. She indicated that staff may have to discuss the screening fence at a later stage since it has not been discussed.

Mr. Levinson stated that he would defer to staff to whatever they thing would be appropriate. He believes that after the reforestation project is done, the fence wouldn't serve any purpose. The fence wouldn't screen anything.

Mr. Alberty stated that the original PUD would give staff enough latitude. The original PUD stated that if the existing trees were left in place then there would be a consideration for the waiver of the six-foot in height screening fence.

Mr. Westervelt stated that with the topography of the subject property, there wouldn't be any gain from the screening fence.

Mr. Alberty agreed with Mr. Westervelt regarding the topography. He vaguely remembers discussing the screening fence issue and based on their agreed reforestation, which is one-for-one tree replacement and a minimum of ten feet in height; due to the elevation changes the six-foot screening fence would accomplish nothing. Staff is prepared to accept the amendment of application to eliminate the six-foot screening fence in lieu of the reforestation.

**Ms. Bayles out at 3:22 p.m.**

**INTERESTED PARTIES:**

**Larry Duke**, 1919 West Seminole, Tulsa, Oklahoma 74127, stated that he has not seen the details of the reforestation and he would like some assurance that the reforestation plans are better than the original plan to bulldoze all of the trees. He indicated that he is also concerned with water runoff and where the water would go. Most of the subject area will drain to the south and eventually go into a three-foot wide culvert. He commented that he has discussed this issue with Stormwater Management.

In response, Mr. Westervelt reminded Mr. Duke that the Planning Commission doesn't deal with stormwater issues. The Stormwater Management Division will handle those issues.

Mr. Duke stated that originally the Gilcrease Hills HOA didn't oppose this application, but now they have changed their position and would like to oppose the project.

Mr. Alberty stated that this is a minor amendment and there is no specific plan in front of the Planning Commission at this time. The approval should be subject to returning with a specific plan and the applicant understands that he does have to do a tree survey and show a detail landscape plan. At this particular point all staff is doing is basically approving the minor amendment and the applicant will have to return with a revised site plan.

Mr. Westervelt stated that on the detail site plan, since the applicant is doing a tree survey, then the Planning Commission would have the privilege of identifying or making a recommendation for the replacement trees that would go in. In response, Mr. Alberty answered affirmatively.

**TMAPC Action; 7 members present:**

On **MOTION** of **HARMON**, TMAPC voted 6-0-0 (Carnes, Harmon, Horner, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Coutant, Dick, Hill, Jackson "absent") to **APPROVE** the minor amendment for PUD-699-1 with conditions mentioned in the revised staff recommendation, and include the deletion of the requirement for the screening fence; subject to the detail site plan being returned to the Planning Commission for review of the reforestation.

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**Ms. Bayles in at 3:30 p.m.**

**OTHER BUSINESS:**

<b>Application No.:</b> PUD-235-A	<b>DETAIL SITE PLAN</b>
<b>Applicant:</b> Sack & Associates, Inc.	(PD-18) (CD-7)
<b>Location:</b> 19111 East 71 <sup>st</sup> Street	

**STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for a new restaurant. The proposed use, Use Unit 12, Eating Establishments Other than Drive-Ins, conforms to development standards.

The proposed site is in compliance with minimum building setbacks, maximum permitted building height and floor area. Parking and site lighting are in conformance with Development Standards and the Zoning Code. The site

exceeds minimum lot landscaped area and street yard area requirements. Development Standards require parking areas to be screened from 71 Street South. The applicant's response is to provide 50 juniper bushes along the parking areas and within the required 20' wide landscaped buffer adjacent to the right-of-way.

Staff recommends **APPROVAL** of PUD-235-A detail site plan and landscape plan as proposed.

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

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

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

**TMAPC Action; 7 members present:**

On **MOTION** of **CARNES**, TMAPC voted 7-0-0 (Bayles, Carnes, Harmon, Horner, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Coutant, Dick, Hill, Jackson "absent") to **APPROVE** the detail site plan for PUD-235-A per staff recommendation.

\* \* \* \* \*

**Ms. Bayles announced that she will be abstaining from the following item.**

**Application No.: PUD-708                      DETIAL SITE PLAN/LANDSCAPE PLAN**

**Applicant: Sack & Associates              (PD-6) (CD-4)**

**Location: 1515 South Utica**

**STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for a new three-story (with an unfinished fourth floor penthouse) Drive-Through Bank. The proposed use, Use Unit #11, conforms to development standards.

The proposed building floor area, height and setbacks are in compliance with Development Standards. Proposed parking is provided for the first three floors and is sufficient to meet Zoning requirements. Per the Development Standards, "unfinished expansion space may be included in the principal building, but shall not be finished or occupied until required off-street parking is added to the Planned Unit Development." A screened dumpster is proposed on the site's south boundary adjacent to residential uses and accessible from the alley. Staff

recommends that the dumpster be relocated further north and away from the residential uses.

The site is to be accessed from South Utica Avenue by a drive located at the site's southwest corner, and from East 15<sup>th</sup> Street South by the alley entrance. The site may also be accessed from the south by the same north/south alley. No access is provided from South Victor Avenue.

Proposed internal lot landscaped area and landscaped street yard areas are in compliance with the Zoning Code; and landscape detail and screening are in substantial compliance with Exhibit 'B', 'Landscape and Screening Concept Plan' and the PUD text.

Per the Lighting Plan, proposed mounting height of light fixtures is in compliance with development standards; however, type of lens (flat or convex/ dropped) is not specified. Light visibility from Fixture 'B' at the southeast corner of the drive-thru structure may extend into adjacent residential uses.

Staff recommends **APPROVAL** of **PUD 708 Detail Site and Landscape Plan** contingent upon (1) the penthouse remaining unfinished until additional parking is provided to support the space; (2) relocation of the proposed dumpster further north and away from the adjacent residential uses; (3) verification that light from the light producing elements and/or reflectors of the light fixture at the southeast corner of the drive-thru structure is not visible from the adjacent residential; and (4) specification of lens type for proposed light fixtures.

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

**INTERESTED PARTIES:**

**Susan McKee**, 1616 South Victor, Tulsa, Oklahoma 74104, stated that she would like to commend the City Council for supporting the neighbors' request to eliminate the access from the subject property onto Victor Avenue. She request that the Planning Commission keep this decision in mind when considering the approval of the subject site plan and as well as the new site plan and proposed rezoning that will be presented to the Planning Commission on February 2, 2005. Ms. McKee read from the Zoning Code.

Ms. McKee stated that it has always been her position that any access this proposed development has to her neighborhood would increase traffic and place the safety of the residents at risk. In order to properly study the effects of this proposed development, she requested a traffic study be done on Victor Avenue. If one already exists, she would like to have access to the results prior to the February 2<sup>nd</sup> meeting.

Ms. McKee stated that other concerns are that this development proposal has not met the Yorktown Historic District design guidelines, which were approved

during the HP overlay and unanimously approved by TPC, TMAPC and the City Council. All along, the neighborhood has been told that the Arvest Bank is being developed, and an article in the Tulsa World indicated that there is no contract with Arvest to move at this time.

**Mark Radzinski**, 1552 South Yorktown Avenue, Tulsa, Oklahoma 74104, President of Yorktown Neighborhood Association, stated that he is a member of the Preservation Commission COA Subcommittee. Mr. Radzinski asked staff if the no-access to Victor was still included in the staff recommendation.

In response, staff answered affirmatively.

Mr. Radzinski stated that as proposed, PUD-708, the Yorktown Neighborhood Association is in favor of this design.

**APPLICANT'S COMMENTS:**

**Charles Norman**, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, stated that he is in accord with the staff recommendation. He indicated that he does have an amended PUD that will be heard by the Planning Commission in two weeks.

**TMAPC Action; 7 members present:**

On **MOTION** of **MIDGET**, TMAPC voted 6-0-1 (Carnes, Harmon, Horner, Ledford, Midget, Westervelt "aye"; no "nays"; Bayles "abstaining"; Coutant, Dick, Hill, Jackson "absent") to **APPROVE** the detail site plan for PUD-708; subject to (1) the penthouse remaining unfinished until additional parking is provided to support the space; (2) relocation of the proposed dumpster further north and away from the adjacent residential uses; (3) verification that light from the light producing elements and/or reflectors of the light fixture at the southeast corner of the drive-thru structure is not visible from the adjacent residential; and (4) specification of lens type for proposed light fixtures per staff recommendation.

\* \* \* \* \*

**Corrected meeting minutes and staff recommendation – August 27, 2003, for scrivener's error in PUD-687 staff recommendation.**

**STAFF RECOMMENDATION:**

Ms. Matthews stated that staff's recommendation is that the correction to the scrivener's error for the minutes and staff recommendation for PUD-687 be approved.

**INTERESTED PARTIES:**

**John Denny**, 3140 South Winston Avenue, Tulsa, Oklahoma 74135, representing Homeowners for Fair Zoning, Inc., stated that he is opposed to the

proposed corrective amendment to the staff recommendation and correcting the minutes of the August 27, 2003 meeting.

Mr. Denny cited that a little background is needed and proceeded to describe a timeline of the proposal.

**TMAPC COMMENTS:**

Mr. Midget stated that he doesn't intend to be rude and would like to ask a simple question. He asked Mr. Denny if he is about to share new information with the Planning Commission or will it be the same information heard at the last hearing. Unless the Planning Commission wants to listen to the same information again, he is not inclined to listen to it again. He explained that he is not trying to be rude, but if it is the same information that was delivered last time, then he doesn't see any reason to go on.

Mr. Denny stated that there are people watching at home on television who possibly do not understand what has occurred in this matter and they won't realize the importance of what is being done here today.

Mr. Westervelt informed Mr. Denny that since the last meeting, INCOG did some research and in the committee meeting with the City Council, Jim Dunlap, staff at the time, acknowledged the fact that he had made an error in the staff recommendation and apparently staff has clarified this and it was presented to the City Council members at the committee meeting. It begins to render this argument of some sort of conspiracy with regard to the scrivener's error as a very foolish notion and one that he is beginning to lose patience with this relentless attempt to create some subterfuge with regard to this matter. With the new information, knowing that this information is coming forward, he advised him to go ahead with his presentation and keep it brief.

Mr. Denny stated that he understands that his opinion is always subject to change if further information is provided to him. However, what the TMAPC proposes to do today is to retroactively amend the minutes of the August 27<sup>th</sup>, 2003 hearing, at which the PUD-687 and its permitted uses were approved. Those were forwarded to the Council and voted on October 30, 2003, and the staff recommendation approved with specific wording which did not provide for the bank and two office buildings that are now proposed to be built.

Mr. Denny stated that he has filed objections to the site plan and the restrictive covenants that are attached to the plat and to this proposed change in the wording in the minutes of the August 27<sup>th</sup> meeting. If this method is used to retroactively determine what the Planning Commission on a particular date, then it opens a Pandora's box of completely revising any PUD without taking the proper procedures, which would be take a major amendment to the Council.



Mr. Westervelt explained to Mr. Denny that staff disagrees with him strongly. Scrivener's error corrections are made from time to time and the minutes in this particular PUD reflect all of the subject matter that is pertinent. He stated that Mr. Denny's theories of conspiracy are really being wasted on the Planning Commission today and he would like Mr. Denny to conclude his presentation.

Mr. Denny stated that he hadn't actually thought of a conspiracy until Mr. Westervelt just suggested it. He believes that Mr. Westervelt's attitude demonstrates the possibility.

Mr. Harmon stated that he would make a motion for the correction of the minutes and staff recommendation and made it clear that this is a correction and not an amendment.

**TMAPC Action; 7 members present:**

On **MOTION** of **HARMON**, TMAPC voted 6-0-1 (Carnes, Harmon, Horner, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Coutant, Dick, Hill, Jackson "absent") to **APPROVE** of the correction of the Scrivener's error to the August 27, 2003 meeting minutes and staff recommendation for PUD-687 per staff recommendation.

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There being no further business, the Chair declared the meeting adjourned at 3:45 p.m.

Date Approved:

March 16, 2005



Chairman

ATTEST:   
Secretary

