

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2417

Wednesday, July 6, 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>
Ard	Bayles	Alberty	Boulden, Legal
Bernard	Midget	Chronister	
Cantees		Fernandez	
Carnes		Huntsinger	
Dick		Matthews	
Harmon			
Hill			
Horner			
Jackson			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, June 30, 2005 at 1:00 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

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

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### Minutes:

#### **Approval of the minutes of May 18, 2005, Meeting No. 2412**

On **MOTION** of **HORNER** the TMAPC voted 7-0-1 (Ard, Bernard, Cantees, Carnes, Harmon, Hill, Horner, "aye"; no "nays"; Dick "abstaining"; Bayles, Jackson, Midget "absent") to **APPROVE** the minutes of the meeting of May 18, 2005, Meeting No. 2412.

### Minutes:

#### **Approval of the minutes of May 25, 2005, Meeting No. 2413**

On **MOTION** of **HORNER** the TMAPC voted 7-0-1 (Ard, Bernard, Cantees, Carnes, Harmon, Hill, Horner, "aye"; no "nays"; Dick "abstain"; Bayles, Jackson, Midget "absent") to **APPROVE** the minutes of the meeting of May 25, 2005, Meeting No. 2413.

**REPORTS:**

**Director's Report:**

Mr. Alberty reported on the City Council agenda for last week. He further reported that this week there are no items on the City Council agenda.

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Mr. Jackson in at 1:34 p.m.

**SUBDIVISIONS:**

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

**L-19816 – Sisemore Weisz & Associates** (9228) (County)

4451 West 51<sup>st</sup> Street South

**STAFF RECOMMENDATION:**

The proposal is to split Tract B off Tract A and tie it to Tract C. According to the Major Street and Highway Plan (MSHP), West 51<sup>st</sup> Street South is a secondary arterial requiring 50' of right-of-way be given from the centerline of the street. However, there are existing structures located on and just north of the statutory right-of-way that is 24.75' from the center of West 51<sup>st</sup> Street South. Therefore, the applicant requested a waiver of Subdivision Regulations Section 6.5.1.(c)(3) requiring right-of-way be given to the Tulsa County in accordance with the MSHP along West 51<sup>st</sup> Street South between 45<sup>th</sup> West Avenue and the St. Louis & San Francisco Railroad.

Tulsa County Engineer stated that the existing structures are located on the statutory right-of-way, and that the additional right-of-way would not benefit the county at this time. The Technical Advisory Committee reviewed this application on June 16, 2005, and expressed that while they generally oppose the waiving of the right-of-way requirements, the buildings are existing and the proposed split would not have an impact on the traffic Subdivision Regulations 6.5.1.(c)(4). Also, as suggested by the TAC, further review of the subject property reflects that the secondary arterial designation turns south just west of the subject property and follows the Gilcrease Expressway toward the east. If the property in fact is not located on a secondary arterial, the encroaching buildings are in the right-of-way by 5.25'.

Given the TAC's and the County Engineering Department's comments, staff recommends **APPROVAL** of the waiver of the Subdivision Regulations for 5.25' of the required right-of-way along West 51<sup>st</sup> Street, and of the lot-split, with the condition that no further development be allowed within the MSHP right-of-way.

**TMAPC COMMENTS:**

Mr. Harmon asked Ms. Chronister if there is currently a physical building in the 5.25 feet of right-of-way. In response, Ms. Chronister answered affirmatively.

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted 9-0-0 (Ard, Bernard, Cantees, Carnes, Dick, Harmon, Hill, Horner, Jackson "aye"; no "nays"; none "abstaining"; Bayles, Midget "absent") to **APPROVE** the waiver of the Subdivision Regulations for 5.25' of the required right-of-way along West 51<sup>st</sup> Street, and of the lot-split, with the condition that no further development be allowed within the MSHP right-of-way for L-19816 per staff recommendation.

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**L-19847 – Lou Reynolds** (9317)

(PD 6) (CD 9)

2405 East 26<sup>th</sup> Place

**TMAPC COMMENTS:**

Ms. Hill reported that there has been a request for a continuance on this item.

**STAFF RECOMMENDATION:**

Ms. Chronister stated that staff can approve the continuance.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **HARMON**, TMAPC voted **9-0-0** (Ard, Bernard, Cantees, Carnes, Dick, Harmon, Hill, Horner, Jackson "aye"; no "nays"; none "abstaining"; Bayles, Midget "absent") to **CONTINUE** the lot-split for waiver of Subdivision Regulations for L-19847 to July 20, 2005.

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

- L-19818 – Kathy Owen** (8214) (PD 8) (CD 2)  
8511 South Maybelle
- L-19841 – David Haddock** (0225) (PD 2) (CD 1)  
259 East Tecumseh Street
- L-19842 – Pamila Martin** (9319) (PD 6) (CD 9)  
3806 South Wheeling
- L-19844 – Ronald Alexander** (1315) (County)  
6108 East 106<sup>th</sup> Street North
- L-19848 – Shirley West** (1417) (County)  
11510 East 106<sup>th</sup> Street North
- L-19850 – Lou Reynolds** (9317) (PD 6) (CD 9)  
2445 East 28<sup>th</sup> Street
- L-19854 – Jody Sherrell** (9136) (County)  
5831 South 85<sup>th</sup> West Avenue
- L-19855 – Rodney Carrington** (6315) (County)  
20302 South Sheridan

**STAFF RECOMMENDATION:**

All of these lot-splits are in order and staff recommends **APPROVAL**.

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

**TMAPC Action; 9-0-0 members present:**

On **MOTION** of **HORNER** the TMAPC voted **9-0-0** (Ard, Bernard, Cantees, Carnes, Dick, Harmon, Hill, Horner, Jackson "aye"; no "nays"; none "abstaining"; Bayles, Midget "absent") to **RATIFY** these lot-splits given prior approval, finding them in accordance with Subdivision Regulations as recommended by staff.

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**FINAL PLAT:**

**Waterford Plaza – (8322)**

(PD 18) (CD 8)

West of southwest corner of East 91<sup>st</sup> Street and Sheridan Road

**STAFF RECOMMENDATION:**

This plat consists of one lot in one block on 2.68 acres.

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

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted 9-0-0 (Ard, Bernard, Cantees, Carnes, Dick, Harmon, Hill, Horner, Jackson "aye"; no "nays"; none "abstaining"; Bayles, Midget "absent") to **APPROVE** the final plat for Waterford Plaza per staff recommendation.

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**PRELIMINARY PLAT:**

**Cypress Creek – (9425)**

(PD 17) (CD 6)

West of the southwest corner of East 41<sup>st</sup> Street South and 193<sup>rd</sup> East Avenue

**STAFF RECOMMENDATION:**

This plat consists of 122 lots, eight blocks, on 51.62 acres.

The following issues were discussed June 16, 2005 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned RS-3, AG, OL. The applicant is proceeding at his own risk as if he had RS-4 zoning (pending). The plat may be delayed along the process if the zoning is not granted.
2. **Streets:** Redesign the transitions on 190<sup>th</sup> and 185th East Avenues to provide 20:1 tapers and adjust the right-of-way. Dimension the Reserve F island. Sidewalks are required on all arterial streets per City of Tulsa policy,

and on collector streets per Subdivision Regulations. Proposed revision of Subdivision Regulations includes requirement for sidewalks on all arterials and residential collector streets, and both sides of residential streets and to be established in the covenants or on the related PFPI project. Language addressing sidewalks is encouraged.

3. **Sewer:** Continue the 17.5-foot perimeter easement along the north boundary through Reserves F, A, and G. Provide a minimum 15-foot easement where the proposed sanitary sewer line crosses Reserve C. In Block 1, identify the easement width between Lots 3 and 4 (it should be 20 feet). In Block 3, identify easement width along the north line of Lot 1 (17.5'). In Block 6, adjacent to Reserve E, a 17.5-foot easement is required since E has no easement. If Reserve D is not also dedicated as U/E, then the 17.5-foot easement will continue to the east boundary line of Block 6. If Reserve D is changed from a utility easement, then a 17.5-foot perimeter easement must be added. In Section 2.G. add language describing the utility easement for Reserve D. The proposed off-site utility easements must be approved before a work order can be issued.
4. **Water:** Add water line easement to Reserve C location northwest corner area. Minimum line size is six inches. Four-inch lines are not permitted. There are three dead-ends, which require a fire hydrant or blow-off assembly. Move utility easements from service line connection points. Reroute water line around SD inlets. Replace independent valves with inline valves for fire hydrant isolations and main line repairs.
5. **Storm Drainage:** Please be sure the floodplains have been plotted, by utilizing the 100-year water surface elevation from Master Drainage Plan drainage models for this area. Label the "Crooked Creek Tulsa Regulatory Floodplain" and the "Spunky Creek Tulsa Regulatory Floodplain" as such. The overland drainage easement reserves for these floodplains should include the entire area located on the platted site, bounded by limits required to contain the 100-year water surface elevations, plus an additional 20 feet outside those limits. South 185<sup>th</sup> East Avenue should not extend into Reserve C. Please label the "Stormwater Detention Area" Reserves B and D as such. Do not place utility easements in Reserve D. The reserve for the Spunky Creek floodplain should be a separate reserve, and should not be included in the Stormwater Detention Area Reserve B. The utility site plan shows "proposed storm sewers" to be installed down lot lines in Blocks 4 and 6. These must be placed in storm sewer easements. Off-site drainageways flowing onto Blocks 3 and 4 must be conveyed from the property line in overland drainage easements, or must be collected and piped in storm sewer easements. In Section II B: Please replace this section with the standard language for "owner responsibility to water mains, sanitary sewers, and storm sewer services". In Section II F: Please remove Reserve C from this subsection. Reserve C is for overland drainage conveyance of Crooked Creek Floodplain drainage. Please create a

subsection for Reserve C and for the new reserve for the Spunky Creek floodplain. Include the standard language for overland drainage easements in this new subsection. In Section III: Please use standard language for stormwater detention. Standard covenant language is attached.

6. **Utilities: ONG:** Okay. **Valor:** Additional easements are needed.
7. **Other: Fire:** Correct legal description.

Staff recommends **APPROVAL** of the Preliminary 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.

**TMAPC COMMENTS:**

Mr. Harmon asked if there would be sidewalks required. In response, Mrs. Fernandez stated that the new Subdivision Regulations require sidewalks.

Mr. Ard asked Mrs. Fernandez what would happen if the Planning Commission didn't approve the zoning change. In response, Mrs. Fernandez stated that the applicant would have to start over with a new plat that would relate to the existing zoning. She further stated that the applicant will have to wait until the first reading of City Council approval to be assured of their rezoning. She commented that the application for rezoning is in the process of public notice at this time.

Mr. Jackson asked Mrs. Fernandez what the lot sizes would be. In response, Mrs. Fernandez stated that the lot sizes conform to RS-4.

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

**INTERESTED PARTIES:**

**Tim and Kaylynn Johnson**, 19009 East 41<sup>st</sup> Street, Tulsa, Oklahoma 74134, stated that she is concerned about the water detention area and it being a floodplain where all the water is going to be pushed over onto her land. She explained that currently she is having trouble with the new housing addition.

**TMAPC COMMENTS:**

Ms. Hill explained that Ms. Johnson's comments will be recorded; however, the drainage issues are a subject that the Stormwater Management Department will address. The Planning Commission doesn't have jurisdiction on this issue. She encouraged Ms. Johnson to contact Stormwater Management.

Ms. Johnson stated that the other concern she has is the pump station. She asked why the pump station couldn't be placed at the back of the housing addition so that it wouldn't be an eyesore from her property. She stated that she

wouldn't fight the housing addition because she is aware that it would be allowed, but she does want to protect her property.

Ms. Hill asked staff who Ms. Johnson should discuss this issue with. In response, Mr. Alberty stated that Ms. Johnson should contact Public Works and Stormwater Management.

Ms. Johnson stated that the applicant has already had surveyors at the property and they have been driving into her ditches and hit pipe fences and broken two welds on the fence. She requested that they stay off of her property.

Ms. Hill asked Ms. Johnson if she has spoken with the developer or the surveying company. She commented that when she stopped and spoke to the surveying company, they informed her that they weren't the company who surveyed the subject property.

Ms. Hill asked the applicant to speak with Mr. and Mrs. Johnson. Ms. Hill encouraged the applicant and interested parties to have dialogue throughout the process.

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted 9-0-0 (Ard, Bernard, Cantees, Carnes, Dick, Harmon, Hill, Horner, Jackson "aye"; no "nays"; none "abstaining"; Bayles, Midget "absent") to **APPROVE** the preliminary plat for Cypress Creek, subject to special conditions and standard conditions per staff recommendation.

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**MINOR SUBDIVISION PLAT:**

**Home Depot at 91 Delaware Center – (8317)** (PD 18) (CD 2)  
8950 South Delaware Avenue

**STAFF RECOMMENDATION:**

This plat consists of four lots, one block, on 17.9 acres.

The following issues were discussed June 16, 2005 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned IL. Easements should be rededicated per this new plat.
2. **Streets:** Show documentation of 50 feet of right-of-way on Delaware. Additional 17.5-foot utility easements are required on Delaware and along

South Lewis Place. Sidewalks are required on all arterial streets per City of Tulsa Policy. Proposed revision of Subdivision Regulations includes requirement for sidewalks on all arterials and residential collector streets, and both sides of residential streets and to be established in the covenants or on the related PFPI project. Traffic Engineering objects to the location of both access points shared by Lots 2 and 3, and 3 and 4 due to conflicts with the two residential streets on the east side of Delaware. One access point within the middle 1/3 of Lot 3 could be approved subject to the Traffic Engineer. Recommend relocating the 91<sup>st</sup> Street access to the turn lane. Document the existing right of way for both Delaware and 91<sup>st</sup> Street.

3. **Sewer:** No comment.
4. **Water:** Stormwater and waterlines are within the same easement along the west lot line. Show sewer lines going to the building of Lot 1. Show existing water lines dashed and light. Show dimensions between waterline and edge of easement, easement widths and distance to sanitary east of Lot 1.
5. **Storm Drainage:** All existing easements must be labeled with their filed book and page, or document numbers. If they are platted easements, then the label should include the plat name and number. Drainage structures and storm sewers should not be placed in the restrictive waterline easement.
6. **Utilities: ONG, Cable:** Okay.
7. **Other: Fire:** Explain legal description.

Staff recommends **APPROVAL** of the minor subdivision plat, as all required release letters have been received, 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.**

**INTERESTED PARTIES:**

**Ron Dillenger**, 2823 East 89<sup>th</sup> Street, Tulsa, Oklahoma 74136, stated that he is concerned about where the entrances off of Delaware would be located. He explained that there is only one entrance into his neighborhood and the traffic is already congested. He expressed concerns regarding exiting his neighborhood if there are entrances to fast food restaurants across the street from his entrance.

**TMAPC COMMENTS:**

Mr. Jackson explained that on Lots 2, 3 and 4 there are mutual access easements.

Mr. Dillenger stated that he doesn't see his neighborhood listed on the map provided. He explained that his subdivision is Cedar Crest at 89<sup>th</sup> and Delaware.

Mr. Jackson pointed out to Mr. Dillenger that the mutual access easement is located north of the entrance to the Cedar Crest Subdivision.

Ms. Hill suggested that Mr. Dillenger and the applicant discuss this issue.

**TMAPC Action; 9 members present:**

On **MOTION** of **HARMON**, TMAPC voted 9-0-0 (Ard, Bernard, Cantees, Carnes, Dick, Harmon, Hill, Horner, Jackson "aye"; no "nays"; none "abstaining"; Bayles, Midget "absent") to **APPROVE** the minor subdivision plat for Home Depot at 91 Delaware Center, subject to special conditions and standard conditions per staff recommendation.

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**PLAT WAIVER:**

**Z-6947-**(9336)

(PD 18) (CD 7)

5608 and 5618 South Mingo Road

**STAFF RECOMMENDATION:**

The platting requirement was triggered by rezoning to IL.

**Staff provides the following information from TAC at their June 16, 2005 meeting:**

**ZONING:**

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

**STREETS:**

Recommend access restrictions and mutual access easements filed by separate instrument.

**SEWER:**

No comment.

**WATER:**

A six-inch water main exists along the south side of 56<sup>th</sup> Street South and a 12-inch water main along Mingo Road on the east side.

**STORM DRAIN:**

A plat is not necessary to meet drainage requirements.

**FIRE:**

No comment.

**UTILITIES:**

No comment.

Staff can recommend **APPROVAL** of the plat waiver requested because of the existing platted lots.

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

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

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

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

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

**TMAPC COMMENTS:**

Mr. Harmon asked if the subject property had been previously platted. In response, Mrs. Fernandez stated that the property has been previously platted; however, it was rezoned to IL and the platting requirement was triggered again as it is every time property is rezoned.

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **HARMON**, TMAPC voted 9-0-0 (Ard, Bernard, Cantees, Carnes, Dick, Harmon, Hill, Horner, Jackson "aye"; no "nays"; none "abstaining"; Bayles, Midget "absent") to **APPROVE** the plat waiver for Z-6947 per staff recommendation.

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**BOA-20066** – (1083)

(PD 18) (CD 8)

Northeast corner of 81<sup>st</sup> and Yale Avenue

**STAFF RECOMMENDATION:**

The platting requirement was triggered by BOA 20066. This is scheduled for the 6/28/05 meeting to allow a seasonal tent sales stand in a CS zoning district.



It is the adopted policy of TMAPC to waive the platting requirement for open air activities (Use Unit 2 Subsection 1202.B) such as fireworks stands, and fruit and vegetable tent sales. Therefore, staff can recommend **APPROVAL** of the requested plat waiver for this site.

**The applicant was not present.**

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

**TMAPC Action; 9 members present:**

On **MOTION** of **HARMON**, TMAPC voted 9-0-0 (Ard, Bernard, Cantees, Carnes, Dick, Harmon, Hill, Horner, Jackson "aye"; no "nays"; none "abstaining"; Bayles, Midget "absent") to **APPROVE** the plat waiver for BOA-20066 per staff recommendation.

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**Declaration of Covenants and Tie Agreement – (8301)** (PD 18) (CD 7)

Wal-Mart SuperCenter, East 66<sup>th</sup> Street and South Memorial Drive

**STAFF RECOMMENDATION:**

Mrs. Fernandez stated that these documents implement the requirements per PUD-309-A, which concerns the Wal-Mart SuperCenter. The documents are in order and staff recommends **APPROVAL**.

**TMAPC COMMENTS:**

Mr. Harmon stated that he has a question that doesn't really have anything to do with the item before the Planning Commission, but he is still curious about the entrance and exits to the neighborhood north of the subject property. In response, Mrs. Fernandez stated that she doesn't have an answer for that.

Mrs. Fernandez stated that typically there would be someone from Development Services present at the Planning Commission meetings. However, they have had some changes in personnel and promotions and there is no representative present at this time.

**Applicant was not present.**

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

**TMAPC Action; 9 members present:**

On **MOTION** of **BERNARD**, TMAPC voted 9-0-0 (Ard, Bernard, Cantees, Carnes, Dick, Harmon, Hill, Horner, Jackson "aye"; no "nays"; none "abstaining"; Bayles, Midget "absent") to **APPROVE** the declaration of covenants and tie agreement for Wal-Mart SuperCenter per staff recommendation.

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**ZONING PUBLIC HEARING**

**Application No.: Z-6995**

**RS-3 to IL**

**Applicant:** John Sanford

(PD-18) (CD-6)

**Location:** Southeast corner of East Independence North and North Garnett Road

**STAFF RECOMMENDATION:**

**Z-6994 June 2005:** A request to rezone one lot west of the northwest corner of East 61<sup>st</sup> Street South and South Mingo from OL to CS for computer service and sales was heard and continued to July 20, with the TMAPC recommending that the applicant consider developing a PUD proposal on the site.

**Z-6783 October 2000:** A request to rezone two lots located on the southeast corner of East 59<sup>th</sup> Street and South 99<sup>th</sup> East Avenue from RS-3 to IL or PK for parking was filed. IL zoning was denied and all concurred in approving PK zoning for the two lots.

**Z-6445 July 1994:** A request to rezone a strip of property, 5' x 78', lying along the south boundary of an industrial tract located directly north of East 59<sup>th</sup> Street South between from the subject tracts, from RS-3 to IL to allow access to the industrial (IL) property. The strip was originally left RS-zoned to restrict access to the industrial property by use of a residential street. The Comprehensive Plan anticipates industrial growth in this area and the barricade from the residential street was eliminated. All concurred in approval of the request for IL zoning.

**Z-6410 September 1993:** All concurred in approval of a request to rezone a tract located on the northeast corner of East 61<sup>st</sup> Street South and South 99<sup>th</sup> East Avenue from OL to IL.

**Z-6253 July 1989:** TMAPC recommended denial of a request to rezone a five-foot strip on the north side of East 59<sup>th</sup> Street from RS-3 to IL. Upon appeal to the City Commission, approval was granted for IL zoning on three separate strips, 5' x 40', to allow access to the IL tract to the north from East 59<sup>th</sup> Street.

**Z-6230 April 1989:** A request to rezone a tract located on the northeast corner of East 61<sup>st</sup> Street and South 99<sup>th</sup> East Avenue from RS-3 to OL. All concurred in approval of OL zoning.

**Z-5950/PUD-368 June 1986:** A request to rezone the northwest corner of East 61<sup>st</sup> Street South and South 99<sup>th</sup> East Avenue from OL to IL was recommended by staff for approval. TMAPC recommended denial and on appeal to the City Commission, the application was denied. The request was appealed to District Court and the court determined that OL zoning was not appropriate. The applicant then filed an amended application with a PUD. All concurred in approval of IL zoning on the tract less the east and west 50' and the north 90', which was rezoned to OL.

**Z-6053 August 1985:** All concurred in approval to rezone a tract located at the northeast corner of East 61<sup>st</sup> Street and South Mingo Road from RS-3 to OL.

**Z-5724 June 1983:** All concurred in approval of a request to rezone an acre tract located east of the northeast corner of East 61<sup>st</sup> Street South and South Mingo Road from RS-3 to IL.

**Z-5809 May 1983:** All concurred in approval to rezone a tract located on the northeast corner of East 61<sup>st</sup> Street South and South 99<sup>th</sup> East Avenue from RS-3 to OL.

**Z-5631 November 1981:** Request to rezone a ten-acre tract located in the northeast corner of East 59<sup>th</sup> Street and South 100<sup>th</sup> East Avenue and east of the subject tract from RS-3 to IL. Staff recommended denial unless additional access could be provided to the north or west. TMAPC and City Commission concurred in approval of IL.

**Z-5520 May 1981:** Request to rezone 8.9 acres located across East 59<sup>th</sup> Street from the subject property from RS-3 to IM. All concurred in denial of IM and approval of IL zoning less the south five feet fronting on East 59<sup>th</sup> Street South.

**AREA DESCRIPTION:**

**SITE ANALYSIS:**

The subject property is approximately 3.4 acres in size, it is flat, non-wooded, vacant and is zoned RS-3.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
East 59 <sup>th</sup> Street South	N/A	N/A	2 lanes
South Mingo Road	Secondary arterial	100'	4 lanes

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

**SURROUNDING AREA:** The subject property is surrounded by industrial and mixed office, commercial and related uses on the north, south and west, all zoned IL. However, it appears one remaining single-family residential unit is still on the west across South Mingo Road and southwest of the subject property. A piece of CS-zoned property abuts the site on the south and a strip of PK abuts it on the east.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 18 Detail Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this site as being in Special District 1 – Industrial Area. Plan policies (Section 3.1.1) encourage future industrial development to locate here and for adequate utilities and other infrastructure to be provided. The requested IL **may be found** in accord with the Plan based on its location within a Special District.

**STAFF RECOMMENDATION:**

The area is clearly transitioning to industrial and support-type uses, as the plan envisioned. Based on the Comprehensive Plan, existing nearby land uses and trends in the area staff can recommend **APPROVAL** of IL zoning for Z-6995.

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

**INTERESTED PARTIES:**

**Nancy Trevathan**, 5914 South 99<sup>th</sup> East Avenue, Tulsa, Oklahoma 74146, stated that she lives directly behind the subject property and she is concerned about security and traffic. She asked staff what type of business would be located on the subject property.

**TMAPC COMMENTS:**

Mr. Harmon stated that he understands Ms. Trevathan's concerns; however, IL is all around the subject property and it appears IL is appropriate.

Ms. Trevathan stated that the IL and fire station moved in after her and she is still living in the subject area. She appreciates that the area is growing around her, but she is still living there and would like to make sure she is still safe.

Ms. Matthews stated that there are some built-in safeguards with the IL zoning. They will have to meet a 75-foot setback from any residentially-zoned property and they will have to screen and buffer.

Ms. Hill encouraged the applicant to meet with Ms. Trevathan.

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Ard, Bernard, Cantees, Carnes, Dick, Harmon, Hill, Horner, Jackson "aye"; no "nays"; none "abstaining"; Bayles, Midget "absent") to recommend **APPROVAL** of the IL zoning for Z-6995 per staff recommendation.

**Legal Description for Z-6995:**

South 273.51' of North 890' of W/2, SW/4, SW/4 of Lot 4 less the West 50' and less the North 25' for streets, Section 31, T-19-N, R-14-E, Tulsa County, State of Oklahoma, and located on the southeast corner of East 59<sup>th</sup> Street South and South Mingo Road, Tulsa, Oklahoma, **From RS-3 (Residential Single-family High Density District) To IL (Industrial Light District).**

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**Application No.: CZ-359**

**AG TO AG-R**

**Applicant:** Winston D. Tallent

(County)

**Location:** North and west of northwest corner of West 41<sup>st</sup> Street South and South 177<sup>th</sup> West Avenue

**STAFF RECOMMENDATION:**

**SITE ANALYSIS:** The subject property is approximately 23.2 acres in size and is located north and west of West 41<sup>st</sup> Street South and South 177<sup>th</sup> West Avenue. The property is sloping partially wooded, vacant, and zoned AG.

**STREETS:**

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
West 35 <sup>th</sup> Street South	N/A	50'	2 lanes

**UTILITIES:** Subject property is served by Sand Springs Municipal Water service and sewer is by septic or lagoon systems.

**SURROUNDING AREA:** The subject property is surrounded by AG zoning.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 23 Plan, a part of the Comprehensive Plan for the City of Sand Springs Area, designates the subject tract as Low Intensity – Residential.

**STAFF RECOMMENDATION:**

Based on the Comprehensive Plan and surrounding land uses, staff can support the requested rezoning and recommends **APPROVAL** of AG-R zoning for CZ-359.

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

**INTERESTED PARTIES:**

**Carl Officer**, 3359 South 177<sup>th</sup> West Avenue, Sand Springs, Oklahoma 74063, stated that he is concerned about the road, which is only one way in and one way out. The subject road is narrow, and at the widest point it is 16 feet in width. There is an extremely dangerous hill and he is concerned about the traffic. Mr. Officer submitted photographs (Exhibit A-1). He indicated that the residents paid to have the road paved and the proposal will triple the traffic.

**TMAPC COMMENTS:**

Mr. Ard asked staff what the density allowance would be in an AG-R district. In response, Ms. Matthews stated one dwelling unit per acre.

**TMAPC Action; 9 members present:**

On **MOTION** of **HARMON**, TMAPC voted **9-0-0** (Ard, Bernard, Cantees, Carnes, Dick, Harmon, Hill, Horner, Jackson "aye"; no "nays"; none "abstaining"; Bayles, Midget "absent") to recommend **APPROVAL** the AG-R zoning for CZ-359 per staff recommendation.

**Legal Description for CZ-359:**

A tract of land in the NE/4 of Section 24, T-19-N, R-10-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, being more particularly described as follows, to-wit: Beginning at the Southwest corner of said NE/4; thence N 89°41'18" E along the South line of said NE/4 a distance of 647.51' to the Southwest corner of Lot 4, Block 2, Twilight Hills Estates, a subdivision in Tulsa County, State of Oklahoma, according to the recorded plat thereof; thence N 00°09'14" W along the West line of said subdivision and the prolongation of said West line a distance of 1,567.00'; thence S 89°50'46" W a distance of 646.70' to a point on the West line of said NE/4; thence S 00°07'28" E along the West line of said NE/4 a distance of 1,568.78' to the Point of Beginning, containing 23.29 acres, more or less and located north and west of the northwest corner of West 41<sup>st</sup> Street South and South 177<sup>th</sup> West Avenue, Sand Springs, Oklahoma, **From** AG (Agriculture District) **To** AG-R (Agriculture – Residential Single-family, Rural Development).

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Application No.: Z-6996

RS-3 TO IL

Applicant: R.L. Reynolds

(PD-16) (CD-6)

Location: Southwest corner of East Independence North and North Garnett Road

**STAFF RECOMMENDATION:**

**Z-6918 February 2004:** Approval was granted on a request to rezone a 2.2-acre tract located north of the northwest corner East Newton Street and North Garnett Road from RS-3 to IL for light industrial use.

**Z-6808 March 2001:** All concurred in approval of a request to rezone a 7.3-acre tract located in the northeast corner of East Independence and North Garnett Road extending from North Garnett Road to North 177<sup>th</sup> East Avenue, from RS-3 to IL.

**Z-6687 June 1999:** A request to rezone the 4.5-acre tract located south of the southwest corner of East Pine Street and North Garnett Road, from RS-3 to IL for a machine shop. All concurred in approval of IL zoning.

**Z-6651 October 1998:** Approval was granted for a request to rezone a 4.5-acre tract located north of the northwest corner of East Newton Street and North Garnett Road, from RS-3 to IL.

**Z-6288 August 1990:** A request to rezone a 1.25 acre tract located south of the southwest corner of East Independence and North Garnett Road and abutting the subject property, from RS-3 to CG. Staff and TMAPC denied CG zoning and recommended approval of CS zoning in the alternative. City Council concurred with TMAPC for CS zoning.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately fourteen acres in size. It is located on the southwest corner of East Independence Street North and North Mingo Road, Oklahoma. The property is gently sloping, partially-wooded, contains single-family dwellings, and is zoned RS-3.

**STREETS:**

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
E. Independence St. North	N/A	60'	2 lanes
North Garnett Road	Secondary arterial	100'	2 lanes

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

**SURROUNDING AREA:** The subject property is abutted on the north and west by industrial and warehousing uses, including a shipping facility, zoned IL; to the southeast by motel and restaurant use, zoned CS; and to the east across North Garnett is a trucking establishment, zoned CS and a church, zoned RS-3.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 16 Detail Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this property as being in Special District 2 for industrial and related uses. Plan policies cite the Special District's proximity to expressways, Tulsa International Airport and other transportation access as reasons for this designation. According to the Zoning Matrix, the requested IL zoning **may be found** in accord with the Comprehensive Plan by virtue of its location within a Special District.

**STAFF RECOMMENDATION:**

The single-family residential uses are older and apparently the remnants of a larger neighborhood that has undergone transition. Based on the Comprehensive Plan and existing surrounding uses, staff can support the requested rezoning and recommends **APPROVAL** of IL zoning for Z-6996.

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Ard, Bernard, Cantees, Carnes, Dick, Harmon, Hill, Horner, Jackson "aye"; no "nays"; none "abstaining"; Bayles, Midget "absent") to recommend **APPROVAL** the IL zoning for Z-6996 per staff recommendation.

**Legal Description for Z-6996:**

A TRACT OF LAND THAT IS PART OF THE N/2 NE/4 SE/4) OF SECTION 31, T-20-N, R-14-E, OF THE IBM, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID N/2 NE/4 SE/4, SAID POINT BEING THE CENTERLINE INTERSECTION OF NORTH GARNETT ROAD AND EAST INDEPENDENCE STREET NORTH; THENCE SOUTHERLY ALONG THE CENTERLINE OF NORTH GARNETT ROAD, FOR A DISTANCE OF 330 FEET; THENCE WESTERLY AND PERPENDICULAR TO SAID CENTERLINE, FOR A DISTANCE OF 50 FEET TO THE NORTHEAST CORNER OF LOT ONE, BLOCK ONE, "VIRAH", ACCORDING TO THE RECORDED PLAT THEREOF; THENCE ALONG THE NORTHERLY LINE OF LOT 1, BLOCK 1, "VIRAH", FOR



A DISTANCE OF 280 FEET TO THE NORTHWEST CORNER OF LOT 1, BLOCK 1, "VIRAH"; THENCE SOUTHERLY AND ALONG THE WESTERLY LINE OF SAID LOT 1, BLOCK 1, "VIRAH", FOR A DISTANCE OF 165 FEET TO A POINT ON THE NORTHERLY LINE OF LOT ONE, BLOCK ONE, "ECONOLOGGE MOTEL", ACCORDING TO THE RECORDED PLAT THEREOF; THENCE WESTERLY ALONG THE NORTHERLY LINE OF SAID LOT 1, BLOCK 1, "ECONOLOGGE MOTEL", FOR A DISTANCE OF 198 FEET TO THE NORTHWEST CORNER OF LOT 1, BLOCK 1, "ECONOLOGGE MOTEL"; THENCE SOUTHERLY AND ALONG THE WESTERLY LINE OF LOT 1, BLOCK 1, "ECONOLOGGE MOTEL", FOR A DISTANCE OF 165 FEET TO A POINT ON THE NORTHERLY LINE OF LOT ONE, BLOCK ONE, "WINEGARDNER-HAMMONS OPERATIONS COMMERCIAL CENTER", ACCORDING TO THE RECORDED PLAT THEREOF; THENCE WESTERLY AND ALONG THE NORTHERLY LINE OF SAID LOT 1, BLOCK 1, "WINEGARDNER-HAMMONS OPERATIONS COMMERCIAL CENTER", AND THE EXTENSION THEREOF, FOR A DISTANCE OF 792 FEET TO A POINT ON THE CENTERLINE OF NORTH 109TH AVENUE EAST; THENCE NORTHERLY AND ALONG SAID CENTERLINE, FOR A DISTANCE OF 330 FEET; THENCE EASTERLY FOR A DISTANCE OF 268 FEET; THENCE NORTHERLY FOR A DISTANCE OF 330 FEET TO A POINT ON THE CENTERLINE OF SAID EAST INDEPENDENCE STREET NORTH; THENCE EASTERLY AND ALONG SAID CENTERLINE, FOR A DISTANCE OF 1052 FEET TO THE POINT OF BEGINNING; and located on the southwest corner of East Independence Street North and North Garnett Road, Tulsa, Oklahoma, **From RS-3 (Residential Single-family High Density District) To IL (Industrial Light District).**

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**Application No.:** Z-6997/PUD-719

**RS-1 to RS-2/PUD**

**Applicant:** Robert Goble

(PD-6) (CD-9)

**Location:** South of the southwest corner of East 26<sup>th</sup> Place and South Columbia Place

**STAFF RECOMMENDATION:**

**Z-6907 November 2003:** A request to rezone a 1.25-acre lot located east of the southeast corner of East 21<sup>st</sup> Street and South Atlanta Avenue from RM-2 to OL for medical offices was approved.

**PUD-617 December 1999:** The TMAPC and City Council each unanimously approved rezoning from RS-3 to OL/PUD-617 on property located west of the subject property on the south side of East 21<sup>st</sup> Street between South Atlanta Avenue and South Birmingham Avenue for a light office development.

**PUD-530 February 1995:** The TMAPC and City Council each unanimously approved OL/PUD zoning for the YWCA property located on the west side of East 20<sup>th</sup> Street and Lewis Avenue, northwest of the subject property.

**PUD-288 July 1982:** Approval was granted for a planned unit development on an eight-acre tract located on the southwest corner of East 26<sup>th</sup> Place and South Birmingham Place for the development of a private 16-lot single-family development. The property is located west of the subject tract.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately .67 acres in size, gently sloping, partially-wooded, has one single-family dwelling and is zoned RS-1.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design.</b>	<b>MSHP ROW</b>	<b>Exist. # Lanes</b>
South Columbia Place	Residential	50'	2 lanes

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

**SURROUNDING AREA:**

The site is surrounded in all directions by single-family homes, zoned RS-1. The properties are moderately flat and somewhat wooded.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 6 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this property as Low Intensity-Residential land use. According to the Zoning Matrix, the requested RS-2 zoning is in accord with the Comprehensive Plan.

**STAFF RECOMMENDATION:**

This is another example of infill development within existing stable neighborhoods, in this case within the Woody Crest addition. The rezoning is related to PUD-719 and is to create Columbia Trace, a two-lot single-family residential development. If the TMAPC deems is appropriate to recommend approval of the accompanying PUD-719, staff can recommend **approval** of Z-6997 and PUD-719, as presented below or as modified by the TMAPC.

**PUD-719**  
**COLUMBIA TRACE**

The subject site currently contains one single-family residence on RS-1 zoning. The applicant proposes to redevelop this into two lots, each of which will have on it a single-family residence. The development guidelines submitted meet or exceed (except in the case of the minimum yard if abutting a public street, noted later) requirements for RS-2 zoning. A six-foot high wood fence on the north, south and west property lines will screen Columbia Trace and existing large trees are to be maintained as design features. A homeowners association is to be created to maintain the required landscaping and perimeter fencing.

The subject tract is surrounded by single-family residential uses and this proposal is to blend architecturally with those existing uses. Staff finds the uses and intensity of development proposed to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds PUD-719 to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD-719 subject to the following conditions:

1. The applicant's outline development plan and text be made a condition of approval unless modified herein.
2. Development Standards:

**DEVELOPMENT CONCEPT**

Columbia Trace is a proposed Planned Unit Development (PUD) comprised of +/- .67 acres. The property is located at 2632 South Columbia Place in the Woody Crest Subdivision - Tulsa Oklahoma.

Columbia Trace consists of two single-family detached residential lots that are 14,250 and 15,050 square feet in size. Both lots front South Columbia Place. The north, west, and south perimeters of the project site will be screened by a six-foot high custom wood privacy fence with masonry columns at thirty-two feet on center. The existing large trees at Columbia Trace are the most predominate features of the site and will be incorporated into the design of the homes.

The home sites at Columbia Trace will have access to all major utilities. Major drainage will flow to the south. The existing trees of the site will be preserved to

insure this development to be a first-class residential community that will not detract from the existing neighborhood environment.

When developed, Columbia Trace will function and blend both architecturally with the surrounding area. It is felt that there is a need for this type of housing in Tulsa.

The landscaped entry and perimeter fencing will be maintained by a homeowner's association.

### STATISTICAL SUMMARY

Project Area Gross	.75 Gross Acres
Total Number of Lots	2
Average Lot Size	13,650 SF
Density per Gross Acre	3
Existing Zoning	RS-1
Proposed Zoning	RS-2

### DEVELOPMENT STANDARDS HOMESITES:

Single-family detached structures intended for individual lot ownership.

Permitted Uses

As permitted within RE District by Right or Special Exception

Minimum Lot Size	9,000 SF
Minimum Yard if Abutting Public Street	30 FT
Comer Lot Minimum Side Yard if Abutting Public Street	20 FT
Minimum Lot Frontage	67 FT* Exception to the 75' min
Minimum Lot Depth	90 FT
Minimum Rear Yard	25 FT
Minimum Side Yards	10/10 FT
Maximum Building Height	35 FT

#### **Other Requirements:**

It is intended that a preliminary and final plat will be submitted for the residential development areas, consistent with the concepts and development standards set

forth above. The City of Tulsa Planning Commission and Tulsa City Council may establish additional requirements or modifications pursuant to its review.

#### **HOMEOWNER'S ASSOCIATION**

The homeowner's Association to be established at Columbia Trace will have as its main objectives, the maintenance of the landscaped entrances, roundabout, and all other landscaped buffers and islands. These areas are to be attractively landscaped with berms and assorted plant materials by the developer and turned over to the Homeowner's Association for maintenance. In the event the association fails to maintain these areas in a proper and safe manner, the city of Tulsa will have the right to maintain these areas and bill each member of the Columbia Trace Homeowner's Association for the cost. Should payment by any member not occur, the city of Tulsa and/or the Homeowner's Association may place a lien on the delinquent member's personal property within this platted area.

Final documents of the Columbia Trace Homeowner's Association will be filed with the final plat and will include the maintenance agreement and other specific rights and requirements for association members.

#### **SITE PLAN REVIEW**

No building permit shall be issued for the construction of buildings within a development area until a detailed site plan (subdivision plat) of the development area has been submitted to and approved by the City of Tulsa Planning Commission as being in compliance with the PUD development concept and the development standards. Separate building plans may be submitted for individual home construction after the subdivision has been given final approval by the city of Tulsa.

#### **PLATTING REQUIREMENT**

No building permit shall be issued until the property has been included within a subdivision plat submitted to and approved by the Tulsa Planning Commission and Tulsa City Council and duly filed of record: provided, however, that development areas may be platted separately. Restrictive covenants shall be established implementing of record the Development Concept and Development Standards, and the City of Tulsa shall be made a beneficiary thereof.

#### **EXPECTED SCHEDULE OF DEVELOPMENT**

Development of Columbia Trace is anticipated to commence upon approval and filing of final plat and letting of development contracts.

3. Landscaping and screening shall be in substantial compliance with requirements of the PUD chapter and Landscape chapter of the Zoning Code.

4. No zoning clearance permit shall be issued for a lot within the PUD until a detail site plan for the lot, which includes all buildings, parking, screening fences and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
5. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.
6. Access and circulation shall be provided as delineated in PUD-719 Development Concept. All curbs and gutters, base and paving materials shall be of a quality and thickness that meets City of Tulsa standards.
7. No building permit shall be issued until the Platting Requirement conditions described in the PUD-719 Development Concept have been met.
8. Subject to conditions recommended by the Technical Advisory Committee (see attached memo from Lloyd Payne to Wayne Alberty, June 23, 2005) during the subdivision platting process which are approved by the TMAPC.
9. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.

**Applicant's Comments:**

**Steve Schuller**, 100 West 5<sup>th</sup> Street, Suite 500, Tulsa, Oklahoma 74103, stated that he is in agreement with staff's recommendation but he should probably address some of the issues that will be raised today.

Mr. Schuller stated that he is representing Mr. Goble who filed the application on behalf of the Malloy family. Mr. Schuller cited the history of the applications on the subject property. He explained that the Board of Adjustment denied the variance and strongly encouraged him to file for a zoning change along with a PUD. Mr. Schuller submitted maps with an indication of the lot width of surrounding properties (Exhibit B-2), which would be the same as the proposed. He compared the proposal to the lots owned by Mr. Doudican, which are separately shown on the deed records in Tulsa County and could be conveyed separately, that has the house on the northern lot and the vacant lot to the south has been fenced off. Many of the lots in Woody Crest have been subdivided and the lot where the subject property is located has been subdivided three times.

The property to the west has been divided into five tracts. This is the trend throughout the City of Tulsa to subdivide the larger lots into smaller lots. He commented that the proposal is exactly the type of infill development that the City of Tulsa supports and has been encouraged, especially in the Woody Crest subdivision.

Mr. Schuller stated that the lot width of the two lots within the subject property is less than what is required under RS-1 zoning and equal to or greater than an average lot width of what is required under RS-2 zoning. The properties highlighted in yellow on Exhibit B-2 contain new or recently-constructed homes. This demonstrates the popularity of infill development and acquiring smaller tracts of land to build a very nice home over it or on it. The most recent home under construction is on a lot smaller than one of the two lots in the subject property. Mr. Schuller pointed out that the staff did find that the requested RS-2 zoning is in accordance with the Comprehensive Plan, which is very important. The development guidelines submitted meet or exceed the requirements for RS-2 zoning. He commented that the guidelines actually comply with most of the RS-1 zoning requirements.

Mr. Schuller stated that there is one inconsistency in the development standards shown on the case report. There is a reference to the minimum lot frontage being 67 feet and the bulk and area requirements of the Zoning Code do not provide for a minimum lot frontage, but for a minimum lot width, which in the RS-2 zoning is 75 feet and he believes was the intent of the development standards. He pointed out that the development standards also indicate the minimum side yards shall be 10/10 feet, which are more restrictive and larger than the side yard requirements for the RS-1 district, which requires only 5/10 feet. This is important to the adjacent property owner who has expressed concerns about a house being built too close. In the current RS-1 district, the house could be five feet closer than in the RS-2 district. He commented that his client has tried to address the concerns of the neighborhood and devise a plan that is consistent with the infill development that is encouraged throughout the City of Tulsa and with the development of these parcels of land in the Woody Crest subdivision.

**TMAPC COMMENTS:**

Mr. Harmon asked if there are public sewer lines available. In response, Mr. Schuller stated that there is a public sewer line in Columbia Place and what they have provided for is for a sewer line and a grinder pump that would take the sewage into the sewage line. The City of Tulsa has also required, and the developer has agreed to comply with, establishing and installing a dry line along the western boundary that would eventually tie into a sewer line to the south when the City of Tulsa gets to that point and is able to install the sewer line.

Mr. Harmon asked Mr. Schuller if the proposal would be connected to the City of Tulsa sewer line. Mr. Schuller explained that the two houses that would be

constructed would have to connect to the sewer that is available in Columbia Place with the grinder pump.

Mr. Jackson stated that chances are that the plumbing in the house is lower than the sewer that is in the street and the pump is used to pump the house sewage into the street pipeline.

Mr. Schuller requested Mr. Goble to explain the sewer issues to the Planning Commission.

**Bob Goble**, 4210 East 83<sup>rd</sup> Street, Tulsa, Oklahoma 74136, stated that he has spent time with the City of Tulsa on the sewer issues. He explained that the sewer on South Columbia is at 2.9 feet. The City of Tulsa, through their bond issue, would like to sewer the four or five lots south of the subject property. He indicated that he is willing to grant the City of Tulsa an easement along the south side of the subject lot when the sewer is installed to serve the lots, and in exchange for that, he is allowed to put a grinder pump on each of the two lots in order to force the sewage up to the 2.9 feet where the sewer is currently. The other requirement is that on the west side of the lots there will be a dry line to tie into the sewer when it is installed in the future and do away with the grinder pump.

**INTERESTED PARTIES:**

**Chip Doudican**, 2635 South Birmingham Place, Tulsa, Oklahoma 74114, stated that he submitted a letter to the Planning Commission expressing his concerns. He explained that he does own two lots near the subject area. He stated that he purchased the first lot ten years ago and the second lot five years ago to have an addition to his lot, which is the trend of the neighborhood. He feels that bigger lots and bigger homes are the trends of the neighborhood.

Mr. Doudican cited the various lots and the size of their lots and homes. He disagrees that the trend is to go to smaller lot sizes in the subject area. He explained that the lot-splits that Mr. Schuller pointed out may have happened in the past, but it is not the trend now. He explained that he purchased the second lot in order to have a place for his kids to play in the backyard.

Mr. Jackson pointed out that Mr. Doudican's home is on a lot the same size of what Mr. Schuller is proposing. Mr. Doudican stated that this is not the case now. Mr. Jackson stated that by legal description Mr. Doudican's lots are the same size as the proposal. Mr. Jackson commented that at any time, Mr. Doudican could sell the vacant lot and someone could build a home on it. Mr. Doudican asked Mr. Jackson to tell him what it would take to remove the line between the two lots on a piece of paper. Mr. Jackson stated that there is a course of action that could be done and he should discuss this with staff; however, as it stands today, Mr. Doudican owns two separate lots and they are the same size as the two lots the applicant is proposing.



**Charles Blue**, 2610 East 26<sup>th</sup> Place, Tulsa, Oklahoma 74114, stated that he lives on the properties immediately to the east of Mr. Doudican. He agrees with Mr. Doudican that the trend has been toward consolidating and there has been no splitting since he has lived in the neighborhood. There have been a few lot-splits that have obviously occurred in the past (approximately 20 years ago). Part of this is a result of the Malloy's own making by splitting off pieces in the past. The proposal is to build two large homes that are over 6,000 SF each.

Mr. Blue stated that there was a lot around the corner from the subject lot that sold for over \$630,000 with a home on it. The home has been removed for a future home site. Now there is a piece of property that is very valuable as it is and it doesn't have to be split in order to get more money. Splitting this would probably cause the value of his home to suffer to some degree. The applicant would be taking advantage of the existing homes so that they could maximize their return and it is not fair to the neighborhood.

Mr. Jackson stated that if the applicant were to split his lot and then by legal description there will be three lots approximately the same size. Mr. Jackson asked Mr. Blue if he felt that his home would suffer financially, in today's time and money, based on new construction prices today. If Mr. Blue is correct in stating this, then the home site that was demolished for \$600,000.00 has that as a starting base, plus whatever is built on top of the now-vacant land.

Mr. Blue stated that the demolished home was sitting on 30,297 SF and their piece of property is 29,304 as it stands.

Mr. Jackson asked Mr. Blue how the proposal would be detrimental to him if there will be two properties that will be increasingly higher in value than what his is, theoretically. In response, Mr. Blue stated that it is all speculative whether the proposal would impact him financially or not. Mr. Blue explained that there will be two homes shoe-horned in a single-piece of property. Mr. Blue stated that how this would hurt him is that his home, which is larger, would enhance the street appeal of the proposed homes and the marketability of those, because they would be selling homes that are large but have no yard next to homes that have yards and makes them nicer. People like to buy smaller homes so that they do not have to take care of the yards and it is an easier situation, but everyone likes to look at a nice yard and that is why people build next to golf courses. He compared the proposal to a condominium development and stated that is not the intention of the landowners in the subject area.

Mr. Blue stated that this has been turned down earlier and he hopes that this applicant doesn't keep coming before the boards every six months because the neighbors have to take time out of their day to come to the meetings as well.

Mr. Jackson asked Mr. Blue what his negative impact would be besides it is a big house on a small lot. Mr. Jackson asked Mr. Blue what detriment the subject proposal would create for him as a neighboring homeowner. In response, Mr. Blue stated that the homes should be of similar sizes and similar lot sizes. Mr. Blue commented that if someone tries to place more homes in a smaller area for their own economic development, then someone will suffer for that. Mr. Blue commented that he doesn't want to split up his lots and he is committed to investing into his property. Mr. Blue indicated that one of the neighbors purchased an extra lot and removed the home to install a pool and to extend their home. Mr. Blue stated that he can see the interest and need for infill within the City of Tulsa, but it is usually in areas that are blighted and in neighborhoods where they need an infusion of money. He cited 26<sup>th</sup> Place as an area where people are making improvements to their homes. He described infill as a tool to move into an area where the homes need to be destroyed and rebuild several homes in place. Mr. Jackson stated that may be true in some cases for infill, but not always. Mr. Blue stated that he believes that is what infill is. Mr. Jackson disagreed with Mr. Blue about his definition of infill. Mr. Jackson stated that he doesn't want Mr. Blue to misunderstand that infill is a tool to rid blighted and deterioration of properties only. Mr. Blue stated that he does understand that infill is for other situations, but in this instance the applicant is trying to take one lot and put two 6,000 SF homes on it, which is different from taking four lots and creating two homes that would look normal.

**Larry Lebold**, 2616 East 26<sup>th</sup> Place, Tulsa, Oklahoma 74114, stated that he lives directly north of the subject property. He expressed concerns with the value of his property if the subject proposal is allowed. He described the large lots, trees and rolling terrain in the subject neighborhood and that it equals value. He commented that his district is one of the highest districts in the City of Tulsa for paying taxes on their properties. The trend is to buy homes and the lots become larger in the subject neighborhood. He indicated that the most recent lot-split has occurred in the last 15 to 20 years.

Mr. Lebold stated that currently is 100 feet from the Malloys' residence. He commented that he paid a premium to have the 100-foot distance. If two houses, 6,000 SF and shot-gun styled, are placed on the subject property, then he would be looking out of his back deck directly into his neighbor's window. He stated that there are people who do have this scenario, but his neighborhood didn't buy in to do that and they have paid a premium price to have the spacing.

Mr. Lebold commented that there is major drainage from the front of his lot to the back of his lot. The land drops approximately six feet and the Malloy property drops an additional six to seven feet into a neighbor's property and then into Crow Creek. Currently, there is a storm sewer in the Malloy's property and when there is a heavy rain there is 15 inches to one foot of water that stands on the property for several hours.

Mr. Lebold stated that this is a zoning change and starts a dangerous trend of parceling or chopping up current lots into condominium-appearing type situations. He requested that both applications be denied.

**Jyo Umezawa**, 2636 South Columbia Place, Tulsa, Oklahoma 74114, stated that he lives on the side L-shaped lot that the Malloy family used to own. He indicated that he agrees with the other interested parties' concerns. He stated that the most important thing to him is living in the subject neighborhood where there are red fox, beavers, wrens, etc. If the applicant is able to build the large homes then it would take away the natural drainage and green space, which would cause more water to come to his property.

Mr. Umezawa stated that he didn't want this type of trend to start in their neighborhood. He commented that the sewer system upgrade will not be in the near future. He requested that the neighborhood remain as it is.

Mr. Jackson recognized an interested party.

Interested party submitted letters from the Homeowner's Association (Exhibit B-1). He cited the property owners' locations according the zoning map.

**Applicant's Rebuttal:**

Mr. Schuller stated that there are some larger lots in the subject area, but there are many smaller lots and with the recent development in the subject area, the trend and what people are buying is the smaller lots. Mr. Schuller pointed out the smaller lots (Mr. Hawkins, Mr. Doudican, and several others). Mr. Doudican purchased the property adjacent to him in order to have a larger lot and may be bucking a trend, but in fact there is no legal impediment to him selling the two lots separately or selling the entire property and a subsequent owner selling them separately. He pointed out that the Doudicans' and Mr. Blue's properties are both in an area that has been subdivided into as many as five lots.

Mr. Schuller stated that the sizes of the houses that are proposed for the subject property are consistent with the development in this area, including all of the houses identified by Mr. Doudican. He indicated that he doesn't know the exact size the houses will be on the subject property because there are some maximums mandated by the set backs and the Zoning Code restrictions and by the development restrictions in the PUD. He commented that whatever houses are built on the subject property will be consistent with and similar to the Doudican house and the other houses in the immediate vicinity. Under the present zoning a house can be constructed on the subject property much closer to the adjacent house than the PUD standards for this PUD provides. Obviously the construction of any houses on the subject property will be subject to existing state law and very complex and detailed city ordinances on stormwater management and runoff. No building permit can be issued unless and until those issues are properly addressed and the water is properly disposed of.

Mr. Schuller stated that the neighbors expressed concerns about the green space and the PUD standards provide for as many of the existing trees be preserved as possible. He commented that this makes sense because it makes the lot more marketable and a nicer place to live. He further commented that none of the interested parties have offered to purchase the subject property. His clients are trying to develop this property in some means that is consistent with the neighborhood and with the development trends in the subject neighborhood and the fine homes that are being built in this neighborhood on lots of this size.

**TMAPC COMMENTS:**

Mr. Harmon stated that having looked at the zoning map and the lots in the reasonable vicinity of the subject property, he notes that there are at least ten of the lots of similar size and shape. He commented that obviously the ten lots being reasonably the same size of this after a lot-split have not impacted the community. He appreciates the neighbors wanting to maintain their value and take pride in their community and believes that it has been proven that smaller lots doesn't mean it is less desirable.

**TMAPC Action; 9 members present:**

On **MOTION** of **HARMON**, TMAPC voted **9-0-0** (Ard, Bernard, Cantees, Carnes, Dick, Harmon, Hill, Horner, Jackson "aye"; no "nays"; none "abstaining"; Bayles, Midget "absent") to recommend **APPROVAL** Z-6991 to RS-2 per staff recommendation and to recommend **APPROVAL** of PUD-719, subject to conditions per staff recommendation.

**Legal Description for Z-6997/PUD-719:**

Part of Lot 1, Block 4, Woody Crest Subdivision, Tulsa County, Oklahoma, according to the recorded plat thereof, more particularly described as follows, to-wit: Beginning at a point on the east line of said Lot 1, 100' North of the southeast corner thereof; thence North 23°00' West along the east line of said Lot 1, a distance of 143.6'; thence South 85°08' West a distance of 141.89'; thence South 1°03' East a distance of 180'; thence North 85°16' East a distance of 105.17'; thence North 59°57' East a distance of 100' to the Point of Beginning, and located south of the southwest corner of East 26<sup>th</sup> Place South and South Columbia Place, Tulsa, Oklahoma, **From** RS-1 (Residential Single-family Low Density District) **To** RS-2/PUD (Residential Single-family Medium Density District/Planned Unit Development).

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**Application No.:** PUD-268-C-1

**MINOR AMENDMENT**

**Applicant:** Mike Lester

(PD-18) (CD-8)

**Location:** West of southwest corner of East 91<sup>st</sup> Street South and South Mingo Road

**STAFF RECOMMENDATION:**

This proposed minor amendment is to allow a wrought iron fence along the south boundary of the site instead of the PUD-mandated screening wall or fence with brick columns, in order to discourage neighborhood and other youths from hiding behind the wall or fence. All other conditions of PUD-268-C shall remain in place. The ordinance requires a solid screening mechanism to protect adjacent residential land uses. A wrought iron fence, unless heavily augmented with landscaping, will not fulfill that requirement. However, a wrought iron fence with dense landscaping will allow persons to hide behind it, as would a solid screening fence. Staff believes this is an issue the TMAPC should consider. Staff can support the request for wrought iron fencing in lieu of a solid wall or fence only if the residents adjacent to it are in agreement with it.

Staff can support this proposal, if tangible evidence from the adjacent residential land owners is presented indicating that they agree this will have no adverse effects on the neighborhood. With this condition, staff recommends **APPROVAL** of PUD-268-C-1. If no such evidence is presented, staff recommends **DENIAL**.

**TMAPC COMMENTS:**

Mr. Harmon asked staff if it were true that silence is consent. If there is no one present to object to it then how can they not be consenting to the proposal. In response, Ms. Matthews stated that she had requested the applicant submit a letter and it has not been received at this time. If the Planning Commission believes that wrought iron is meeting the intent of the PUD, they could approve it.

Mr. Carnes stated that he believes that since staff requested a letter and the letter hasn't come in he would make a motion to continue this case for one more week to see if the applicant can bring in the letter.

Ms. Matthews stated that it would be two weeks before the next meeting.

Mr. Harmon stated that he respects Mr. Carnes comments, but the Planning Commission can't allow not receiving a letter holding them hostage. They had notice and an opportunity to come to the meeting. He is reluctant to let anyone hold the TMAPC hostage because they refuse to sign a letter.

Mr. Carnes stated that staff requested a letter and it has not come.

Mr. Boulden stated that he doesn't believe silence is necessarily consent. If the neighbors believe that the Planning Commission is looking for a letter from them stating that is all right to change the fencing requirement and they have refused to sign that letter, then silence in this case may be rejection of the proposal. He indicated that he is weary of the silence-is-consent in this situation, but maybe the silent majority is in protest of the change. Simply because the applicant is not present doesn't indicate the fact that they do not care or that they are in favor of the proposal.

Ms. Hill asked if the property owners were given notice of the proposal.

Mr. Jackson asked if the neighborhood has a neighborhood association. In response, Ms. Matthews stated that she doesn't have that information.

Mr. Bernard stated that he lives in the neighborhood and he isn't sure whether there is a neighborhood association.

Ms. Matthews stated that the adjacent owners are the only ones who are notified in a minor amendment.

Mr. Jackson stated that he only asked if there was a neighborhood association that may have taken a stand previously regarding the fencing issue. He pointed out that the wrought iron fence will be more expensive. He commented that a two-week continuance would give the adjacent owners and the applicant a chance to get the letters requested by staff. If the applicant doesn't have the letters within two weeks, then the Planning Commission could go with the staff recommendation of denial.

Mr. Bernard stated that he lives in the subject area and he is not opposed to the wrought iron fence because it would be a pleasant site for the neighbors long-term-wise than a wooden fence.

Mr. Harmon questioned the staff recommendation and indicated that he doesn't like the recommendation requiring letters from the adjoining property owners. He felt that this allowed the neighborhood to hold the developer and the Planning Commission hostage.

Mr. Albery explained that from a zoning and PUD standpoint, there is a condition that staff is trying to satisfy. The condition of the PUD was that there be a solid surface and it doesn't have to be a wood fence. It could be other solid surface materials that one cannot see through. The situation is, with staff, naturally an applicant could explain anything to staff and staff is not trying to say that the applicant is not being truthful, but the intent of the Code is that there is a requirement for a screening fence to be located on the subject property. Those persons who are being protected by that screening fence need to weigh in on this

situation and it is not that they are holding the Planning Commission hostage. It is that the TMAPC staff is trying to protect them and they have a right to protection. They may have read the recommendation and the reason for not having the letter may be because they saw that the recommendation would be for denial. It is all speculation at this point and the only way to substantiate that would be for a position letter. Mr. Alberty commented that if he were the applicant and trying to present that the neighbors were in support of it, then he would circulate a petition and have some signatures. This is all staff is asking for, rather than the applicant's comments.

Mr. Harmon stated that he understands where staff is coming from. He could support a continuance based on the fact that the Planning Commission didn't have enough information, but he wouldn't want to go along with a continuance just to get a signed document.

**TMAPC Action; 9 members present:**

On **MOTION** of **HARMON**, TMAPC voted **9-0-0** (Ard, Bernard, Cantees, Carnes, Dick, Harmon, Hill, Horner, Jackson "aye"; no "nays"; none "abstaining"; Bayles, Midget "absent") to **CONTINUE** PUD-268-C-1 to July 20, 2005.

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**Application No.:** PUD-710-1

**MINOR AMENDMENT**

**Applicant:** Roy D. Johnsen

(PD-18) (CD-2)

**Location:** South of southwest corner of East 61<sup>st</sup> Street South and South Harvard Avenue

**STAFF RECOMMENDATION:**

This proposed minor amendment to the Villas at Southern Hills (originally the Gates at Southern Hills) is to modify design aspects of the single-family residences as to setbacks, privacy walls and height; reallocate required livability space, provide for an interior driveway within a reserve area and relocate off-street guest parking. The latter is at the request of an adjacent neighbor. There are no changes in permitted use or number of units is proposed.

In summary, the proposed changes are to allow maximum building height of three stories/40' rather than the original two stories/35'; setback changes and changes to minimum yard requirements, adjustments to minimum livability space per lot, add an access drive within Reserve D, and move the off-street guest parking to the northwest corner of the site. Privacy walls are proposed to not be subject to the building setback from the interior drive.

Staff can support most of the proposed amendments based on the information provided. However, the increase in maximum height could result in structures that are higher than those allowed on adjacent lots outside the PUD. The applicant has submitted no elevations to illustrate the intent or results of this height increase. Therefore, staff recommends **CONTINUING** the request for the height increase pending submittal of elevation concepts.

Staff finds the remaining amendments as proposed to be minor in nature and recommends **APPROVAL** of PUD-710-1, with the exception of the height increase.

#### PROPOSED SUPPLEMENTAL AMENDMENT:

##### Maximum Building Height:

Lots 1, 2, 3, 4 & 5, Block 2: three stories/35 feet measured from the average of the grade at the front and back building walls.

Other Lots: two stories/35 feet.

##### TMAPC COMMENTS:

Mr. Jackson asked staff what their opposition to the height is. In response, Ms. Matthews stated that the applicant was asking for 40 feet in height and that is higher than anything in the subject area.

Mr. Jackson stated that it is difficult to see a difference between 32 feet and 40 feet in height when one is standing across the street from the building.

Ms. Matthews stated that there is a great change in topography on the subject property from south to north. She indicated that Mr. Johnsen would be presenting the supplemented amendments and staff is in agreement with his explanation.

##### Applicant's Comments:

**Roy D. Johnsen**, 201 West 5<sup>th</sup>, Suite 501, Tulsa, Oklahoma 74103, stated that he is representing Ken Klein, developer of the subject property. He explained that it is basically the designed aspects coming after detail planning of the structures that are going into the interior part of this PUD. The concept of this PUD has not changed (number of lots and lot sizes will be the same).

Mr. Johnsen stated that there has been one objecting party who lives at the southwest corner of the subject property. The objecting party was concerned about the five guest parking spaces in the southwest corner of the PUD.

Mr. Johnsen cited the changes regarding design aspects of the single-family residences as to setbacks, privacy walls and height; reallocate required livability space, provide for an interior driveway within a reserve area and relocate off-



street guest parking. He indicated that after reading the staff recommendation, he made a supplement to his application to state that the height modification would only apply lots backing to the lake area. Due to the elevation change, he requested that he be permitted to take the lower elevation at the building wall and the front elevation, which would be higher, and average those and that no part of the building would exceed the average grade and then change it to 35 feet above that average grade. He indicated that staff prefers this proposal.

**TMAPC COMMENTS:**

Mr. Jackson stated that typically it is from the finished floor height up and then eight inches down, which is the average grade line. This is subterranean, even though it is a walkout. Overall height from the walkout basement up may be taller than 40 feet, but from the finished floor at the front door up is less than 40 feet and that is what is typically measured.

Mr. Johnsen stated that he is submitting as a standard that on the five lots in question, at the back of the elevation of the building wall and the front elevation at the building wall (whatever that average is) that no building will exceed that, which is 35 feet. The front part of the house will be less than 35 feet and the back part will be more, but the average will be 35 feet above the average grade, which he submitted as a supplement.

Mr. Alberty explained that staff didn't have this explanation originally and staff thought the height increase would apply to all of the structures. Staff didn't understand that there was a fall in the elevation and Mr. Johnsen's explanation is sufficient now.

Mr. Harmon confirmed that staff is satisfied with Mr. Johnsen's supplement to the proposal.

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted 9-0-0 (Ard, Bernard, Cantees, Carnes, Dick, Harmon, Hill, Horner, Jackson "aye"; no "nays"; none "abstaining"; Bayles, Midget "absent") to **APPROVE** the minor amendment for PUD-710-1 per staff recommendation and per presentation and submitted supplement by the applicant. (Language with a strike-through has been deleted and language with an underline has been added.)

\* \* \* \* \*

**OTHER BUSINESS:**

Discuss TMAPC training with Mike Chandler for November 17 through the 19, 2005.

**STAFF RECOMMENDATION:**

Ms. Matthews stated that staff has been in contact with Dr. Chandler and were able to schedule the three dates in November. She suggested that the training be half a day Thursday, a full day on Friday and an additional half a day on Saturday or until Dr. Chandler has completed the training.

Mr. Alberty stated that this is an excellent time to have this training due to there being no TMAPC meeting and it is the week prior to Thanksgiving.

Mr. Horner asked how many training hours there would be in total. Ms. Matthews stated that there would be approximately 15 to 16 hours of training spread out over the three days.

After discussion the Planning Commission agreed with the proposed training dates.

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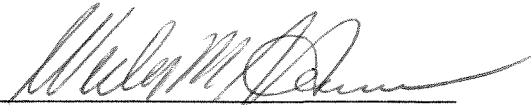
There being no further business, the Chair declared the meeting adjourned at 3:05 p.m.

Date Approved:

8/17/05

Stacy M. Bayles

Chairman

ATTEST: 

Secretary