

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 2464

Wednesday, November 15, 2006, 1:30 p.m.

Francis Campbell City Council Room
Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Ard	Bayles	Alberty	Boulden, Legal
Cantees	Collins	Fernandez	
Cantrell	Harmon	Huntsinger	
Carnes		Matthews	
Midget			
Shivel			
Wofford			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, November 9, 2006 at 2:27 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, Chair Ard called the meeting to order at 1:31 p.m.

Mr. Ard read the opening statement and rules of conduct for the TMAPC meeting.

Minutes:

Approval of the minutes of September 20, 2006 Meeting No. 2458

On **MOTION** of **CARNES**, the TMAPC voted 7-0-0 (Ard, Cantees, Cantrell, Carnes, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Collins, Harmon "absent") to **APPROVE** the minutes of the meeting of September 20, 2006, Meeting No. 2458.

Minutes:

Approval of the minutes of September 27, 2006 Meeting No. 2459

On **MOTION** of **CARNES**, the TMAPC voted 7-0-0 (Ard, Cantees, Cantrell, Carnes, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Collins, Harmon "absent") to **APPROVE** the minutes of the meeting of September 27, 2006, Meeting No. 2459.

REPORTS:

Chairman's Report:

Mr. Ard reported that the Planning Commission has discussed having training and the first luncheon training is scheduled for December 20, 2006 at INCOG, 11:30 a.m.

Mr. Ard reported that Mike Bernard has resigned his Chair position effective at the last meeting.

Mr. Ard stated that there is a position as Planning Commission liaison to the Transportation Committee. He requested any members who wish to fill this position to let him know as soon as possible.

Director's Report:

Mr. Alberty reported on the BOCC and City Council agenda.

Mr. Alberty reported on the TMAPC receipts for the month of October. He indicated that the October receipts are down from the previous month and also down from the October receipts of 2005.

Mr. Ard stated that the following items have requested a continuance:

Z-7037-(9312) (PD-5) (CD-5)
West of southwest corner of East 19th Street South and 85th East Avenue

STAFF RECOMMENDATION:

Ms. Matthews stated that the zoning case hasn't been to the City Council and will be heard this Thursday. It would be premature to approve a plat waiver until the zoning case has been heard.

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** (Ard, Cantees, Cantrell, Carnes, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Collins, Harmon "absent") to **CONTINUE** the plat waiver for Z-7037 to December 6, 2006.

Application No.: Z-7035

RS-3 TO CS

Applicant: Richard Gardner

(PD-18c) (CD-6)

Location: South of southeast corner South Mingo Road and East 61st Street

STAFF RECOMMENDATION:

Ms. Matthews stated that the applicant is trying to arrange a possible purchase of some property from the City of Tulsa and is requesting a continuance to March 21, 2007.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, TMAPC voted **7-0-0** (Ard, Cantees, Cantrell, Carnes, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Collins, Harmon "absent") to **CONTINUE** Z-7035 to March 21, 2007.

Application No.: Z-7041

RS-3 TO PK

Applicant: Mark Kinney/Cyntergy/City of Tulsa

(PD-11) (CD-1)

Location: West of southwest corner of West Newton Street and North Gilcrease Museum Road.

STAFF RECOMMENDATION:

Ms. Matthews stated that this case is going to the Board of Adjustment and it will not be heard until November 23, 2006 (continued to December 12, 2006) and if it is approved the zoning case may not be needed.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, TMAPC voted **7-0-0** (Ard, Cantees, Cantrell, Carnes, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Collins, Harmon "absent") to **CONTINUE** Z-7041 to December 6, 2006.

Application No.: Z-7043

RS-3 to OL

Applicant: Amos Baker

(PD-18) (CD-7)

Location: West of northwest corner of East 61st and South 89th Avenue

STAFF RECOMMENDATION:

Ms. Matthews stated that the applicant has requested a continuance because he needs more time to do fact-finding. The case may involve relocation of drainage and possible underground piping. He requests a continuance to December 20, 2006.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Ard, Cantees, Cantrell, Carnes, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Collins, Harmon "absent") to **CONTINUE** Z-7043 to December 20, 2006.

Application No.: Z-6054-SP-7

CORRIDOR SITE PLAN

Applicant: Charles E. Norman

(PD-18) (CD-8)

Location: East side of Mingo Valley Expressway between East 84th Place South and East 86th Street South

STAFF RECOMMENDATION:

Ms. Matthews stated that the applicant is working out some details.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Ard, Cantees, Cantrell, Carnes, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Collins, Harmon "absent") to **CONTINUE** Z-6054-SP-7 to December 20, 2006.

Application No.: Z-7020

AG TO IL

Applicant: Robert Johnson

(PD-16) (CD-3)

Location: West of the southwest corner of East 56th Street North and North
145th Avenue East

STAFF RECOMMENDATION:

Ms. Matthews stated that the applicant has requested a continuance to December 6, 2006. The applicant has retained counsel and is exploring the possibility of a PUD.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Ard, Cantees, Cantrell, Carnes, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Collins, Harmon "absent") to **CONTINUE** Z-7020 to December 6, 2006.

COMPREHENSIVE PLAN RESOLUTION:

Resolution 2464:880 adopting the provisions for Plan map and text amendments related to the East Tulsa Neighborhood Detailed Implementation Plan, Phase I as recommended for approval by the TMAPC on September 27, 2006.

STAFF RECOMMENDATION:

RESOLUTION NO.: 2464:880

**A RESOLUTION AMENDING
THE DETAIL PLAN MAP AND TEXT FOR PLANNING DISTRICT 17,
A PART OF THE COMPREHENSIVE PLAN
FOR THE TULSA METROPOLITAN AREA BY ADOPTING THE EAST TULSA
NEIGHBORHOOD DETAILED IMPLEMENTATION PLAN, PHASE I**

WHEREAS, Pursuant to Title 19, OSA, Section 863.7, the Tulsa Metropolitan Area Planning Commission (TMAPC) did, by Resolution on the 29th day of June 1960, adopt a Comprehensive Plan for the Tulsa Metropolitan Area, which Plan was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa

County, Oklahoma, and was filed of record in the Office of the County Clerk, Tulsa, Oklahoma, all according to law; and

WHEREAS, the TMAPC is required to prepare, adopt and amend, as needed, in whole or in part, an official Master Plan to guide the physical development of the Tulsa Metropolitan Area; and

WHEREAS, on the 28th day of January, 1976, this Commission, by Resolution No. 1097:416, did adopt the Detail Plan for Planning District 17, a part of the Comprehensive Plan for the Tulsa Metropolitan Area; and

WHEREAS, a public hearing was held on the 27th day of September, 2006, and after due study and deliberation, this Commission deems it advisable and in keeping with the purpose of this Commission, as set forth in Title 19, OSA, Section 863.7, to amend the District 17 Plan Map, a part of the Comprehensive Plan of the Tulsa Metropolitan Area, by the adopting the provisions for Plan map and text amendments related to the East Tulsa Neighborhood Detailed Implementation Plan, Phase I, as set forth in Exhibit A, attached and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED by the TMAPC, that the amendment to the Detail Plan Map for Planning District 17, as set out above, be and is hereby adopted as part of the Comprehensive Plan for the Tulsa Metropolitan Area.

EXHIBIT A
PROPOSED AMENDMENTS TO DISTRICT 17 PLAN RESULTING FROM THE
EAST TULSA NEIGHBORHOOD DETAILED IMPLEMENTATION PLAN –
PHASE I

Plan map amendments:

- Adopt study Exhibit 5, Detailed Area Plan, page 30, as part of the District 17 Detail Plan.
- Amend existing District 17 Plan map to show East Tulsa Neighborhood Plan – Phase I boundaries as a (fifth) Special District, replacing the existing Eastland Mall Special District.
- Within that East Tulsa Neighborhood Plan boundary, show Select Area Plans (study pages 31-43) – East Land, International – as Consideration Areas.

Plan text amendments:

- Change 3. Specific Areas, paragraph 1, to read as follows (proposed changes crossed out or underlined):
“The District Plan Map indicates three Special District Industrial Areas, one Special District Low/Medium Intensity Mixed Use Area and one

Special District Eastland Mall East Tulsa Neighborhood Detailed Implementation Plan – Phase One study area, containing two Select Areas, East Land and International.”

- Delete existing third paragraph under 3. Specific Areas and replace with the following:
“The fifth Special District is the East Tulsa Neighborhood Detailed Implementation Plan – Phase One study area, generally bounded by 11th Street on the north, 31st Street on the south, U.S. Highway 169 on the west, Interstate Highway 44 on the northwest and 145th East Avenue on the east. This area has been planned for redevelopment according to the East Tulsa Neighborhood Detailed Implementation Plan – Phase One, pages 14-49 of which are adopted as part of this plan. Two Select Areas, East Land and International, are included as Consideration Areas within this Special District.”
- Delete existing 3.8 Development Policies (3.8, 3.8.1- 3.8.7) within the Special District Eastland Mall and replace with the following:
“Development Policies within the Special District East Tulsa Neighborhood Implementation Plan – Phase I study area.

The East Tulsa Neighborhood Implementation Plan – Phase 1 was developed by a group of stakeholders in the area, including property owners, business and institutional representatives and others. This large area is one of mixed land uses and several redevelopment opportunity sites.

The TMAPC cannot legally or legislatively be responsible for implementation of many of the provisions of the Implementation Plan. Some provisions must be implemented by other government entities, while others will require private and/or nonprofit groups’ participation. By approving this Plan (pages 14 through and including 49) as part of the District 17 Detail Plan, the TMAPC is recognizing that the policies are in keeping with the overall goals of the Comprehensive Plan and are supporting efforts to implement the Implementation Plan.

- 3.8.1 The East Tulsa Neighborhood Implementation Plan – Phase I, together with the policies and goals of the District 17 Plan and subsequent amendments, should be the guideline for future development within the study area, indicated on the Plan Map as a Special District.
- 3.8.2 The two Select Areas within this Special District, as designated on the Plan Map, and their attendant development policies contained within the East Tulsa Neighborhood Implementation Plan – Phase I, together with the goals, objectives and policies of the District 17

Plan, should guide future development and redevelopment of this area.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Ard, Cantees, Cantrell, Carnes, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Collins, Harmon "absent") to recommend **APPROVAL** of the Resolution No. 2464:880 adopting the provisions for Plan map and text amendments related to the East Tulsa Neighborhood Detailed Implementation Plan, Phase I as recommended for approval by the TMAPC September 27, 2006.

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SUBDIVISIONS:

LOT-SPLITS FOR WAIVER OF SUBDIVISION REGULATIONS:

L-20032 – Sisemore Weisz (8305) (PD-18) (CD-9)
6871 South Florence Avenue

STAFF RECOMMENDATION:

The proposal is to split Tract B off Tract A and tie it to property to the northwest (Lot 11) to retain the existing dwelling and sidewalk on the same tract of land. Both resulting tracts would meet the RS-1 bulk and area requirements; however, Tract B would have more than three side lot lines. The applicant is requesting a waiver of the Subdivision Regulations that no tract have more than three side lot lines.

The Technical Advisory Commission expressed no concerns at their November 2, 2006, meeting.

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.

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** (Ard, Cantees, Cantrell, Carnes, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Collins, Harmon "absent") to **APPROVE** the waiver of Subdivision Regulations and of the lot-split for L-20032 per staff recommendation.

LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-20029 – Gene Dennison (0316) (PD 16) (CD 3)

4814 Mohawk Boulevard

L-20037 – Kent Jenkins (2405) (County)

East of southeast corner East 177th Street North and Garnett Road

L-20038 – Lee Butler (9432) (PD 18) (CD 5)

12400 East 52nd Street

STAFF RECOMMENDATION:

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

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES** the TMAPC voted **7-0-0** (Ard, Cantees, Cantrell, Carnes, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining" Bayles, Collins, Harmon "absent") to **RATIFY** these lot-splits given prior approval, finding them in accordance with Subdivision Regulations as recommended by staff.

LOT-COMBINATIONS FOR RATIFICATION OF PRIOR APPROVAL:

LC – 32 – Gary Bracken (9308) (PD 4) (CD 4)

2620 East 11th Street

LC-33 – Bernice Denton (0226) (PD 2) (CD 1)

2332 North Elwood

STAFF RECOMMENDATION:

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

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET** the TMAPC voted **7-0-0** (Ard, Cantees, Cantrell, Carnes, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Collins, Harmon "absent") to **RATIFY** these lot-combinations given prior approval, finding them in accordance with Subdivision Regulations as recommended by staff.

PLAT WAIVERS:

PUD-93-(9335)

(PD-18) (CD-7)

Northwest of the northwest corner of East 61st Street South and Memorial Drive

STAFF RECOMMENDATION:

The platting requirement is being triggered by a Planned Unit Development amendment for The Falls apartment complex.

Staff provides the following information from TAC at their October 5, 2006 meeting:

ZONING:

TMAPC Staff: The plat waiver is for property zoned PUD 93.

STREETS:

Private street issue needs to be addressed; recommend placing private streets in a reserve, the ownership of which would then need definition. Question # 5/Yes. Recommend filing Restrictive Covenants to adequately describe the maintenance and ownership of the proposed private street.

SEWER:

Easement must be retained for areas where the sanitary sewer is within the existing right-of-way.

WATER:

Easements will be required for the existing water line.

STORM DRAIN:

No comment.

FIRE:

The installation of security gates across a fire apparatus access road shall be approved by the fire chief. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times.

UTILITIES:

No comment.

This item has been continued for several meetings in order for the applicants to take care of and comply with TAC recommendations. Staff will likely have a recommendation for approval of the plat waiver at the November 15, 2006 meeting, assuming that the applicant continues to work on the TAC recommendations. (The staff report had to be prepared by 11/4/06 to facilitate the agenda for this item.)

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. Ard asked about the restrictive covenants for water and sewer easements. In response, Mrs. Fernandez stated that these two issues will have additional blanket easements and new covenants will be filed, which have been submitted to staff.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, TMAPC voted **7-0-0** (Ard, Cantees, Cantrell, Carnes, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Collins, Harmon "absent") to **APPROVE** the plat waiver for PUD-93 per staff recommendation.

BOA- 20374 – (9425)

(PD-17) (CD-6)

18837 East 47th Street South

STAFF RECOMMENDATION:

The platting requirement is being triggered by a Board of Adjustment request to allow a pool and clubhouse in a platted Reserve Area of the Stone Creek III addition.

Staff provides the following information from TAC at their November 2, 2006 meeting:

ZONING:

TMAPC staff: The Stone Creek Farms III addition was approved by City Council in August of 2006. Staff sees no reason to replat this recently platted subdivision for the minor addition to the residential plat.

STREETS:

No comment.

SEWER:

No comment.

WATER:

No comment.

STORM DRAIN:

No comment.

FIRE:

No comment.

UTILITIES:

No comment.

Staff recommends **APPROVAL** of the plat waiver.

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

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

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

	YES	NO
4. Is right-of-way dedication required to comply with Major Street and Highway Plan?		X
5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived?		X

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

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Ard, Cantees, Cantrell, Carnes, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Collins, Harmon "absent") to **APPROVE** the plat waiver for BOA-20374 per staff recommendation.

First Amendment to Deed of Dedication and Restrictive Covenants:

Crestwood at the River – (8334)

(PD 26) (CD 8)

West of the northwest corner of East 121st Street South and South Sheridan Road

STAFF RECOMMENDATION:

Mrs. Fernandez stated that this is a deed of dedication and restrictive covenant amendment for PUD-677-A. This is a housekeeping issue to clarify the setback change in the plat per the PUD amendment. Staff recommends **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** (Ard, Cantees, Cantrell, Carnes, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Collins, Harmon "absent") to **APPROVE** the first amendment of Deed of Dedication and Restrictive Covenants for Crestwood at the River (PUD-677-A) per staff recommendation.

FINAL PLAT:

Brookside 33 Office Park – (9224)

(PD-6) (CD-9)

West of northwest corner of East 33rd Place South and Peoria

STAFF RECOMMENDATION:

This plat consists of three lots in one block on .424 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; 7 members present:

On **MOTION** of **WOFFORD**, TMAPC voted **7-0-0** (Ard, Cantees, Cantrell, Carnes, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Collins, Harmon "absent") to **APPROVE** the final plat for Brookside 33 Office Park per staff recommendation.

Hutcherson YMCA – (0236)

(PD-2) (CD-1)

Southwest corner of East Pine Street and Peoria Avenue

STAFF RECOMMENDATION:

This plat consists of four lots in four blocks on 5.8 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; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Ard, Cantees, Cantrell, Carnes, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Collins, Harmon "absent") to **APPROVE** the final plat for Hutcherson YMCA per staff recommendation.

PRELIMINARY PLAT:

Tulsa Technology Center – Lemley Campus – (9323)

(PD-17) (CD-5)

3420 South Memorial Drive

STAFF RECOMMENDATION:

This plat consists of two lots, two blocks, on 40 acres.

The following issues were discussed October 5, 2006 and November 2, 2006 at the Technical Advisory Committee (TAC) meetings:

- 1. Zoning:** The property is zoned IL.

2. **Streets:** Lot dimensions, after right-of-way dedications, need to be shown. In Section IF, limits of no access, please delete "East 76th Street North" and add Memorial Drive. Add standard "enforceable by the City of Tulsa" language to LNA paragraph. Document the Arterial right-of-way for Memorial. Suggest constructing additional storage for the northbound left turn bay at 33rd Street due to the significant school bus traffic.
3. **Sewer:** Identify the existing sanitary sewer easement that is located within the proposed 80-foot utility easement along the west side of the north 298 feet of the plat.
4. **Water:** Add a ten-foot utility easement next to the existing water line easement on the north and west side of property. Include a 20-foot restrictive water line easement inside the 80-foot utility easement.
5. **Storm Drainage:** All public storm sewers not on public right-of-way must be in a storm sewer easement or in a utility easement. Please revise Section IC by using the standard language for "owner responsibility to water mains, sanitary sewers, and storm sewer services."
6. **Utilities: Telephone, PSO, ONG, Cable:** No comment.
7. **Other: Fire:** No comment.

GIS: Remove the legal description from the face of the plat. Correct the vertical datum and the basis of bearing. Complete the curve dimension; bearing and distance must be added to continue the traverse around the boundary in a clockwise direction.

Staff recommends **APPROVAL** of the Preliminary Subdivision plat subject to the TAC comments and 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 **WOFFORD**, TMAPC voted **7-0-0** (Ard, Cantees, Cantrell, Carnes, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Collins, Harmon "absent") to recommend **APPROVAL** of the Tulsa Technology Center/Lemley Campus, subject to special conditions and standard conditions per staff recommendation.

Ridgewood Hollow – (8323)

(PD-26) (CD-8)

10305 South Louisville Avenue

STAFF RECOMMENDATION:

This plat consists of 12 lots, one block, two Reserves on five acres.

The following issues were discussed November 2, 2006 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned under PUD-734 (pending City Council approval).
2. **Streets:** Recommend language stating the sidewalk requirement. Recommend language to specify responsibility for sidewalk construction and maintenance.
3. **Sewer:** The 15-foot utility easement around the cul-de-sac needs to continue through the Reserve Area A. An additional five feet of easement needs to be added within Reserve A, adjacent to L-9 to extend the total easement width to 15 feet (like L-7). Plan to keep the sanitary sewer main extension deep enough to serve the properties to the south of your development.
4. **Water:** Certain details need revision.
5. **Storm Drainage:** No comment.
6. **Utilities: Telephone, PSO, ONG, Cable:** No comment.
7. **Other: Fire:** Cul-de-sacs greater than two hundred and fifty (250 feet) in length shall have a turn-around radius of not less than forty (40 feet) of paving and a radius of fifty-two (52') of right-of-way at the property line.

Staff recommends **APPROVAL** of the Preliminary Subdivision plat subject to the TAC comments and 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** (Ard, Cantees, Cantrell, Carnes, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Collins, Harmon "absent") to recommend **APPROVAL** of the preliminary plat for Ridgewood Hollow, subject to special conditions and standard conditions per staff recommendation.

* * * * *

South Tulsa Medical Office Center – (8419)

(PD-18) (CD-8)

10102 East 91st Street South

STAFF RECOMMENDATION:

This plat consists of ten lots, one block, on 4.4 acres.

The following issues were discussed November 2, 2006 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned CO/Z-6910-SP-2. The CO standards must be included in the covenants and followed in the plat.
2. **Streets:** Street names need to be shown. Intersection needs 30-foot radius right-of-way dedications. Bearings and distances are needed on all plat boundary lines, as well as lot lines. Revise right-of-way dedication and provide legal description of property owned and being platted. Provide the standard 12 feet of right-of-way behind curb at entrance. Include a note on the face of plat that sidewalks are to be constructed in accordance with Subdivision Regulations. Include language declaring responsibility for sidewalk construction. Label the island as a Reserve and show its dimensions. Provide a minimum of 12 feet of right-of-way behind the proposed curb for the entry road. Show a mutual access easement within Reserve A to/from Lot 1, Block 1, so as to combine the two proposed drives within the roadway curve into just one jointly used drive per traffic's PUD comments. Recommend a design modification to provide two; 100-foot

approach lanes for the NB approach to the signalized intersection (suggest offsetting the island).

3. **Sewer:** No comment.
4. **Water:** Some revisions required. If PSO moves their lines, then the water line will need to be reconfigured.
5. **Storm Drainage:** Show and label the exact location for the adjacent off-site stormwater detention facility, which was required for the development of this platted area. Please label the Little Haikey Creek FEMA floodplain, and clearly show the boundary between it and the Tulsa Regulatory Floodplain. The easement that is parallel to the lot line between Lots 5 and 6 must be labeled according to the width and type of easement. There must be an easement that allows the property owners association access from the platted street to the adjacent stormwater detention facility for maintenance. The conceptual plan should not be shown on the face of the plat. Add the standard language to Section IG5 for the prorating of liens.
6. **Utilities: Telephone, PSO, ONG, Cable:** No comment.
7. **Other: Fire:** Label all street names per Public Works. Show square footage of each lot. Remove extraneous information. Please label the panhandle shaped area north of Lot 1, Block 1 as part of reserve A for clarity. Remove heavy line from north and west boundaries of out-parcel. A legal description other than the previous plat is needed. Dimension all right-of-ways and curves.

Staff recommends **APPROVAL** of the Preliminary Subdivision plat subject to the TAC comments and 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 **CARNES**, TMAPC voted **7-0-0** (Ard, Cantees, Cantrell, Carnes, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Collins, Harmon "absent") to recommend **APPROVAL** of the preliminary plat for South Tulsa Medical Office Center, subject to special conditions and standard conditions per staff recommendation.

3101 North Garnett Road

STAFF RECOMMENDATION:

This plat consists of one lot, one block, on 208 acres.

The following issues were discussed November 2, 2006 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned IM. The airport will need to send a release letter before final plat approval.
2. **Streets:** Show and dimension limits of no access along both arterials.
3. **Sewer:** No comment.
4. **Water:** No comment.
5. **Storm Drainage:** Please label the “Quarry Creek City of Tulsa Regulatory Floodplain” and the “Quarry Creek FEMA Floodplain” and clearly show the boundaries between them on all three plat pages. Please revise Section IG. A reserve is not required for the floodplains on a one Lot and one Block plat; however, the overland drainage easement language for this floodplain must utilize that standard language, modified to delete the reserve references.
6. **Utilities: Telephone, PSO, ONG, Cable:** No comment.
7. **Other: Fire:** Show lot dimensions and ownerships.

Staff recommends **APPROVAL** of the Preliminary Subdivision plat subject to the TAC comments and the special and standard conditions below.

Waivers of Subdivision Regulations:

1. **A sidewalk waiver request is anticipated but has not been received at the time of agenda preparation.**

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:

Jack Cox, 7935 East 57th, Tulsa, OK 74145, stated that he wrote a letter to the Planning Commission in care of Mrs. Fernandez requesting a sidewalk waiver. The west side of the subject property is all in a floodplain and the east side has a county road that none of the other additions in vicinity were required to put in sidewalks.

TMAPC COMMENTS:

Mr. Ard stated that it appears that staff has not received a request to waive the sidewalks.

Mrs. Fernandez stated that she has not received this request and she would need time to take the request to Public Works and staff to review.

Mr. Ard explained that the Planning Commission can approve the preliminary plat without the waiver. The applicant can continue through the process and request a sidewalk waiver for later action. Mr. Ard reminded Mr. Cox that this doesn't guarantee an approval of the waiver.

Mr. Cox requested that the preliminary plat be approved subject to the TAC recommendations.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Ard, Cantees, Cantrell, Carnes, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Collins, Harmon "absent") to recommend **APPROVAL** of the preliminary plat for Tulsa Raceway Park, subject to special conditions and standard conditions per staff recommendation.

MINOR SUBDIVISION PLATS:

Admiral Truck Wash – (9214) (PD-17) (CD-6)

East of northeast corner East Admiral Place and 129th East Avenue

STAFF RECOMMENDATION:

This plat consists of one lot, one block, on 1.55 acres.

The following issues were discussed November 2, 2006 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned CG.
2. **Streets:** No comment.
3. **Sewer:** No comment.
4. **Water:** No comment.
5. **Storm Drainage:** No comment.
6. **Utilities: Telephone, PSO, ONG, Cable:** No comment.
7. **Other: Fire:** No comment.

Staff recommends **APPROVAL** of the Minor Subdivision plat subject to the TAC comments and 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 **CARNES**, TMAPC voted **7-0-0** (Ard, Cantees, Cantrell, Carnes, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Collins, Harmon "absent") to recommend **APPROVAL** of the minor subdivision plat for Admiral Truck Wash, subject to special conditions and standard conditions per staff recommendation.

Grizzly Mountain Mercantile – (9313)

(PD-17) (CD-6)

Northeast corner East 27th Street South and Skelly Drive

STAFF RECOMMENDATION:

This plat consists of one lot, one block, on 1.5 acres.

The following issues were discussed November 2, 2006 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned PUD 533 (CS). PUD standards must be included in the covenants and followed in the plat.
2. **Streets:** Sidewalk should be continuous on Skelly. Please include a dedication of right-of-way to the public in Section IA.
3. **Sewer:** No comment.
4. **Water:** No comment.
5. **Storm Drainage:** No comment.
6. **Utilities: Telephone, PSO, ONG, Cable:** No comment.
7. **Other: Fire:** No comment.

Staff recommends **APPROVAL** of the Minor Subdivision plat subject to the TAC comments and 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.
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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 **CARNES**, TMAPC voted **7-0-0** (Ard, Cantees, Cantrell, Carnes, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Collins, Harmon "absent") to recommend **APPROVAL** of the minor subdivision plat for Grizzly Mountain Mercantile, subject to special conditions and standard conditions per staff recommendation.

CONTINUED ZONING PUBLIC HEARING:

Application No.: PUD-712-1

MINOR AMENDMENT

Applicant: Roy D. Johnsen

(PD-17) (CD-6)

Location: Northwest corner of East 51st Street South and 193rd East Avenue

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to PUD-712 for the purpose of adjusting development area boundaries, reallocating floor area, adding a ground sign to permitted signage and establishing a reserve area for the purpose of stormwater detention. No change in the permitted uses is proposed and the proposed intensity of use is permitted by the existing underlying zoning. The existing five acres (gross) of CS zoning with an allowable floor area ratio of .5 permits 108,900 square feet of commercial floor area. The existing approximate 7.75 acres (gross) of OL with an allowable floor area ratio of .3 permits 101,250 square feet of office (or mini-storage) floor area.

PUD-712 development standards for Development Area 'A' (retail) currently permit 55,000 square feet of building floor area on a net land area of 5.53 acres. Development Area 'B' (mini-storage) currently permits 105,000 square feet of building floor area on a net land area of 5.59 acres.

Staff finds the proposed amendment to be minor in nature and in keeping with the spirit and intent of PUD 712 and, therefore, recommends **APPROVAL** of PUD-712-1 per the following conditions:

Development Area 'A' (retail)

Lot 1, Block 1

Net Lot Area	1.50 AC
Maximum Building Floor Area	11,400 SF

Lot 2, Block 1

Net Lot Area	5.0 AC
Maximum Building Floor Area	46,665 SF

Lot 3, Block 1

Net Lot Area	1.50 AC
Maximum Building Floor Area	5,185 SF

Summary Proposed Development Area 'A' (retail):

Net Land Area	7.09 AC
Maximum Building Floor Area	63,250 SF
Number of Lots	Three*

*Additional lots may be permitted by minor amendment and allocation of floor area.

Development Area 'B' (mini-storage)

Net Land Area	3.14 AC
Maximum Building Floor Area	50,000 SF
Number of Lots	One

Reserve Area A

The proposed Reserve Area A (1.12 acres) is established as a storm water detention facility and shall be limited to storm water detention, landscaping and open space uses. It is intended that Reserve Area A will be deeded to and maintained by a property owners' association. An easement to the City of Tulsa for storm water detention has been previously established by separate instrument (Document No. 2006034542 recorded 3/29/06 in the records of the county Clerk of Tulsa County, Oklahoma.

Signs: (Development Area 'A')

Signs shall be limited to:

- (a) Wall or canopy signs not exceeding 1.5 feet of display surface area per lineal foot of the main building wall to which affixed, provided however, the aggregate length of wall signs shall not exceed 75% of the wall or canopy to which affixed and not wall signs shall be affixed to the west and north building walls or canopies.
- (b) One ground sign at the intersection of 193rd East Avenue and East 51st Street South identifying the center and/ or tenants therein, not exceeding 25 feet in height and 200 square feet of display surface area, and
- (c) One ground sign along 193rd East Avenue identifying the mini-storage use not exceeding 20 feet in height and 120 square feet of display surface area.
- (d) One ground sign within the east half of Lot 1, Block 1, identifying the tenants therein, not exceeding 20 feet in height and 120 feet of display surface area. In no event shall the sign be located closer than 100 feet to the west boundary of the PUD.

Signs: (Development Area 'B')

Signs within the mini-storage facility shall be limited to directional signs and the identification sign provided for within Development Area 'A'.

Screening Wall

A masonry screening wall shall be provided on the north and west boundaries of the PUD.

Supplement to Development Standards:

1. For the purposes of determining the landscaped area, Reserve Area A (stormwater detention area) shall be deemed a part of Development Area A (retail area), provided however, landscaping within the PUD shall not be less than 10% in the aggregate, a minimum of 4.5% of the net lot area within Development Area B (mini-storage) shall be landscaped and a minimum of 10% of the net area of each lot within Development Area A (retail sales) shall be landscaped. A landscaped area of not less than eleven feet in width shall be maintained along the west and north boundaries of the PUD. Landscaping shall comply with the requirements of the landscaping chapter of the Tulsa Zoning Code.
2. A screening wall not less than six feet in height shall be maintained along the west and north boundaries of the PUD, provided however, that the masonry exterior walls of the mini-storage buildings located along the perimeter shall serve as part of the required screening wall.

Applicant's Comments:

Roy D. Johnsen, 201 West 5th, Suite 501, Tulsa, Oklahoma 74103, representing the owner/developer of subject property, stated that this PUD was approved in 2005 for mixed use of mini-storage on the northern portion and retail on the southern portion based on zoning that had been approved several years prior to the PUD.

Mr. Johnsen stated that originally the detention facility was to be located in the retail area, but as engineering progressed, it was moved and took a part of what was mini-storage and part of the retail area. He filed a minor amendment to adjust the development area boundaries. The mini-storage is smaller and the floor area is substantially less. There are three lots in the retail area and part of the subject minor amendment is to allocate floor area to these three lots.

Mr. Johnsen explained the landscaping, which provides ample landscaping and will probably exceed the Zoning Code requirement. Mr. Johnsen submitted the supplement to development standards for PUD-712-1 (Exhibit A-1).

Mr. Johnsen explained how the walls of the mini-storage will be the screening walls and then construct a wall between buildings so that the appearance is that there is a continuous masonry wall with landscaping outside of that.

TMAPC COMMENTS:

Mr. Ard asked if the Reserve Area considered a portion of the overall landscaping percentage. In response, Mr. Johnsen answered affirmatively. Mr.

Johnsen explained that each lot is required to have 10% of landscaping and with the Reserve Area this project will exceed the Zoning Code requirement.

Mr. Midget clarified that Mr. Johnsen wanted the Planning Commission to include the mini-storage walls as part of the required screening walls in the language for the subject PUD. In response, Mr. Johnsen answered affirmatively.

Mr. Ard asked staff if they are in agreement with Mr. Johnsen's changes. In response, Ms. Matthews stated that staff is comfortable with this proposal and the changes. Ms. Matthews further stated that Mr. Johnsen is correct that many of the better mini-storage facilities use their back wall to serve as a masonry screening wall.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Ard, Cantees, Cantrell, Carnes, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Collins, Harmon "absent") to **APPROVE** the minor amendment for PUD-712-1 per staff recommendation and as submitted by Roy D. Johnsen (Exhibit A-1).

ZONING PUBLIC HEARING

Application No.: PUD-735

RS-1 to RS-1/PUD

Applicant: Roy D. Johnsen

(PD-18b) (CD-2)

Location: South of southwest corner of 61st Street and Harvard

STAFF RECOMMENDATION:

BOA-20131 December 13, 2005: The Board of Adjustment approved a Variance of the rear yard setback from 25' to 10' in an RS-1 district located on the subject property.

PUD-710 November 2004: All concurred in approval of a proposed Planned Unit Development on a 4± acre tract for a gated single-family subdivision containing 10 units, per staff recommendation and with conditions set by the City Council not allowing for R.V. storage for over twenty-four hours on property located south of southwest corner of South Harvard and East 61st Street, and located north of subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The proposed PUD consists of 1.93 gross acres located south of the southwest corner of South Harvard Avenue and East 61st Street South and having a street address of 6336 South Harvard Avenue. The subject tract has 225 feet of frontage on South Harvard and extends west a distance of 330 feet and is steeply sloped from the south and southwest boundaries to the north boundary. The north boundary is adjoining Southern Hills Country Club and west and south boundaries are adjoining properties developed for single-family dwellings. One single-family dwelling is currently located on the subject property, which is zoned RS-1.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
South Harvard Avenue	Secondary Arterial	100'	two

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

SURROUNDING AREA: The subject tract is abutted on the east by South Harvard Avenue across which is single-family residential zoned RS-1; on the north by the Southern Hills Country Club golf course zoned RS-1; and on the west by single-family residential zoned RS-1; and on the south by single-family residential zoned RS-1.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 18 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being low-intensity. According to the Zoning Matrix, the requested development is **in accord** with the Comprehensive Plan

STAFF RECOMMENDATION:

PUD-735 proposes five single-family lots and two reserve areas within 1.93 gross acres, development which is in conformance with underlying RS-1 zoning. Surrounding development is residential single-family with Southern Hills Country Club golf course abutting on the north. The site is steeply sloped from the south and west to the north. Each residential lot is to have access from a gated private drive off of South Harvard Avenue. Proposed pavement width of the private drive is 22 feet. Interior sidewalks are not proposed. The applicant also does not propose sidewalks along South Harvard Avenue citing the severity of the grades. Reserve 'A' is intended for landscaping and off-street parking; Reserve 'B' is intended for use as an overland drainage easement.

The applicant is proposing a 67.5-foot building setback from the centerline of Harvard Avenue, 17.5 feet less than the 85 feet required by the zoning code. Per the Long Range Transportation Plan, Harvard Avenue will be improved to four

lanes. Because grades in this area are steep, sufficient area must remain unobstructed to allow for future grading and construction of Harvard Avenue improvements. Therefore, reduction of the 35-foot setback from right-of-way (85' from centerline) may not be recommended.

As part of the existing site conditions, a wrought iron fence and gated access are located in the Harvard Avenue right-of-way. Although the fence and gated access were constructed before right-of-way was dedicated as part of a lot-split action in 2005, it is not clear that the improvements were constructed on private property to begin with. In any case, the fence and gated access must be moved or the applicant must obtain a license agreement from the City for them to remain in the Harvard Avenue right-of-way. Per the applicant, the fence was constructed in agreement with Southern Hills Country Club to include the applicant's property within the Southern Hills site providing the applicant with both security and an unobstructed view. However, if the fence remains in the right-of-way, sidewalks along Harvard Avenue will likely not be possible.

There is a masonry wall constructed on property immediately to the south that appears to be at the right-of-way line and grades adjacent to it are conducive for construction of sidewalks. Sidewalks are possible along Harvard Avenue on the applicant's property if the fence is moved back (which appears could be accomplished in a manner that could still provide perimeter security as required by Southern Hills) and the right-of-way graded. Continuation of the sidewalk to the north along the Southern Hills property would not be possible until the fence is moved out of the right-of-way.

Because of the steep slopes and resulting impact development will have on stormwater run-off, staff recommends that the applicant provide an exhibit depicting proposed finished grades for the PUD site.

Staff finds the uses and intensities of development proposed and as modified by staff to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds PUD-735 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-735 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:

GROSS LAND AREA: 1.93 AC

PERMITTED USES:

Detached single-family residences and customary accessory uses.

MAXIMUM DWELLING UNITS: 5

MINIMUM LOT SIZE: 8,700 SF

MINIMUM LOT WIDTH: 62 FT

MAXIMUM BUILDING HEIGHT: 3 stories/ 35 FT*

**Measured from the average of the grade at the front and back building walls.*

MINIMUM YARDS:

From centerline of Harvard	70 FT
From west boundary of PUD	11 FT
From north boundary of PUD	25 FT
From south boundary of PUD	17.5 FT
From Reserve Area A	10 FT
From Reserve Area B	00 FT
From interior drive	10 FT*
From interior side lot line	5 FT

MINIMUM LIVABILITY SPACE PER LOT: 2,500 SF**

MINIMUM COMMON AREA LIVABILITY SPACE: 22,500 SF**

OTHER BULK AND AREA REQUIREMENTS:

As provided within an RS-1 District

OFF-STREET PARKING:

Within each lot not less than two off-street parking spaces within an enclosed garage shall be provided and not less than ten guest parking spaces shall be provided.

**Garage openings facing the interior drive shall be set back not less than 25 FT from the interior drive right-of-way.*

***Livability Space is defined as open space not allocated for parking or drives.*

ACCESS AND CIRCULATION:

Each lot shall derive its access from an interior private drive which may be gated at the point of access to Harvard. Gates and/or guard houses shall

not be permitted in the Harvard Avenue right-of-way. Sidewalks are required along Harvard Avenue.

FENCING:

Perimeter fencing shall not exceed eight feet in height, and along the west, south and east boundaries may be masonry or wrought iron or combinations thereof. Fencing along the north boundary, if any, shall be limited to wrought iron. In no event shall perimeter fencing, support structures and associated landscaping be permitted within the Harvard Avenue right-of-way. The existing fence may remain in place subject to a licensing agreement with the City of Tulsa.

3. 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.
4. A homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain all private streets and common areas, including any stormwater detention areas, security gates, guard houses or other commonly owned structures within the PUD.
5. All private roadways shall have a minimum right-of-way of 30 feet and be a minimum of 20 feet in width for two-way roads and 18 feet for one-way loop roads, measured face-to-face of curb. All curbs, gutters, base and paving materials used shall be of a quality and thickness which meets the City of Tulsa standards for a minor residential public street. The maximum vertical grade of private streets shall be ten percent.
6. The city shall inspect all private streets and certify that they meet City standards prior to any building permits being issued on lots accessed by those streets. The developer shall pay all inspection fees required by the City.
7. No building permit shall be issued until the requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.
8. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.

9. Entry gates or guardhouses, if proposed, must receive detail site plan approval from TMAPC, Traffic Engineering and Tulsa Fire Department, prior to issuance of a building permit for the gates or guard houses.
10. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.
11. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, nor shall trucks or truck trailers be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers and shipping containers shall not be used for storage in the PUD.

TAC Comments From 11/2/06:

General: A predevelopment meeting with the developer and developer's engineer was held.

Water: A water main extension will be required in a water line easement.

Fire: No comment.

Stormwater: Suggest the addition of a separate drainage section. While underground stormwater detention tanks are a viable alternative, Reserve Area B will provide some stormwater storage capacity. Therefore, Reserve Area B should be noted for Stormwater Detention/Retention use, as well as Overland Drainage Easement. The Sanitary Sewer/Drainage Easement between Lots 3 and 4 is too narrow to accommodate both sanitary and storm sewer pipes. If both are present, then they should be placed in a utility easement with a minimum width of 20 feet.

Wastewater: No comment.

Transportation: Additional right-of-way, building setback and/or retaining wall along Harvard may be required in order to accommodate Major Street and Highway Plan ultimate design for a secondary arterial due to steep topography. Coordination with City of Tulsa Engineering Services, Transportation Design, may be required.

Traffic: Recommend standard setbacks for Residential zoning rather than the proposed 67 ft from centerline for any future building construction along this Secondary arterial due to the significant topography in this area.

GIS: No comment.

County Engineer: No comment.

TMAPC COMMENTS:

Mr. Ard asked if the fences and gates are located on the subject property or adjacent to the north. In response, Ms. Matthews stated that she believes that one is perhaps on the subject property.

Applicant's Comments:

Roy D. Johnsen, 201 West 5th, Suite 501, Tulsa, Oklahoma 74103, stated that he has proposed five units and there is no change sought in the underlying zoning, which is RS-1. This would be a gated community with a private street coming off of Harvard. Ten spaces are being provided for guest parking.

Mr. Johnsen stated that the history is important for a few issues. The subject properties north boundary is Southern Hills Country Club. Mr. Shipley, a long term member of Southern Hills, has lived on the subject property for more than seven years. In 2001, Southern Hills was preparing for the U.S. Open and security was an issue. Southern Hills extended their fencing and screening, which, at that time his clients had no fencing between his house and Southern Hills. Southern Hills, by agreement with his client and other neighbors, extended the wrought iron fencing around the perimeter of that property so that it ties in to the club and they know that it is secured. At that time the right-of-way on Harvard, for his client, was a treaty reservation along section lines of a rod and a half (24.75' or 27.25'). The Major Street Plan calls for a 50-foot of right-of-way. As an interim step his client sought a lot-split to divide the property east and west with an east/west line so that he might commence construction of his new home. That is now deferred and he is applying for the PUD. As a part of that approved lot-split his client was required to dedicate right-of-way and he did, which brought it up to 50 feet. The existing fence along Harvard was then within the right-of-way. The Southern Hills fence and his client's fence are now within the right-of-way.

Mr. Johnsen submitted an aerial map (Exhibit B-2). He explained that Southern Hills heavily treed along the paving line for security reasons. His client did the same as Southern Hills and it is in the planned right-of-way. Mr. Johnsen stated that he would like for this to remain, subject to a license agreement with the City of Tulsa. When the City of Tulsa needs the right-of-way his client would have to move his fence and landscaping. He doesn't see any practical reason for removing the existing fence and landscaping that accompanies the fence. It lines up with Southern Hills and prevents cars from stopping and trying to look through the fence during golf tournaments. Mr. Johnsen stated that staff is stating that the gate, the stacking and turnaround have to be outside of the right-of-way, which is acceptable and not really an issue. The only issue is the wrought iron fence along Harvard. Mr. Johnsen indicated that there is no schedule or funding to widen Harvard in the subject area. It would difficult to do so because of Southern Hills.

Mr. Johnsen stated that the next issue is the sidewalk. It is the Planning Commission's policy to recommend sidewalks. During the TAC meeting there was concern due to the terrain, which falls very rapidly south from his client's south line and northwardly along Harvard. TAC wanted to make sure that if Harvard is ever widened there would be workable slopes. Mr. Kelly, Engineer, came up with a grading plan within the subject property outside of the right-of-

way that would permit a home to be constructed 20 feet from the Harvard right-of-way line, but in a manner that when the City does widen Harvard the grades will work. Basically, his client is trying to accommodate what might happen in the future and make sure the slope is workable. He has submitted language that the Planning Commission can use in their recommendation, if the project is approved. There will be a slope and a grading plan required and it will be finalized at platting. The 20-foot setback is acceptable to the staff and to Public Works. Mr. Johnsen submitted a cross section (Exhibit B-1) and described the lines. He explained that within the right-of-way where a sidewalk would normally be installed is a 1.6:1 slope (extremely steep). The difference in elevation from where the sidewalk would be installed to the top of the existing paved line is 12 feet. It would be extremely difficult to build a sidewalk and there would be a 12-foot hole. Because the private drive into the project has to be closer to the grade of Harvard, then it would require steps to get down to the sidewalk. If one were on the sidewalk, then it would end at the trees that Southern Hills has planted for security reasons. It does not make sense, due to the terrain, type of use and the situation with Southern Hills to install a sidewalk. Mr. Johnsen requested a waiver for the sidewalk requirement. His client is not opposed to sidewalks and has offered to make fee-in-lieu for the cost of a sidewalk. Mr. Johnsen indicated that the City has suggested this and his client is in agreement.

Mr. Johnsen concluded that other than the question of leaving the fence subject to a license agreement and the sidewalk, he believes there is concurrence with the staff recommendation.

TMAPC COMMENTS:

Mr. Carnes stated that looking at the profiles and driving by the subject property, it is clear that there is no place to put a sidewalk. Ms. Matthews agreed with Mr. Carnes's statement. She stated that the sidewalk could not be made ADA accessible. Mr. Carnes asked staff if they had any problems with Mr. Johnsen's proposal. In response, Ms. Matthews stated that at this time staff is comfortable with them and the fee-in-lieu of the actual provision of the sidewalks is something that staff has talked about for several years and this might set a good precedent if there is a special account set aside for it.

Mr. Ard asked who determines the fee and how it is maintained, etc. In response, Mr. Boulden stated that Mr. Ard is asking good questions. Mr. Boulden stated that the Planning Commission doesn't have a policy on that. The Planning Commission has a policy to require sidewalks and the Planning Commission hasn't had time to contemplate this. He believes that the Planning Commission could go ahead and impose the sidewalk requirement and the PUD will go to the City Council and they can do whatever they wish.

Mr. Johnsen stated it is part of being a Planning Commissioner that if something doesn't make sense, then the recommendation should show it. He believes that the Planning Commission can put a requirement on the PUD that acceptable

arrangements be made at the time of platting to satisfy Public Works that the reasonable amount has been properly deposited as a fee-in-lieu of construction of sidewalk. If he is unable to satisfy Public Works, then he would have to come back before the Planning Commission.

Mr. Carnes asked Mr. Boulden if the Planning Commission could approve this as presented and per staff recommendation and then send it to the City Council as their recommendation. At that time it becomes the City Council and Legal's problem of how this would be handled. Mr. Carnes moved to approve the PUD subject to the modifications of Mr. Johnsen and staff recommendation.

INTERESTED PARTIES:

Robert Taylor, 1437 South Boulder, 74119, representing Bill and Sandy Lee, property owners to the south of subject property, stated his clients' home was constructed in 2000 and the applicant's property has been in existence longer than his clients. Mr. Taylor expressed concerns with drainage because the applicant has a pending lawsuit against Mr. and Mrs. Lee. The applicant is alleging that the Mr. and Mrs. Lee have caused or contributed to an ongoing drainage problem. Now the applicant is bringing in more property owners, which would have more buildings, more pavement and more people invited to share in what he believes is an ongoing problem.

Mr. Ard explained to Mr. Taylor that the Planning Commission doesn't deal with stormwater management. However, no more water can flow over onto an adjacent site after development than did beforehand. The Planning Commission assumes that the stormwater issues will be handled by the Technical Advisory Committee and Stormwater Management and it is not in the Planning Commission's purview to address this.

Mr. Taylor stated that he read the staff recommendation and noticed that there is an acknowledgement of the steep slopes surrounding the subject property. Staff recognizes that there is a concern for stormwater runoff and staff is requesting a grading plan and wanting more information about it. It is his position that because of this alleged ongoing problem, that staff and the Planning Commission should really question this application and have some reluctance as to whether to approve this application.

Mr. Ard stated that he has driven the road enough times to know that there are steep slopes and obviously drainage would be a significant issue. Mr. Ard requested staff to explain the process.

Mr. Alberty stated that due to the fact that the subject property does have severe slopes and in an area that staff is concerned about how the engineer and the owner would handle the development. Staff has placed extra requirements that are normally not done at this level. Primarily, staff wanted to take a look at this proposal from staff's limited ability to analyze and review it. That information has

been provided to staff's satisfaction; however, as the Planning Commission knows, staff are not engineers and rely upon City Engineers for final approvals. Staff has a degree of comfort based upon the competence of not only the project engineer but also the company, to know that this has been dealt with. The applicant's property is actually downstream to the Lee property, which is to the south. The issues for the proposal are addressed to staff's satisfaction and the preliminary drainage plans and grading plans far exceed what is normally required.

Mr. Alberty suggested that if the Planning Commission is considering approving this application, the motion should be that either the sidewalk be installed or a satisfactory agreement with the City Public Works Department be reached for a fee-in-lieu payment. There needs to be a requirement and it should be an "either/or" requirement. The policy that was expressed by Public Works is something that staff learned about just a few hours before today's meeting. Staff is totally unfamiliar with the fee-in-lieu for sidewalks. Staff is not questioning the fee-in-lieu, but it is new and would like for the standards to be sidewalk or a satisfactory agreement.

Mr. Wofford asked if the Lees' property is significantly higher than the subject property. In response, Mr. Alberty answered affirmatively. Mr. Wofford asked if the subject property would drain primarily to the south. In response, Mr. Alberty answered affirmatively. There is a drainage inlet located on the Southern Hills property and that has been identified by the Engineer's drawing. All of the subject property is required to pick up what the Lees' pass, which is historically true, but it must also collect and distribute all of the new drainage to be discharged into the inlet.

Mr. Ard stated that staff has gone above and beyond what is normally seen regarding drainage issues and he is not sure that alleviates all of Mr. Taylor's concerns. He encouraged Mr. Taylor to be in contact with Stormwater Management and the applicant to review the documents that staff has available.

Mr. Taylor stated that the drainage will drain north from the subject property and not south.

In response to Mr. Ard, Mr. Alberty stated that Mr. Mueller is present and perhaps he can address the fee-in-lieu. Mr. Alberty further stated that this is something that staff has talked about in the past and Legal has stated that there is no mechanism do this, but he understands now that it may be possible.

John Mueller, Engineer, Development Services for the City of Tulsa, stated that it is his understanding from Public Works that there is a sidewalk Capital Improvement Projects fund. Money can be deposited for use at a later date and in a location that would yet to be determined. He commented that he has been advised that this would be the appropriate place to deposit funds that would be in

the amount equivalent to the cost of sidewalk construction at this location. He indicated that this information has come from the Public Works Director.

Mr. Ard asked Mr. Mueller who would determine what the appropriate amount of deposit would be. In response, Mr. Mueller stated that the Public Works Department has an Engineering Services Project worksheet that is based on a contract the City has with a construction company for projects and figures out the cost per units and it would be based on that amount.

Mr. Mueller stated that the idea of putting money into escrow for sidewalks in the future has been discussed in Development Services and the issue that has been expressed to him is that tracking the funds could be more problematic than it would be to simply deposit the funds into these specific sidewalk improvement project funds.

Mr. Boulden asked Mr. Mueller if the fee-in-lieu is for a specific location or for anywhere in the City. In response, Mr. Mueller stated that the capital sidewalk improvement fund exists for sidewalks that would be constructed anywhere in the City of Tulsa.

Mr. Boulden asked Mr. Mueller if he knows how much money is in that fund today. In response, Mr. Mueller answered negatively.

Mr. Mueller explained that this fund would be administered by Public Works.

Ms. Cantees asked Legal if the Planning Commission approves a waiver that closes the door forever for that particular parcel of land. In response, Mr. Boulden answered affirmatively.

Mr. Alberty stated that staff is not recommending to waive the sidewalks. The subdivision plat has not been processed. Staff is suggesting that in the PUD it is an either/or situation working out an agreement. Mr. Alberty commented that this is possibly a good solution and it could resolve a lot of requests for waiver of sidewalks. In his opinion, this is a fair way to approach the sidewalk issues.

Mr. Midget agreed with Mr. Alberty's comments. The Planning Commission is really not waiving anything, but saying when the time comes, there will be money available to implement what was required, particularly the sidewalks.

Mr. Mueller stated that he is not recommending or supporting a waiver of the sidewalks. He is in full support of the sidewalk requirement, but recommends deferral of the construction of that sidewalk and accepting the fee-in-lieu. The deferral would be until the time of improvement of Harvard as a secondary arterial according to the Major Street and Highway Plan.

Mr. Boulden asked staff if they are recommending that the Planning Commission impose a sidewalk requirement on the developer, but not until the time it is widened. In response, Mr. Mueller stated that construction would be by the City of Tulsa with the funds that have been given to the City for their construction by the developer.

Mr. Boulden stated that he is missing the connection since the fee-in-lieu would not be earmarked for a specific development. In response, Mr. Mueller stated that he understands that the funds would not be designated or earmarked for this particular stretch of property on Harvard, but it would go into the fund for the improvements of Harvard Avenue.

Mr. Ard stated that the Planning Commission would live under the assumption that at some point when Harvard is widened, there would be funds available for that sidewalk. One would have to assume that the fund would be in place and well managed.

Mr. Alberty reiterated that the sidewalk requirement would remain in effect or a suitable arrangement made for a contribution to a sidewalk fund in the PUD. That doesn't address which way we are going at this point, but it keeps the options opened. When the subdivision plat comes through, then there will have to be the same type of provision at that point. Mr. Alberty concluded that he doesn't want this PUD to be approved by waiving the sidewalk requirement.

Mr. Johnsen stated that he believes he made a case that under the present circumstances the sidewalk does not make sense. He indicated that he is asking for a sidewalk waiver and as a condition or voluntarily, his client will deposit money satisfactory to Public Works for a sidewalk. He believes that this is a case where the sidewalk requirement should be waived subject to satisfactory escrow in the sidewalk fund. He explained that if he can't satisfy Public Works, then he would have to return to the Planning Commission.

Mr. Midget stated that he would have a problem with approving the sidewalk waiver more than he would with a deferment. The fee-in-lieu will cover the costs of sidewalks when that time comes.

Mr. Johnsen stated that when the City funds a four-lane improvement they fund sidewalks and that is part of their standard. He explained that his client still has to plat the subject property and all he is asking for is a PUD condition that states his client is not required to put in a sidewalk. He doesn't believe that this is waiving the sidewalk.

Mr. Carnes asked Mr. Johnsen if he is in agreement with using the verbiage that Mr. Alberty suggested regarding the sidewalks. In response, Mr. Johnsen answered affirmatively.

Darryl French, Traffic Engineering, 200 Civic Center, stated that a minor sidewalk issue that will have to be resolved during the platting process is the interior street as a private street. It will be recommended that the private street have a sidewalk or request in writing for a waiver.

Mr. French stated that the width of the private street beginning from the original text of the PUD submitted has changed in various times and he would like to make sure that Mr. Johnsen is given an opportunity to nail down what his request will be.

Mr. Johnsen stated that he believes he has worked it with the staff that it would be 20 feet from face to curb.

In response to Mr. Ard, Mr. French stated that the 20-foot width is not what he understood it to be, but he can approve it and has no objection to it. He wanted it in the record so that it could be nailed down once and for all.

Mr. Ard asked Mr. Boulden if he is comfortable with this proposal with Mr. Alberty's verbiage. In response, Mr. Boulden stated that he can't say that there is a process in place, but he believes that the Planning Commission is well within their rights to do what Mr. Alberty recommended.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Ard, Cantees, Cantrell, Carnes, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Collins, Harmon "absent") to recommend **APPROVAL** of PUD-735 per staff recommendation, subject to a license agreement with the City for the existing fence, subject to sidewalks being required or a satisfactory agreement with Public Works shall be provided. (Language with a strike-through has been deleted and language with an underline has been added.)

Legal Description for PUD-735:

The north 255' of the southeast quarter of the northeast quarter of the southeast quarter of the northeast quarter (SE/4 NE/4 SE/4 NE/4) of Section 5, Township 18 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, According to the United States Government Survey thereof. (Per Warranty Deed Recorded on January 25, 1999 in the office of the Tulsa County Clerk in Book 6164 Page 1292) **From RS-1 (Residential Single Family Low Density District) To RS-1/PUD (Residential Single Family Low Density District /Planned Unit Development [PUD-735]).**

Application No.: PUD-274-4

MINOR AMENDMENT

Applicant: James Adair

(PD-18) (CD-9)

Location: 5727 South Lewis Avenue

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to PUD-274 for an increase in permitted wall signage to allow an additional wall sign. Development standards currently permit wall signs as follows:

Wall or canopy signs shall be limited to one sign for the multi-story office building, not exceeding a display surface area of 64 square feet, and one sign for each of the other office buildings within the project, not exceeding a display surface area of 32 square feet for each sign.

In addition, three ground signs with a maximum aggregate display surface area of 384 square feet are also permitted. (PUD-274 originally permitted two signs not to exceed 192 square feet of display surface area each. PUD-274-1 approved 4/23/86 distributed the display surface area among three ground signs.)

Signage for office uses in PUD's per Section 1103.2a of the zoning code is permitted as follows:

Signs accessory to principal office and/or scientific research uses shall comply with the restrictions in the OL or SR zoning districts, respectively.

Signage in OL districts is restricted per Section 602.4 of the zoning code as follows:

- (a) Business signs in the office zoning districts shall comply with the requirements of this section and, in addition, shall comply with the general use conditions for business signs as provided in 1221.C.3, 9, 10, 11, 12, 13, 14 and 15. Where the requirements of this section are greater or more restrictive than the requirements in 1221.C. the requirements of this section shall apply.
- (b) Not more than one (1) sign may be erected per each street frontage of a lot.
- (c) The sign shall not exceed two-tenths (2/10) of a square foot of display surface area per lineal foot of street frontage; provided that in no event shall the sign be restricted to less than thirty-two

(32) square feet nor be permitted to exceed one hundred fifty (150) square feet of display surface area.

As it is, it appears that signage permitted by PUD-274 already exceeds what is allowed by Section 1003.2a of the zoning code. Board of Adjustment approval of a variance for the additional wall sign will be necessary for consideration of the minor amendment. Even so, staff recommends **DENIAL** of PUD-274-4 for the additional signage finding that what is already permitted to be more than sufficient.

Applicant is not present.

There were no interested parties wishing to speak.

TMAPC COMMENTS:

Mr. Midget asked if the applicant can go to the BOA and get this request. The Planning Commission can recommend denial and then the applicant can apply at the BOA. In response, Ms. Matthews answered affirmatively.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, TMAPC voted **7-0-0** (Ard, Cantees, Cantrell, Carnes, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Collins, Harmon "absent") to **DENIAL** the minor amendment for PUD-274-4 per staff recommendation.

OTHER BUSINESS:

Application No.: PUD-628-A

DETAIL SITE PLAN

Applicant: R. L. Reynolds

(PD-18) (CD-8)

Location: 9736 East 96th Street South

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a communication tower. The proposed use, Use Unit 4, Public Protection and Utility Facilities, is in conformance with Development Standards of PUD-628-A.

The proposed 150' high tower and related ground equipment comply with development standards regarding setbacks, screening, access and use conditions. Therefore, staff recommends **APPROVAL** of PUD-628-A detail site plan as proposed.

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

The applicant was not present.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, TMAPC voted **7-0-0** (Ard, Cantees, Cantrell, Carnes, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Collins, Harmon "absent") to **APPROVE** the detail site plan for PUD-628-A per staff recommendation.

Application No.: PUD-707

DETAIL SITE PLAN

Applicant: Eric Randall

(PD-26) (CD-8)

Location: 11016 South 77th East Avenue

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a single-family residential neighborhood pool house. The proposed accessory use to single-family residential is permitted as provided in Section 402.A of the Zoning Code and is in conformance with Development Standards of PUD-707.

The proposed building meets minimum setback requirements and height restrictions. The site also complies with development standards and the zoning code in regard to landscape requirements. Sidewalks are provided along East 111th Street South in accordance with Subdivision Regulations.

Therefore, staff recommends **APPROVAL** of PUD-707 as proposed.

(Note: Detail site plan approval does not constitute 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 **MIDGET**, TMAPC voted **7-0-0** (Ard, Cantees, Cantrell, Carnes, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Collins, Harmon "absent") to **APPROVE** the detail site plan for PUD-707 per staff recommendation.

* * * * *

Commissioners' Comments:

Mr. Ard thanked Mr. Mike Bernard for his service on the Planning Commission. Mr. Bernard had to resign rather quickly and his leadership will be missed.

Consider motion to enter executive session, pursuant to Title 25 Oklahoma Statutes, Section 307.B.4, to discuss pending litigation styled, Herbert C. Oven, Jr. et al. v. John Kenneth Selby, et al., Tulsa County District Court Case Number CJ-2005-7036, to which the Tulsa Metropolitan Area Planning Commission is a party. This executive session is considered upon the advice of the Planning Commission's attorney that the discussions will seriously impair the ability of the Planning Commission to process this litigation, including any potential appeal.

Mr. Ard stated that the Planning Commission will now consider moving into executive session.

Mr. Midget asked if this will be aired. In response, Mr. Boulden stated that the televised portion of the meeting will end while in executive session.

Mr. Ard recognized Mr. Roger Collins.

Mr. Ard recognized Roy D. Johnsen.

Roy D. Johnsen, 201 West 5th, Suite 501, Tulsa, Oklahoma 74103, raised an objection to any further arguments of this case by Mr. Collins. It has been to trial and there has been a decision. The question before the Planning Commission today is whether or not an appeal should be filed. He doesn't believe it is an appropriate matter for pre-argument or discussion of why it should or shouldn't be. He is not prepared to do this and the other attorney involved is not present today. The Planning Commission has discretion and he believes the better discretion in a case like this is to go ahead and enter into executive session and listen to Legal and make a decision.

Mr. Ard thanked Mr. Johnsen. Mr. Ard stated that it is the call of the Chair and Mr. Boulden has mentioned that he doesn't necessarily think it is out of order, so he believes he will hear Mr. Collins's comments.

Roger Collins, 1626 East 29th Street, 74114, stated that he is a party to the lawsuit for which the Planning Commission is preparing to go into executive session.

Mr. Ard stated that since Mr. Collins is a party to the lawsuit, he believes in this case he would have to agree with Mr. Johnsen and not hear his comments. The Planning Commission needs to hear from their Legal Counsel and not argue the case. Mr. Ard further stated that today the Planning Commission is present to hear from their Legal Counsel with regard to the Planning Commission's position on this issue. Since Mr. Collins is a party to the lawsuit he is going to change his ruling and not hear comments.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Ard, Cantees, Cantrell, Carnes Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Collins, Harmon "absent") to **APPROVE** the Planning Commission entering into executive session on the Herbert C. Oven, Jr. et al. v. John Kenneth Selby, et al., Tulsa County District Court Case Number CJ-2005-7036 to which the Tulsa Metropolitan Area Planning Commission is a party. This executive session is considered upon the advice of the Planning Commission's attorney that the discussions will seriously impair the ability of the Planning Commission to process this litigation, including any potential appeal.

3:00 p.m. entering Executive Session.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Ard, Cantees, Cantrell, Carnes Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Collins, Harmon "absent") to **APPROVE** the Planning Commission to exit executive session on the Herbert C. Oven, Jr. et al. v. John Kenneth Selby, et al., Tulsa County District Court Case Number CJ-2005-7036 to which the Tulsa Metropolitan Area Planning Commission is a party.

3:38 p.m. out of Executive Session.

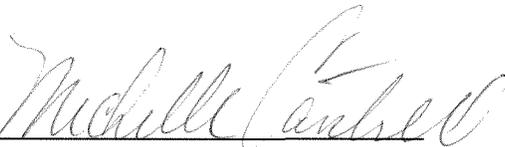
There being no further business, the Chair declared the meeting adjourned at 3:39 p.m.

Date Approved:

1/3/07

Chairman

ATTEST:



Secretary