

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 2492

Wednesday, September 19, 2007, 1:30 p.m.

Francis Campbell City Council Room
Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Ard	Miller	Butler	Boulden, Legal
Cantees		Fernandez	
Cantrell		Matthews	
Carnes		Tomlinson	
Harmon			
Marshall			
McArtor			
Midget			
Shivel			
Sparks			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, September 13, 2007 at 3:30 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 1:30 p.m.

REPORTS:

Director's Report:

Ms. Matthews reported on the BOCC and City Council agendas.

Mr. Ard announced that a continuance has been requested for Item 2.f. (PUD-327-A Minor Amendment).

Ms. Matthews stated that the applicant emailed a request to continue this case to 10/3/07.

Interested Parties Comments:

Greg Jennings, 2260 South Troost, Tulsa, 74114, stated that he doesn't understand what effect the bearing of the City Council would have on what the Planning Commission determines at their meeting.

TMAPC COMMENTS:

Mr. Ard stated that it is a sidewalk policy and the applicant has requested the continuance in conjunction with the City Council Committee meeting. Typically, if the applicant requests a continuance and they are not present to hear the case, then normally it would be continued.

Mr. Jennings stated that the sidewalk issue was decided over a year ago and he doesn't understand why this issue is being decided over again.

Mr. Ard stated that the applicant made a request to waive the sidewalk requirement.

Mr. Jennings stated that in October 2006, there was a request for a wavier of the sidewalk and it was denied and nothing has changed since then. The applicant wants their Certificate of Occupancy without putting in a sidewalk and that is unacceptable to him.

Mr. Midget in at 1:37 p.m.

Mr. Ard explained the reason for the first continuance on this application.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **9-0-1** (Ard, Cantees, Cantrell, Carnes, Harmon, Marshall, Midget, Shivel, Sparks "aye"; no "nays"; McArtor "abstaining"; Miller "absent") to **CONTINUE** PUD-327-A to October 3, 2007.

1. CONSENT AGENDA

All matters under "Consent" are considered by the Planning Commission to be routine and will be enacted by one motion. Any Planning Commission member may, however, remove an item by request.

- b. **L-20025** – Carlson Consulting Engineering (8314) / Lot- (PD 18) (CD 8)
Split
6606 East 81st Street South
- c. **L-20056** – Carlson Consulting Engineering (8326) / Lot- (PD 26) (CD 8)
Split
10938 South Memorial Drive

- d. **PUD-171-6 – Roy D. Johnsen** (PD-18) (CD-8)
8040 South Sheridan Road (Minor Amendment to reduce the minimum separation required between ground signs.)
- e. **PUD-678-1 – T.J. Enterprises** (PD-26) (CD-8)
7508 East 97th Street (Minor Amendment to allow a five-foot encroachment into the rear yard of a corner lot leaving a setback of 15 feet from the south property line.)
- g. **PUD-628-7 – Brian Ward** (PD-18) (CD-8)
9245 South Mingo Road (Minor Amendment to increase permitted display surface area for a ground sign.)
- h. **PUD-599-D – Wallace Engineering** (PD-18c) (CD-6)
West of the southwest corner of East 61st Street South and South 104th East Avenue (Detail Site Plan for a car wash.)
- j. **PUD-306-G-8 – Harden & Assoc./Mike Marrara** (PD-18) (CD-2)
Northeast corner South Delaware Avenue and East 95th Street South (Minor Amendment for a lot-split and allocation of floor area.)

TMAPC COMMENTS:

Mr. Ard requested that the following items be pulled from the consent agenda: Item 1.a., 1.f., and 1.i.

The Planning Commission considered the consent agenda.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Ard, Cantees, Cantrell, Carnes, Harmon, Marshall, McArtor, Midget, Shivel, Sparks "aye"; no "nays"; none "abstaining"; Miller "absent") to **APPROVE** the consent agenda Items 1.b., 1.c., 1.d. 1.e, 1.g., 1.h. and 1.j per staff recommendation.

**CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA
PUBLIC HEARINGS:**

- a. **L-20117** – Crafton Tull Sparks (9308) / Lot-Split (PD 4) (CD 4)
1307 South Lewis Avenue

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **9-0-1** (Ard, Cantrell, Cantees, Carnes, Harmon, Marshall, McArtor, Midget, Shivel, "aye"; no "nays"; Sparks "abstaining"; Miller "absent") to **APPROVE** the lot-split for L-20117 per staff recommendation.

- f. **Z-7008-SP-1a – Brinker Oklahoma, Inc./Karin Sumrall** (PD-8) (CD-2)
7212 South Olympia Avenue (Corridor Minor Amendment to amend development standards to allow a projecting sign and to establish permitted display surface area.)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to corridor site plan Z-7008-SP-1 for the purpose of amending development standards to allow a projecting sign and to establish permitted display surface area for that sign. Development standards currently permit one ground sign not to exceed six feet in height and 64 square feet of display surface area and wall signs not to exceed two square feet of display surface area per lineal foot of building wall to which attached. Projection signs are currently not permitted.

Per the zoning code, projecting signs are defined as "A sign which is affixed to a building wall and which extends horizontally more than 15 inches from said wall." Projecting signs may be permitted in Corridor Districts per Section 802.B.2 and are regulated per Section 1221.C.2, 1221.C.8.b and 1221.D of the zoning code. Per Section 1221.D, display surface area is established in the same manner as ground signs. Accordingly, there is sufficient frontage on Highway 75 and on Olympia Avenue to support the additional 56 square feet of display surface area associated with the proposed projecting sign. This also being a commercial development within a corridor district adjacent to a highway, the proposed sign will not adversely impact adjacent uses or conflict with the intent and purposes of the approved corridor district plan. Therefore, staff recommends **APPROVAL** of Z-7008-SP-1a as proposed.

TMAPC COMMENTS:

Mr. Ard stated that his concerns with this application are that when Tulsa Hills first came through the Planning Commission there was an exhaustive review to determine what amount of signage would be allowed. This strikes him as being the first one out of the gate and now there is a request for a change in what is allowed. Mr. Asked staff if the projecting portion goes against the ground signage and within those bounds then the applicant is still within the PUD requirements. In response, Ms. Tomlinson stated that there is sufficient frontage and display surface area to support the proposed signage. Projecting signs are essentially looked at as ground signs and one is only allowed a certain amount. There is one small monument ground sign that is 64 square feet in size and is keeping within the approved signage for the subject area. The subject minor amendment recognizes a projecting sign and permit, but the Planning Commission needs to know that from where the applicant is getting the display surface area and it is based on frontage. The question would be whether the Planning Commission believes that a projecting sign is appropriate and if one is approved it will open the gate for other projecting signs within this development, as well as additional display surface area.

In response to Mr. Ard, Ms. Tomlinson stated that the applicant meets the total display surface area that has been approved. There is no recognition of a projecting sign in the original PUD and this minor amendment would permit one. If the Planning Commission chooses to allow this projecting sign, then it would be for this site only and there would be a specific amount of display surface area for it and this wouldn't open the door for more ground signage. This could potentially set a precedent.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **MIDGET**, TMAPC voted **10-0-0** (Ard, Cantrell, Cantees, Carnes, Harmon, Marshall, McArtor, Midget, Shivel, Sparks "aye"; no "nays"; none "abstaining"; Miller "absent") to **APPROVE** the corridor minor amendment for Z-7008-SP-1a per staff recommendation.

i. **PUD-625-5/Z-6735-SP-1e – Sisemore Weisz & Assoc** (PD-18c) (CD-8)

¼ mile east of the southeast corner of East 81st Street South and South Mingo Road (Minor Amendment to split Lots 3 & 4, Block 1 and reallocation of floor area.)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to PUD-625/Z-6735-SP-1 for the purpose of splitting Lots 3 and 4, Block 1 and reallocating floor area. The first proposed split will create two tracts from Lot 3 – Lot 3A and Lot 3B. The second proposed split will remove the easternmost strip of land from Lot 4 and attach it to proposed Lot 3B. The addition of the strip of land to Lot 3B, Block 1 is to accommodate a new hotel. Provision of mutual access easements will be necessary to assure access to all lots is retained.

The requested reallocation of floor area will reduce permitted floor area for Lot 4 (existing Hilton Garden Inn hotel) by 20,000 square feet and transfer that floor area to Lot 3A (anticipated site of a new hotel). Lot 4 also provides 25,000 square feet for “Other Uses”. This will be reduced to 15,000 and the remaining 10,000 square feet will be divided to allocate 5,000 square feet to Lot 1 and 5,000 square feet to Lot 3B.

Staff finds the proposed amendments to be minor in nature and consistent with the spirit and intent of PUD-625/Z-6735-SP-1 and, therefore, recommends **APPROVAL** of PUD-625-5/Z-6735-SP-1e as proposed and subject to the following amended development standards:

1. Development Standards:

Lot 1, Block 1:

LAND AREA (Net): 1.147 AC 49,983 SF

PERMITTED USES:

Uses permitted in Use Unit 10, Off-Street Parking; 11, Offices and Studios; 12, Entertainment Establishments and Eating Establishments Other Than Drive-Ins; 13, Convenience Goods and Services; 14, Shopping Goods and Services; 18, Drive-In Restaurants; and uses customarily accessory to permitted principal uses.

MAXIMUM BUILDING FLOOR AREA: 15,000 SF

MAXIMUM LAND COVERAGE BY BUILDINGS WITHIN A LOT: 30%

MINIMUM LOT FRONTAGE ON EAST 81ST STREET: 150 FT

MINIMUM LOT WIDTH: 150 FT

MAXIMUM BUILDING HEIGHT: 30 FT*

**Architectural elements may exceed the maximum building height with detail site plan approval.*

OFF-STREET PARKING:

As required per the applicable Use Unit of the Tulsa Zoning Code.

MINIMUM BUILDING SETBACKS:

From the centerline of East 81 st Street South	100 FT
From the east boundary of Lot 1	5 FT
From the west boundary of Lot 1	21 FT
From the south boundary of Lot 1	25 FT

MINIMUM LANDSCAPED OPEN SPACE:

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

SIGNAGE:

One ground sign identifying uses within Lot 1 shall be permitted along the East 81st Street South frontage with a maximum display surface area of 160 square feet and 25 feet in height. Wall signs shall be permitted not to exceed 1.5 square feet of display surface are per lineal foot of building wall to which attached. The length of a wall sign shall not exceed 75% of the frontage of the building.

LIGHTING:

Light standards within Lot 1, whether pole or building mounted, shall not exceed 35 feet in height. Lighting shall be hooded and directed downward and away from adjacent residential uses. Shielding of outdoor lighting shall be designed so as to prevent the light producing element or reflector of the light fixture from being visible to a person standing at ground level in residential areas adjacent to PUD 625. Compliance with these standards shall be verified by application of the Kennebunkport Formula. Consideration of topography must be included in the calculations.

SCREENING AND REFUSE:

All trash, mechanical and equipment areas, including building-mounted shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.

Development Area 3-A:

LAND AREA: 2.572 AC 112,043 SF

PERMITTED USES:

Uses permitted in Use Unit 10, Off-Street Parking; 11, Offices and Studios; 12, Entertainment Establishments and Eating Establishments Other Than Drive-Ins; 13, Convenience Goods and Services; 14, Shopping Goods and Services; 18, Drive-In Restaurants; 19, Hotel, Motel and Recreation Uses; and uses customarily accessory to permitted principal uses.

MAXIMUM BUILDING FLOOR AREA:

Hotel	90,000 SF
Other Uses	30,000 SF**

Floor area for "Other Uses" permitted if hotel uses are not developed.

MAXIMUM LAND COVERAGE BY BUILDINGS WITHIN A LOT: 30%

MINIMUM LOT WIDTH: 272 FT

ACCESS:

Lot 3A shall be served by two mutual access easements. One shall be a 30 foot mutual access easement, a minimum 15 feet of which shall be on Lot 3A, running along the boundary in common with Lot 3B. The second is the existing mutual access easement between Lots 3A and 4A which may be reconfigured to accommodate parking so long the mutual access easement remains a minimum width of 22 feet and provides unobstructed access to both Lots 3A and 4A.

MAXIMUM BUILDING HEIGHT:

Hotels and Offices	75 FT*
Other Permitted Uses	30 FT*

**Architectural elements may exceed the maximum building height with detail site plan approval.*

OFF-STREET PARKING:

As required per the applicable Use Unit of the Tulsa Zoning Code.

MINIMUM BUILDING SETBACKS:

From the north boundary of 3A	15 FT
From the east boundary of 3A	11 FT
From the west boundary of 3A	21 FT
From the south boundary of 3A	100 FT

Buildings within Development Area 3A shall have no windows or doors in any of the south-facing building walls, except in corridors, if building wall is within 170 feet of the south boundary of Development Area 3A.

MINIMUM LANDSCAPED OPEN SPACE:

A minimum of 10% of the net land area shall be improved as internal landscaped open space in accord with the provisions of the PUD Chapter and the Landscape Chapter of the Tulsa Zoning Code. The south 80 feet of Development Area 3A shall be maintained as internal landscaped open space.

SIGNAGE:

Pursuant to Section 225.A.3 (regarding ground signage not visible from a public right-of-way) one monument-style ground sign with a maximum height of 6.5 feet and 50 square feet of display surface area is permitted at the northwest corner of Development Area 3A subject to compliance with Section 1103.B of the zoning code. Wall signs shall be permitted not to exceed 1.5 square feet of display surface area per lineal foot of wall space to which attached. The length of a wall sign shall not exceed 75% of the wall frontage. No wall signs shall be permitted on the south-facing walls of buildings with Development Area 3A.

LIGHTING:

Light standards within the south 25 feet of Development Area 3A are prohibited. Light standards, whether pole or building mounted within the north 75 feet of the south 100 feet of Development Area 3A, shall not exceed eight feet in height. Light standards within the remainder of Development Area 3A shall not exceed 35 feet in height. All lighting shall be hooded and directed downward and away from adjacent residential uses. Shielding of outdoor lighting shall be designed so as to prevent the light producing element or reflector of the light fixture from being visible to a person standing at ground level in adjacent residential areas. Compliance with these standards shall be verified by application of the Kennebunkport Formula.

SCREENING AND REFUSE:

A solid masonry wall six feet in height and double row of trees shall be placed along the south boundary of Development Area 3A and the south 25 feet of the east boundary of Development Area 3A. All trash, mechanical and equipment areas, including building-mounted shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level. Trash dumpsters within Development Area 3A shall be located at a minimum distance of 250 feet from the south boundary.

Development Area 3B:

LAND AREA: 1.246 AC 54,284 SF

PERMITTED USES:

Uses permitted in Use Unit 10, Off-Street Parking; 11, Offices and Studios; 12, Entertainment Establishments and Eating Establishments Other Than Drive-Ins; 13, Convenience Goods and Services; 14, Shopping Goods and Services; 18, Drive-In Restaurants; and uses customarily accessory to permitted principal uses.

MAXIMUM BUILDING FLOOR AREA: 15,000 SF

MAXIMUM LAND COVERAGE BY BUILDINGS WITHIN A LOT: 30%

MINIMUM LOT FRONTAGE ON EAST 81ST STREET: 150 FT

MINIMUM LOT WIDTH: 150 FT

MAXIMUM BUILDING HEIGHT: 30 FT*

*Architectural elements may exceed the maximum building height with detail site plan approval.

OFF-STREET PARKING:

As required per the applicable Use Unit of the Tulsa Zoning Code.

MINIMUM BUILDING SETBACKS:

From the centerline of East 81 st Street South	100 FT
From the east boundary of 3B	11 FT
From the west boundary of 3B	30 FT
From the south boundary of 3B	15 FT

MINIMUM LANDSCAPED OPEN SPACE:

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

SIGNAGE:

One ground sign identifying uses within 3B shall be permitted along the East 81st Street South frontage with a maximum display surface area of 160 square feet and 25 feet in height. In addition, one ground sign shall be permitted at the principle entrance from east 81st Street South with a maximum of 180 square feet of display surface area and 35 feet in height (99 SF of display surface area has been allocated to date for the existing

ACCESS:

Lot 4A shall be served by two mutual access easements. One shall be a 30 foot mutual access easement, a minimum 15 feet of which shall be on Lot 4A, running along the boundary in common with Lots 1 and 2. The second is the existing mutual access easement between Lots 3A and 4A which may be reconfigured to accommodate parking so long the mutual access easement remains a minimum width of 22 feet and provides unobstructed access to both Lots 3A and 4A.

MAXIMUM BUILDING HEIGHT:

Hotels and Offices	75 FT*
Other Permitted Uses	30 FT*

*Architectural elements may exceed the maximum building height with detail site plan approval.

OFF-STREET PARKING:

As required per the applicable Use Unit of the Tulsa Zoning Code.

MINIMUM BUILDING SETBACKS:

From the north boundary of 4A	20 FT
From the most westerly east boundary of 4A	20 FT
From the west boundary of 4A	20 FT
From the south boundary of 4A	100 FT

Buildings within Development Area 4A shall have no windows or doors in any of the south-facing building walls, except in corridors, if building wall is within 170 feet of the south boundary of Development Area 4A.

MINIMUM LANDSCAPED OPEN SPACE:

A minimum of 10% of the net land area shall be improved as internal landscaped open space in accord with the provisions of the PUD Chapter and the Landscape Chapter of the Tulsa Zoning Code. The south 80 feet of Development Area 4A shall be maintained as internal landscaped open space.

SIGNAGE:

Pursuant to Section 225.A.3 (regarding ground signage not visible from a public right-of-way) and minor amendment PUD 625-3, one monument-style ground sign (existing) with a maximum height of 6.5 feet and 50 square feet of display surface area is permitted at the northeast corner of Development Area 4A subject to compliance with Section 1103.B of the zoning code. Wall signs shall be permitted not to exceed 1.5 square feet of display surface area per lineal foot of wall space to which attached. The length of a wall sign shall not exceed 75% of the wall frontage. No

wall signs shall be permitted on the south-facing walls of buildings with Development Area 3A.

LIGHTING:

Light standards within the south 25 feet of Development Area 4A are prohibited. Light standards, whether pole or building mounted, within the north 75 feet of the south 100 feet of Development Area 4A, shall not exceed eight feet in height. Light standards within the remainder of Development Area 4A shall not exceed 35 feet in height. All lighting shall be hooded and directed downward and away from adjacent residential uses. Shielding of outdoor lighting shall be designed so as to prevent the light producing element or reflector of the light fixture from being visible to a person standing at ground level in adjacent residential areas. Compliance with these standards shall be verified by application of the Kennebunkport Formula.

SCREENING AND REFUSE:

A solid masonry wall six feet in height and double row of trees shall be placed along the south boundary of Development Area 4A and the south 25 feet of the west boundary of Development Area 4A. All trash, mechanical and equipment areas, including building-mounted shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level. Trash dumpsters within Development Area 3A shall be located at a minimum distance of 250 feet from the south boundary.

2. All other development standards for PUD-625 and Corridor District Site Plan Z-6735-SP-1 not herein amended shall remain in full force and effect.

Interested Parties Comments:

Jack Connery, 9814 E. 83rd Place, 74133, representing the South Town Square HOA, stated that he has no objections to the proposal, but in the original development of the subject property, there was a requirement for a screening fence (six-foot masonry screening fence) separating South Town Square from the subject property. When the hotel was built the fence was only completed half-way. Mr. Connery wanted to make sure that when the subject property is developed the fence will be completed and in the same style and manner of the existing fence.

TMAPC COMMENTS:

Mr. Ard asked staff to address the screening fence. In response, Ms. Tomlinson stated that today is a minor amendment to the development standards and the screening requirement is being carried forward. The screening fence will not be reviewed until a detail site plan has been requested for approval. The Planning Commission will see the detail site plan and a screening wall will be required in accordance with the development standards.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Ard, Cantrell, Cantees, Carnes, Harmon, Marshall, McArtor, Midget, Shivel, Sparks "aye"; no "nays"; none "abstaining"; Miller "absent") to **APPROVE** of the minor amendment for PUD-625-5/Z-6735-SP-1e per staff recommendation.

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

PUBLIC HEARING

Mr. Ard explained that a staff member has to leave early to day and therefore the Planning Commission will be hearing Item 2.i. at this time.

Application No.: PUD-411-C-11

MINOR AMENDMENT

Applicant: David Miller II

(PD-26) (CD-8)

Location: 8324 East 97th Street South

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to PUD-411-C for the purpose of removing the screening requirement along the east boundary. Development standards for Area 4-A-1 regarding screening and landscaping are as follows:

Landscape Buffer:

A minimum 30-foot wide landscaped buffer will be maintained along the east boundary of Development Area 4(A-1). This area may be considered for future neighborhood trail access to the Creek Turnpike Trail.

Screening Wall or Fence:

A minimum six-foot high screening wall shall be provided within the east 30 feet of Development Area 4(A-1).

There is an existing eight-foot wall along the west boundary of the adjacent residential subdivision. The applicant wishes to consider this wall as providing adequate screening, but proposes a chain link fence offset from the east boundary to secure his property when the trail access is built.

The zoning code (Section 1217.C.1) and development standards impose screening requirements on commercial uses when they abut residential uses. The existing eight foot wall on the residential property does provide screening, but this does not relieve the commercial property from meeting this requirement. In keeping, staff recommends that instead of an additional screening wall, landscaping in the form of evergreen trees or similar vegetation be planted along the east boundary of the commercial property (or along the proposed chain link fence) in sufficient density and height as to provide adequate screening of light and noise generated by operation of the commercial use.

Therefore, staff recommends **APPROVAL** of PUD-411-C-11 subject to provision of landscaping in the form of evergreen trees or similar vegetation along the east boundary of the commercial property (or along the proposed chain link fence) in sufficient density and height as to provide adequate screening of light and noise generated by operation of the commercial use.

TMAPC COMMENTS:

Mr. Ard asked staff if there is a fencing requirement that is a part of the Trail Plan to create a boundary between the trail and private property. In response, Ms. Tomlinson stated that she can't answer that question.

Ms. Cantrell asked if the applicant will have to submit a landscape plan to the Planning Commission. In response, Ms. Tomlinson stated that she would recommend that the landscape plan come back before the Planning Commission for approval.

In response to Mr. Ard, Ms. Tomlinson stated that the property owner is suggesting a chain-linked fence for security reasons with the landscaping. She explained that one wouldn't want solid fences on both sides of the trail because it could cause an entrapment problem. The chain-linked fence has no bearing on screening, but is simply a security issue.

Applicant's Comments:

John Roop, Jr., 5415 S. 125th East Avenue, Suite 205, 74146, stated that he spoke to the owner this morning regarding the additional landscape along the fence and he is in agreement with the idea of additional trees to landscape the subject property from the residential properties. The wood fence requirement would place it against the eight-foot concrete wall and would create a place for trash to collect and kids climbing up and over the fences. He reiterated that he is open to the idea of adding more landscaping trees.

TMAPC COMMENTS:

In response to Mr. Marshall, Mr. Roop stated that the wrought-iron fence that is presently in place is for security reasons. If and when the trail comes through, the owner of the subject property would like to install a chain-link fence in order to secure his property.

Interested Parties Comments:

Matt Hudspeth, 9536 South 85th East Avenue, 74133, stated that he lives behind the subject property. Mr. Hudspeth stated that he does not want a six-foot wood fence abutting the eight-foot masonry wall. He expressed concerns that the wood fence would allow someone to climb over the masonry wall and would also create a problem keeping the trash and weeds out between the fences. If the Planning Commission determines that a screening fence is necessary, then he would request that it be placed at the westernmost portion of the 30-foot boundary. He recognizes that Trinity will need a security fence to keep people from entering their site from the trail system. He agrees that more landscaping is needed.

Mr. Hudspeth stated that he also has some concerns with the terrain being changed. During the rains his neighbor had three to four inches of water in their yard, which happened after the grade behind his home was changed. He suggested that Trinity take the wrought iron fence and turn it heading north toward the trail. It would still have an esthetic look and be a continuation of the same fence they already have.

Lengthy discussion regarding tree plantings ensued.

Mr. Hudspeth asked how Trinity was able to get their occupancy permit without meeting all of the regulations. Their screening was not in place and he doesn't understand how they were able to obtain their occupancy permit. He doesn't want this to happen again in the future where the owner agrees to requirements, but then doesn't comply.

Mr. Boulden asked who the owner of the masonry wall is and who is responsible for the maintenance. In response, Mr. Hudspeth stated that he understands that the masonry wall was dedicated to Ridgepoint One when it was developed, but the ownership of the wall at Ridgepoint Two has not been decided.

In response to Mr. Ard, Ms. Tomlinson stated that when this comes through with a landscaping plan all of these issues will be addressed. During that review, staff will make sure that there are no conflicts with regard to placement of trees, fences, etc.

Applicant's Rebuttal:

Mr. Roop stated that the plans that were approved did call for a wood fence along the east property line. He plans to go back to the owner of the subject property and let him weigh the options discussed today. He believes his client will do more landscaping.

Ms. Tomlinson stated that if the applicant should choose to not do more landscaping and simply comply with the standards, then this issue would be moot.

Mr. Roop requested the Planning Commission to approve the minor amendment and allow his client to move forward.

TMAPC Action; 10 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **10-0-0** (Ard, Cantrell, Cantees, Carnes, Harmon, Marshall, McArtor, Midget, Shivel, Sparks "aye"; no "nays"; none "abstaining"; Miller "absent") to **APPROVE** the minor amendment for PUD-411-C-11 subject to provision of landscaping in the form of evergreen trees or similar vegetation along the east boundary of the commercial property (or along the proposed chain link fence) in sufficient density and height as to provide adequate screening of light and noise generated by operation of the commercial use, per staff recommendation.

Walnut Creek Office Park – (8317) Preliminary Plat (PD 18) (CD 2)

Southeast corner of East 81st Street South and Florence Place

STAFF RECOMMENDATION:

This plat consists of five lots, one block, on 2.78 acres.

The following issues were discussed September 6, 2007 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned PUD 651(CS, OL, RS-2). All PUD conditions must be met. Show mutual access easements and provide appropriate language in covenants. Show Limits of No Access, especially near Florence Place. Show fence easement and clarify landscape buffer or easement.
2. **Streets:** Section I.A. dedicates right-of-way but none is shown on the plat to be dedicated. Document the Arterial right-of-way. Show both mutual access easements. Change "45 ft Acc." to read "45 foot Access w/Median". Add standard language for an access easement and include the maintenance of the mutual access easements in the owners association. (Section III.A.).
3. **Sewer:** Additional easement will be required to allow a sanitary sewer mainline extension to serve Lot 2. Lots 1, 2 and 5 do not have access to the sanitary sewer main for sanitary sewer service. A mainline extension will be required to provide service to those lots.

4. **Water:** Add a 20 foot restrictive water line easement. Add restrictive waterline easement covenants. Show a 6 inch looped water main in a 20 foot restrictive water line easement.
5. **Storm Drainage:** The stormwater pipe along the south and west sides need a drainage easement. Add storm sewer easement language. The connection on the northwest corner in street right-of-way will require PFPI.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** Additional easements may be needed.
7. **Other: Fire:** Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official. For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet. For buildings equipped throughout with an approved automatic sprinkler system the distance requirement shall be 600 feet.

GIS: Please label point of commencement and point of beginning. Legal description refers to old lots and blocks of "Walnut Creek Mall" plat, this area has been updated with "Walnut Creek Mall Amended" please update description using the latest plat. Update key map with this information also.

General: Delete the word "general" from Section I.A.

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.

Interested Parties Comments:

Marjorie Phillips, 8115 South Florence Place, 74137, stated that her property adjoins the west side of the subject property. There are four parking places facing the west on the backside of the subject property that would be 25 feet from her backyard. When the PUD was approved it stated that the parking spaces had to be set back from the sidewalk at least 12 feet. She objects to the placement of the four parking spaces. She expressed concerns about the elevation for the four spaces and drainage issues.

Ms. Cantrell explained that today the Planning Commission is only approving the plat and the parking issues were submitted on the general plan for the PUD. The Planning Commission will review a detail site plan, which will show the placement of the parking. Today the Planning Commission is only reviewing the preliminary plat that is really the dimensions of the property and property lines.

Ms. Phillips requested that she be notified of the detail site plan review. Mr. Ard assured Ms. Phillips she would receive notification.

TMAPC COMMENTS:

Mr. Ard requested Mr. Jones to come forward, (**Ricky Jones**, Tanner Consulting, LLC, 5323 South Lewis Avenue, 74105). Mr. Ard encouraged Mr. Jones to meet with the neighborhood and discuss the parking spaces before detail site plan. In response, Mr. Jones stated that he is aware of the PUD requirements and setbacks. There will be screening fences in place that will help block the lights and he will meet with the abutting property owners to attempt to work out an amicable solution for both sides.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Ard, Cantrell, Cantees, Carnes, Harmon, Marshall, McArtor, Midget, Shivel, Sparks "aye"; no "nays"; none "abstaining"; Miller "absent") to **APPROVE** the preliminary plat for Walnut Creek Office Park, subject to special conditions and standard conditions per staff recommendation.

* * * * *

Plaza del Sol – (8419) Preliminary Plat

(PD 18) (CD 8)

Northeast corner of East 101st Street South and Mingo Road

STAFF RECOMMENDATION:

This plat consists of one lot, one block, on 7.74 acres.

The following issues were discussed September 6, 2007 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned PUD 364 (CS). All PUD conditions must be met. A property owners' association should be formed to provide maintenance. Show all surrounding expressways on location map. A landscape easement could be provided. Check on landscaping standards.
2. **Streets:** Document the arterial right-of-way. Complete the dimensioning of the Limits of No Access along both arterials. In Section IA change the dedication of "streets" to "street rights-of-way" and in its last sentence

pertaining to obstructions in easements, delete the term "streets and". Widen both center drives (32-36 feet) for a "2 out and 1 in" lane design. Improve the north drive design with approximately 90 degree intersection.

3. **Sewer:** According to our records, there are already 2 plats existing on this property, Brewer's Mingo Road Addition # 5132 and MidFirst on Mingo # 276. Are those 2 plats being vacated by this plat? What about the existing easements? MidFirst on Mingo plat shows an existing sanitary sewer easement by separate instrument. What will happen to that easement? Buildings will not be allowed to encroach into the existing easements. Do not allow sanitary sewer service lines to encroach into the stormwater detention facility.
4. **Water:** If additional fire hydrants are required then a looped water main extension will be required with a 20-foot restricted waterline easement.
5. **Storm Drainage:** The limits of the detention facility in the reserve area should be clearly defined and not include the utility easement. Add language for the stormwater sewer and detention easements including maintenance requirements. It appears that the stormwater sewer goes under the building which would not be allowed. This was discussed in the pre-development meeting and the city agreed to the line's location as long as the area it is in remains a "walk through" with adequate height to be able to use construction equipment for maintenance purposes.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** Additional/revised placement of easements will be needed. Add ONG to standard covenant language.
7. **Other: Fire:** Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official. For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet. For buildings equipped throughout with an approved automatic sprinkler system the distance requirement shall be 600 feet.

GIS: Fix graphical scale and add a written scale (i.e. 1"=50'). Please make the key map more legible, correct mislabeled subdivision names and add missing subdivision names. Show bearings with the distances from point of commencement to point of beginning. Please correct the legal description when referring to the northeast corner of plat as the "northwest corner of Block 2, Lot 14, Millicent Crossing". Give the bearings with the distances in the legal description that are shown on the face of the plat.

General: Label the reserve as "A" and increase its line weight if deemed a lot. Show all dimensions of the drainage area and identify the easement area clearly with arrow leaders rather than the black dots. Add certificate of authorization and date of expiration for the engineering firm. Indicate date of preparation. Describe the ownership and maintenance of the reserve area and/or easement. Delete the word "General" from Section I.A.

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.

Interested Parties Comments:

Brenda Haggai, 9814 East 99th Place, 74133, expressed the following concerns: drainage issues, will the detention ponds be moving water or would it be stagnant water, prefer to have a wall between around the subject property to block the lights from the parking spaces. Prefer to not have parking next to her backyard and expressed concerns that there will be a stage for live music that faces her back yard. How are trucks accessing the subject property to deliver merchandise?

Mr. Ard stated that many of Ms. Haggai's concerns are dealt with during the Technical Advisory Committee process. Mr. Ard reminded Ms. Haggai that today's hearing is to simply discuss the preliminary plat. Mr. Ard stated that now Ms. Haggai's name is a part of the record, and she will be notified as to all of the steps in the process going forward. He urged the developer to meet with the neighborhood to make sure they are comfortable with the development.

Ms. Matthews stated that Legal has pointed out that there is a nuisance ordinance that is in effect in Tulsa. This is an avenue that the neighborhood can use to complain of noise if needed.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Ard, Cantrell, Cantees, Carnes, Harmon, Marshall, McArtor, Midget, Shivel, Sparks "aye"; no "nays"; none "abstaining"; Miller "absent") to **APPROVE** the preliminary plat for Plaza del Sol, subject to special conditions and standard conditions per staff recommendation.

* * * * *

Ewing Irrigation – (9431) Preliminary Plat

(PD 18) (CD 5)

North of East 61st Street South, east side of 107th East Avenue

STAFF RECOMMENDATION:

This plat consists of 2 Lots, 1 Block, on 1.9 acres.

The following issues were discussed September 6, 2007 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned IL.
2. **Streets:** No comments.
3. **Sewer:** No comments.
4. **Water:** A ten-inch water line exists along South 107th East Avenue that can be tapped for water services.
5. **Storm Drainage:** No comments.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comment.
7. **Other: Fire:** No comments.

GIS: Tie the point of beginning from a section corner.

General: Remove miscellaneous survey information from the Final Plat (i.e. trees, concrete, brush piles and etc.).

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.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 10 members present:

On **MOTION** of **HARMON**, TMAPC voted **10-0-0** (Ard, Cantrell, Cantees, Carnes, Harmon, Marshall, McArtor, Midget, Shivel, Sparks "aye"; no "nays"; none "abstaining"; Miller "absent") to **APPROVE** the preliminary plat for Ewing Irrigation subject to special conditions and standard conditions per staff recommendation.

PUD 599 D – (8406) (PD 18) (CD 8)/Plat Waiver

West of southwest corner of East 61st Street South and 104th East Avenue

The platting requirement was triggered by a previous major PUD amendment.

Staff provides the following information from TAC at their September 6, 2007 meeting:

ZONING:

TMAPC Staff: The plat waiver is for property zoned 599D. It is for property recently platted and with a recent approved lot-split.

STREETS:

Question #3 – no. "Lot #21" is not an adequate legal description since it is not found with its complete dimensions on the original plat of Commerce Center Addition (see filed deed). Question #8a – yes. Revised access recently approved must be filed of record. Question #8b – yes. Mutual access easement per lot split must be filed of record. No objection to plat waiver.

SEWER:

Sanitary sewer independent district process is in progress.

WATER:

No comment.

STORM DRAIN:

No comment.

FIRE:

No comment.

UTILITIES:

No comment.

Staff can recommend **APPROVAL** of the plat waiver requested.

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

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

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

	YES	NO
4. Is right-of-way dedication required to comply with Major Street and Highway Plan?		X
5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived?		X
6. Infrastructure requirements:		
a) Water		
i. Is a main line water extension required?		X
ii. Is an internal system or fire line required?		X
iii. Are additional easements required?		X
b) Sanitary Sewer		
i. Is a main line extension required?		X
ii. Is an internal system required?		X
iii. Are additional easements required?		X
c) Storm Sewer		
i. Is a P.F.P.I. required?	X*	
ii. Is an Overland Drainage Easement required?		X
iii. Is on site detention required?		X
iv. Are additional easements required?		X
7. Floodplain		
a) Does the property contain a City of Tulsa (Regulatory) Floodplain?		X
b) Does the property contain a F.E.M.A. (Federal) Floodplain?		X
8. Change of Access		
a) Are revisions to existing access locations necessary?		X**
9. Is the property in a P.U.D.?	X	
a) If yes, was plat recorded for the original P.U.D.?	X	
10. Is this a Major Amendment to a P.U.D.?		X
a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.?		X
11. Are mutual access easements needed to assure adequate access to the site?		X***
12. Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations?		X

*in process

**Change of Access had been approved by TMAPC

*** Mutual Access easements per lot split

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Ard, Cantrell, Cantees, Carnes, Harmon, Marshall, McArtor, Midget, Shivel, Sparks "aye"; no "nays"; none "abstaining"; Miller "absent") to **APPROVE** the plat waiver for PUD-599-D per staff recommendation.

BOA - 20553 – (0213) (PD 25) (CD 1)

North and east of the northeast corner of East 36th Street North and Cincinnati Avenue

The platting requirement was triggered by Board of Adjustment 20553, which granted a Special Exception for an expansion of Saint Simeon's Episcopal Home.

Staff provides the following information from TAC at their September 6, 2007 meeting:

ZONING:

TMAPC Staff: The plat waiver is for property zoned RS-3.

STREETS:

Question #4 – no. At least three of the four sides of the property are unplatted and do not clearly aid in the description of the polygon shaped tract in question.

SEWER:

According to Engineering Services Wastewater Design, a sanitary sewer mainline extension will be required to provide sewer service to the proposed addition. This could become a private system.

WATER:

Access to the six-inch water main line will require field verifying.

STORM DRAIN:

Stormwater detention pond is proposed on the site.

FIRE:

No comments on plat waiver. Item 6)a)ii will require the owner to extend the private water mains to create a looped system and provide a private fire hydrant within 600 feet of all portions of the building. No easements will be required.

UTILITIES:

No comment.

Staff can recommend **APPROVAL** of the plat waiver based upon the history of the tract and no purpose being served by the platting of the additional property for the expansion of the nursing home facility at this time.

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

Applicant's Comments:

Roy Johnsen, 201 West 5th Street, Suite 501, 74103, stated this is an expansion of an existing use and is a one-ownership for Saint Simeon's. This will not have any impact on adjoining properties and necessary drainage is being dealt with through PFPI.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **HARMON**, TMAPC voted **10-0-0** (Ard, Cantrell, Cantees, Carnes, Harmon, Marshall, McArtor, Midget, Shivel, Sparks "aye"; no "nays"; none "abstaining"; Miller "absent") to **APPROVE** the plat waiver for BOA-20553 per staff recommendation.

Application No.: CZ-388

AG to IL

Applicant: David Stone

(PD-18) (CD-8)

Location: North of West 158th Street between South 33rd West Avenue and South 26th West Avenue

STAFF RECOMMENDATION:

CZ-259/PUD-620 February 2000: All concurred in approval of a request for rezoning a 240± acre tract of land from AG to RE/RS/CS/IL for mixed use development on property located on the north and south sides of West 151st Street South between South 33rd West Avenue and South 26th West Avenue and abutting north of subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 160± acres in size and is located north of West 158th Street between South 33rd West Avenue & South 26th West Avenue. The property appears to be mostly vacant and is zoned AG.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
South 33 rd West Avenue	Secondary arterial	100'	2 (barely; gravel-topped, no curbs/gutters)
South 26 th West Avenue	N/A	N/A	N/A

UTILITIES: The subject tract has rural water available through District 2 of Creek County and no sewer available.

SURROUNDING AREA: The subject tract is abutted on the east by mixed use large-lot developments, zoned AG; on the north by vacant land, zoned IL/PUD-620; on the south by largely vacant land (appears to be in oil wells), zoned AG; and on the west by vacant land/oil wells, zoned AG in Creek County. To the northwest is a newer single-family residential development (the developer of which put in the pavement on the road for the extent of that subdivision).

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The Comprehensive Plan for the **City of Glenpool**, designates this area as being some residential and some agriculture with a rural residential intensity mostly with some low intensity in residential. Information from the Glenpool City Manager indicates that the City of Glenpool has plans to purchase land in this area (and including some of the subject property's 160 acres) for development of an industrial park. However, no plans for that industrial park have been developed or submitted for review. The Town Administrator for the **Town of Kiefer**, immediately adjacent on the west, advises that Kiefer's plans for that area within their jurisdiction are for continued residential single-family development.

STAFF RECOMMENDATION:

The proposal has the support of the Glenpool City Manager (letter in file), but it does not have the support of the adopted Glenpool Comprehensive Plan. It does not meet the criteria of the Metropolitan Development Guidelines for location of medium to high intensity uses. The property is an interior parcel, with frontage only on South 33rd West Avenue, which is not improved to industrial standards, and is in fact, only a narrow gravel road. Industrial zoning has occurred, more properly, adjacent to the Highway 75 frontage, to the east. Staff therefore cannot support this application and recommends **DENIAL** of IL zoning for CZ-388.

Updated staff recommendation:

Based on a telephone conversation from the week of 9/3/07, staff understands that the applicant may request that only a portion of this property be rezoned to IL. However, that does not change the physical facts of the case: the narrow gravel road and the nearby single-family residential development. Staff continues to recommend **DENIAL** of IL zoning for CZ-388.

TMAPC COMMENTS:

Mr. Harmon stated that he has had ex parte communications with the applicant on this proposal, which have been general in nature and he will be participating in the discussion and vote. The property to the north is already zoned IL and he asked if that would have any bearing on the staff's decision. In response, Ms. Matthews stated that the property to the north would meet the criteria for a node under the development guidelines. The subject property is in the middle of a section and does not meet the criteria for a node for medium to high intensity development.

Mr. Harmon asked if the subject property is slated to be developed industrially or commercially in the future. In response, Ms. Matthews stated that it is a "may be found". It is staff's understanding that Glenpool supports the subject proposal.

Mr. Harmon asked staff if the applicant was willing to pave the road and build it up to standards that would make a difference. In response, Ms. Matthews stated that the applicant would have to put in an industrial collector street to standards. It would still be spot zoning. The applicant is only proposing to zone 30 acres, which is in the middle of the property. Mr. Harmon stated that he wasn't aware of the 30 acres being in the middle of the property.

Ms. Matthews explained that the IL to the north is a mapping error due to incorrect legal description. The Planning Commission didn't intend for the entire property to be zoned IL, but it was advertised and noticed with the entire property that is how it became zoned by map, which has not been corrected. It is not currently being used as IL.

Mr. Harmon stated that he believes that there is an oil company operating on the property to the north.

Mr. Ard stated that the applicant is proposing to use only 30 acres but the application is for the entire property. In response, Ms. Matthews answered affirmatively.

Mr. Marshall asked if the Glenpool Comprehensive Plan indicates the subject area as IL. In response, Ms. Matthews stated that the subject property is not included in the Glenpool Comprehensive Plan as IL. The industrial corridor is along Highway 75.

Ms. Matthews stated that it is her understanding that Glenpool has changed their Comprehensive Plan to include a much larger industrial corridor, but it hasn't been adopted at this time.

Applicant's Comments:

Mark Petrich, 320 South Boston, 74103, representing Stone Trucking, stated that his applicant has determined that there is no need to rezone the entire tract of land. They would like to rezone 40 acres of the tract of land with a 50-foot wide strip that runs from 33rd West Avenue to the tract to be rezoned IL. There would be an access point from 33rd West Avenue to the 40 acres, which would allow two access points (33rd West Avenue and 26th West Avenue).

Mr. Petrich stated that the City of Glenpool fully supports the subject application for all of the acreage. The City of Glenpool intends to broaden their light industrial area and possibly include an industrial park in the subject area. They have an option to purchase the balance of the property that Stone Trucking wants to develop. The subject area is largely undeveloped and what has been developed is mixed uses. There are few houses in the subject area. This is a prime place for light industrial/commercial uses. Mr. Petrich described the surrounding properties and uses. Mr. Petrich submitted photographs of surrounding properties and their uses (Exhibit A-2). His client's proposal is consistent with the surrounding area.

Mr. Petrich stated that Stone Trucking is a small trucking company with a fleet of 50 trucks. The company runs as far as Canada and Houston. There would never be a time that all 50 trucks would come in at the same time. Mr. Stone indicated that there would be one to four trucks per day coming and going. By State law they can only operate during daylight hours. There would be a building for offices, maintenance of trucks and the rest would be parking and storing.

Mr. Petrich stated that the subject property is situated ¼ of mile from Highway 67, which is a natural greenbelt around the subject tract of land. The natural screening continues to 26th West Avenue. The elevation would not allow anyone to notice the facility. The City of Glenpool was instrumental in attracting Stone Trucking to come and develop the subject area. The City of Sapulpa wants the trucking company in the subject area as well. The reason his client is looking at this facility is for expansion and their current location is the subject of the interchange-widening project at 111th and Highway 75. Mr. Petrich stated that there are a few housing developments in the subject area that are not fully developed at this time. Businesses are needed to help the housing market. Mr. Petrich stated that County Commissioner Randi Miller fully supports this project and submitted a letter.

Mr. Petrich requested the Planning Commission to approve the zoning change and let Stone Trucking develop 40 acres as IL.

TMAPC COMMENTS:

Mr. Carnes asked Mr. Petrich if the panhandle was included within the 40 acres requested for IL. In response, Mr. Petrich stated that he didn't measure the panhandle. It would be 40 acres plus the panhandle.

Mr. Harmon asked Mr. Petrich if this could be redesigned where they wouldn't have to use 26th West Avenue and not have to go out on 33rd West Avenue and say away from the residential developments. In response, Mr. Petrich stated that he would guess it is possible, but he would hate to cut off the double access point. The traffic situation will not be a factor here because this is a single business on the 40 acres. Both access points are important for the flow of traffic through the 40 acres.

Mr. Harmon stated that he heard that Tulsa County is ready to build the roads on 33rd West Avenue and 26th West Avenue. In response, Mr. Petrich stated that it is his understanding that the funding is there.

Mr. Marshall asked Mr. Petrich if he has met with the neighbors in the subject area. In response, Mr. Petrich stated that the only neighbor representative that he has spoken with personally is the Homeowners Association of Taylor's Pond. His client has spoken with the neighbors and sent out letters. He understands that Taylor's Pond is concerned with the truck traffic and the visual aspects of the project. Mr. Petrich cited the various commercial and industrial businesses that already exist in the subject area.

Mr. Marshall stated that Taylor's Pond sent in a lot of letters with concerns regarding truck-traffic. Mr. Marshall stated that he can't believe that there will only be one to four trucks that go through the subject property out of 50 trucks. In response, Mr. Petrich stated that the only time a truck returns to the subject property is when the driver is unable to deliver the equipment at the point and time they pick it up, which is a rare occurrence. Mr. Marshall asked why the applicant didn't purchase the property that is already zoned IL. In response, Mr. Petrich stated that the subject area is anything but residential. There are some residential pockets and it is zoned AG. He doesn't know the circumstances of why the City of Glenpool feels that the subject property is ideal for their needs, but they are the ones that directed Stone Trucking to the subject area. Mr. Petrich indicated that he was informed the property that is currently zoned IL is not for sale.

Mr. Harmon stated that he is aware of the operation of the trucking company and he understands that it is a specialized hauler. They do not run reefers or dry-box trailers. One doesn't see traffic coming and going from their site. Mr. Harmon asked Mr. Petrich if his client would consider a PUD for the 40 acres. In response, Mr. Petrich stated that possibly, but he doesn't believe it is necessary.

Interested Parties:

Kevin Coutant, 320 South Boston, Suite 500, 74103; **Ryan Jones**, 2231 West 161st, Glenpool, 74033; **Brenda Dickey**, 15615 S. 25th W. Ave, Glenpool, 74033; **Kenneth VanCamp**, 15719 S. 26th W. Ave., Glenpool, 74033; **Kim Fenton**, 15607 S. 26th W. Ave., Glenpool, 74033.

Interested Parties Comments:

A packet is submitted, which clearly states that the Glenpool Comprehensive Plan calls for the subject area is planned for residential uses (Exhibit A-1); the Glenpool Comprehensive Plan finds IL not to be in accordance with the Plan; the request is not consistent with the Plan; the subject area is currently zoned AG; the Special District 6 to the north allows this zoning, but there is a great deal of dialogue in the Plan with regard to the needs to have use limitations and development limitations that protect the lower-intensity development that is occurring and will occur around the perimeter of the special district; Plan language was read by Mr. Coutant; there are all types of trucking operations and Stone Trucking may sell the property at some point; other IL uses would be allowed on the subject property once it is rezoned IL that would not be compatible with residential; homeowners checked with the City of Glenpool before purchaser their homes to see what the Comprehensive Plan indicated for the subject area; homeowners were told that the containment for IL was along Highway 75; CZ-388 is spot zoning; safety issues regarding truck traffic; the subject property doesn't have highway frontage; single-lane bridge in the subject area; narrow roads; dangerous hill in the subject area; dust and environmental concerns from the additional truck-traffic; the subject tract is served by county roads; unable to pass large vehicles on existing roads; the trucking company have specialty loads, which are wide loads and that is why they are only able to operate in the daytime and the county roads cannot handle their wide loads; the trucking company store the wide loads on their lot before delivery; drainage issues and polluting ponds that are for horses, fowl, and fish; do not want their rural view to be changed with a trucking company; expensive homes in the subject area and do not want industrial adjacent to the homes.

TMAPC COMMENTS:

Mr. McArtor stated that the implications of two letters received from County Commissioner Randi Miller and the City of Glenpool is that the 130 acres are proposed to be a part of an industrial park and it is a joint effort of three cities. He said if the Planning Commission were to deny the subject application and go with the staff's recommendation today, but tomorrow Mr. Coutant may be in front of the Planning Commission fighting three cities. In response, Mr. Coutant stated that he doesn't know if he is fighting the inevitable and not every economic development idea is a good idea. There is a lot of undeveloped industrial land in South Tulsa and there is nothing unique about the subject property other than possibly the price and location to an operational need that he knows nothing about.

Ms. Cantees asked if anyone knows the number of roof tops in the subject area. In response, Ms. Matthews stated that in Taylor's Pond there is in excess of 50 plus homes.

Mr. Carnes out at 3:07 p.m.

Mr. Harmon stated that the County has indicated that they have funds to improve the roads and he asked Ms. Dickey if she has talked with her County Commissioner about the existing roads. In response, Ms. Dickey stated that she has tried to get improvements before and there has never been any work done. Mr. Harmon asked Ms. Dickey if she has talked to her County Commissioner personally. In response, Ms. Dickey stated that she has not personally, but some of the neighbors have. Mr. Harmon recommended that she talk with Commissioner Miller because she is very responsive to various communities. Ms. Dickey stated that there have been some signs placed in the subject area stating that they County was going to fix something and they have chopped up 161st Street and left it in worse condition than before. Ms. Dickey stated that the subject property is located on a gravel road and there is no asphalt or concrete surface.

Applicant's Rebuttal:

Mr. Petrich stated that he gathers from the comments that the primary concern is for 26th West Avenue. The reason for the panhandle design is to accommodate those neighbors and to relieve the congestion on 26th West Avenue. There is not going to be that much traffic from this proposal and there is not need for traffic concern. Trucking businesses can't make money if they are not on the road. There are things that will be stored, but not overload jobs.

Mr. Petrich reiterated that the City of Glenpool and County Commissioner Miller are in favor of this proposal and stated that the funds are available for road improvements. With this support he doesn't see how the Planning Commission can deny this application merely because there is a handful of homeowners that are against this application and who currently have industrial in their backyard. The reality that there is a need for balance and this is a good location for the use and his client will be a good neighbor. He requested that the Planning Commission approve this application as amended. He commented that the application has been amended and it has nothing to do with what the City of Glenpool may do later.

TMAPC COMMENTS:

Mr. Harmon asked if he has talked with his client regarding a PUD being filed with the rezoning. In response, Mr. Petrich stated that he didn't specifically discuss it with them, but certainly if the Planning Commission is under the belief that the only way to approve this is to go through the PUD process and submit a site plan, then he will consider whether it is worthwhile or to move down the road to Creek County.

Mr. Harmon stated that a PUD would give the neighbors some comfort and it would give the Planning Commission some comfort. Straight zoning would allow anyone to utilize the property as IL and it is difficult to see what might happen in the future. A PUD would relieve some of those concerns and complications. Mr. Petrich stated that he appreciates Mr. Harmon's comments and he would like to consider that before a final decision.

Mr. Ard informed Mr. Petrich that over 100 neighbors have signed a petition against this proposal and so it is more than a handful of neighbors. Certainly the fact that Commissioner Miller and the City of Glenpool have forwarded letters to the Planning Commission in support of the Stone Trucking's proposal is something to consider as well. Mr. Ard commented that it is interesting to him that the City of Glenpool would send a letter of support when it really doesn't comply with their Comprehensive Plan. Glenpool has an existing industrial park and it appears that they sent Stone Trucking through to see how it would go. It appears the cities want something to happen in the subject area as a joint process, but they haven't brought anything to the Planning Commission other than a couple of letters from individuals. This seems conflicting.

Mr. Petrich stated that there is a contract with the City of Glenpool to purchase the balance of the subject property that is not being used. Stone Trucking is being pushed out of their current facility and they have to find a place to relocate. Mr. Petrich commented that he believes that someone from the City of Glenpool should have been present today. Due to the timing of Stone Trucking needing to find a new facility and because of these discussions with the City of Glenpool about the subject property and being perfect for Stone Trucking is why his client is here today.

After lengthy discussion it was determined that this zoning case should be continued and allow the applicant to return with a PUD. The Planning Commission made it clear that a continuance to allow a PUD to be filed is not a guarantee of approval for the IL zoning and PUD for CZ-388. Ms. Cantees requested some type of letter indicating when the roads in the subject area are scheduled for improvements in order to give the residents some assurance.

TMAPC Action; 9 members present:

On **MOTION** of **HARMON**, TMAPC voted **7-2-0** (Cantees, Cantrell, Harmon, McArtor, Midget, Shivel, Sparks "aye"; Ard, Marshall "nays"; none "abstaining"; Carnes, Miller "absent") to **CONTINUE** the IL zoning for CZ-388 to December 5, 2007 to allow applicant to return with a PUD application.

* * * * *

Application No.: CZ-389

AG TO RE

Applicant: Sisemore Weisz & Associates

County

Location: West of northwest corner of South Highway 75 & West 161st Street South

STAFF RECOMMENDATION:

CZ-388 July 3, 2007: Application filed for land at the northeast corner of West 158th Street South and South 33rd West Avenue to rezone from AG to IL for a trucking company. Due to faulty notification, public hearing was continued until September 19, 2007.

CZ-259/PUD-620 February 2000: All concurred in approval of a request for rezoning a 240± acre tract of land from AG to RE/RS/CS/IL for mixed use development on property located on the southeast corner of West 151st Street South and South 33rd West Avenue and north and west of the subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 33± acres in size and is located west of the northwest corner of South Highway 75 & West 161st Street South. The property appears to be in large-lot single-family residential use and is zoned AG. It is somewhat wooded with rolling terrain.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
West 161 st Street South	Secondary arterial	100'	2

UTILITIES: The subject tract has rural water available through District 2 of Creek County and no sewer available.

SURROUNDING AREA: The subject tract is abutted on all sides by large-lot single-family residential uses and vacant land, zoned AG. A large area zoned IL also abuts the property to the northeast of the subject property. The Champagne Metals Company, zoned IL, lies to the northeast.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

According to the Metropolitan Development Guidelines, the requested RE zoning **is** in accord with the Plan, due to its location within the interior of the section and away from the nodes. The application has been referred to both Glenpool and Kiefer/Creek County. The planner in the latter has said Creek County has no comments. The Economic Development Director of Glenpool has stated (9/12/07) that the requested RE zoning **is not** in accord with that community's

plans for an industrial development nearby. The Glenpool Comprehensive Plan: 1999-2020 calls for the eastern portion of this property to be in the U.S. 75 Corridor (SH 67) and largely recommends industrial development within it. Pertinent excerpts of the Plan are included in this case report.

STAFF RECOMMENDATION:

The surrounding uses are primarily low intensity and RE is compatible with that. In the County, RE allows slightly more than one-half acre (gross) per unit, which is also the minimum lot size for alternate sewage disposal systems. In the event that Glenpool's plans for industrial development materialize nearby, the County Zoning Code requires 75' setbacks of industrially-zoned properties from abutting residentially-zoned property. Moreover, if a Use Unit 25 or 26 use is contemplated (as are allowed by Special Exception or right in IL zoning), the Zoning Code requires that all uses located within 300' of a residentially-zoned property be conducted within enclosed buildings and that if located on a lot abutting a residentially-zoned property, such uses be screened from that property by erection of a screening wall or fence along the common lot lines. Clearly the Plan recognizes that some industrial and residential uses can be compatible. Staff believes these policies will assure adequate protection and can therefore support the requested change and recommends **APPROVAL** of RE zoning for CZ-389.

TMAPC COMMENTS:

Ms. Cantrell stated that she saw a letter that this proposal is not in compliance with the Comprehensive Plan, but she wasn't sure if they were opposed to it. In response, Ms. Matthews stated that Mr. Ewing didn't give her an answer on that subject. Ms. Matthews further stated that she believes Mr. Ewing's letter is pointing out that the eastern panhandle portion is in the City of Glenpool's industrial corridor.

Mr. Harmon asked staff if the proposal is encroaching 500 feet into the industrial corridor. In response, Ms. Matthews pointed out the portion that encroaches into the industrial corridor. The industrial corridor is not corridor zoning, but simply a land use designation.

Mr. McArtor asked staff if the rezoning is consistent with the Comprehensive Plan. In response, Ms. Matthews stated that it is consistent with the Comprehensive Plan with the caveat that the eastern panhandle is shown in an industrial corridor.

Applicant's Comments:

Kevin Coutant, 320 South Boston, Suite 500, 74103, representing the owner Ryan Jones, stated that normally this type of request would be a straightforward application. Mr. Coutant described the boundaries of the subject property. He explained that there is a special district in place and the plan doesn't have any language that indicates that industrial is the intended use of the subject area. It

does state that if industrial is to be in the special district, it should be on the westerly side and not the easterly side. Mr. Coutant read the City of Glenpool's Comprehensive Plan for the special district and its intentions. The Comprehensive Plan is a guide to what the development may be in the subject area. Mr. Coutant described the surrounding uses and submitted photographs (Exhibit C-1). Mr. Coutant stated that this application is consistent with the subject area. The proposal is for a residential development with large lots and low intensity. This proposal will close the gap against the node and have that use be more compatible.

Ms. Cantrell stated that she can't tell if the subject property abuts the node. In response, Mr. Coutant stated that there could be some property between the subject property and the node because the node is not surveyed, but it is a general ten acre node.

Interested Parties Comments:

Mike Champagne, 429 West 158th, Glenpool, 74033, representing Champagne Metals, stated that he doesn't have any complaints about the housing addition. He indicated that Mr. Jones did come to his business on August 16, 2007 around 10:30 p.m. and was visibly upset because of the noise. Mr. Jones called him and explained to him that he was out of compliance regarding to noise level. The company has existed since 1999 and he abides by everything he is supposed to do. There is existing residential in the subject area and he has never received any complaints. Mr. Jones has a five-acre estate with a very nice home on it directly behind the existing metal facility that does have trucks that come and go every day. The shop is opened in the evening and he believes that it is important that he go on the record stating that the owner has already been upset about the noise from the shop. He doesn't want it to come back in the future when there are 15 or 20 mansions directly behind his facility. His company is growing and his goal is to continue to grow. Mr. Champagne reiterated that he has no complaints with the proposal or the other residential uses, but the owner has already made it perfectly clear that the noise bothers him and he is farther from the facility than the proposed lots.

TMAPC COMMENTS:

Mr. Ard asked Mr. Champagne if he had the entire block. In response, Mr. Champagne stated that he has 40 acres and it is on the applicant's boundary of the north corner. Mr. Ard asked if there is another 40 acres of industrial below Mr. Champagne's property. In response, Mr. Champagne answered affirmatively. Mr. Champagne indicated that the other 40 acres contains a marble company. Mr. Champagne described the surrounding industrial site and the uses that have heavy trucks coming and going.

Mr. Champagne explained to the Planning Commission that after receiving Mr. Jones's phone call he did contact the City of Glenpool and his attorney to make sure he was not in violation and was assured that he was not. He is concerned

that Mr. Jones has complained and is now planning to develop knowing the existing businesses. Mr. Champagne expressed concerns that after the homes are built that they would be complaining as well about the noise level. His company is growing and he plans to continue to grow.

Mr. Sparks asked Mr. Champagne where the house was located that he is referring to. In response, Mr. Champagne stated that it is located off of 161st, which is quite a distance from the metal facility.

Mr. Champagne stated that he could grow to the south and it would absolutely be in their backyard.

Mr. Harmon stated that he is glad Mr. Champagne came today and shared this information with the Planning Commission because sometimes there is some unease with industrial and residential. It was wise that Mr. Champagne came to address this on the front end.

Applicant's Rebuttal:

Mr. Coutant stated that there is a floodplain that is a nice natural barrier to pushing of the industrial development directly into the corner.

TMAPC COMMENTS:

Mr. Harmon moved to approve the RE zoning per staff recommendation.

Mr. Midget seconded.

Ms. Cantrell stated that this is a small tract and it would good to develop it as residential and she can support it.

TMAPC Action; 7 members present:

On **MOTION** of **HARMON**, TMAPC voted **7-0-0** (Ard, Cantrell, Harmon, Marshall, Midget, Shivel, Sparks "aye"; no "nays"; none "abstaining"; Cantees, Carnes, McArtor, Miller "absent") to **APPROVE** the RE zoning for CZ-389 per staff recommendation.

Legal Description for CZ-389:

THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (S/2 SE/4 SE/4) AND THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SW/4 SE/4) OF SECTION TWENTY-TWO (22), TOWNSHIP SEVENTEEN (17) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, COUNTY OF TULSA, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, LESS AND EXCEPT THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (W/2 NW/4 SW/4 SE/4) OF SAID SECTION TWENTY-TWO (22), TOWNSHIP SEVENTEEN (17) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN,

COUNTY OF TULSA, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, AND LESS AND EXCEPT THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SW/4 SW/4 SE/4) OF SECTION TWENTY-TWO (22), TOWNSHIP SEVENTEEN (17) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, COUNTY OF TULSA, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, AND LESS AND EXCEPT THE EXISTING HIGHWAY 75 RIGHT-OF-WAY LYING IN THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (S/2 SE/4 SE/4) OF SECTION TWENTY-TWO (22), TOWNSHIP SEVENTEEN (17) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, COUNTY OF TULSA, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, AND LESS AND EXCEPT THE EAST TEN (10) ACRES OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (S/2 SE/4 SE/4) LYING WEST OF THE EXISTING HIGHWAY 75 RIGHT-OF-WAY LYING IN SAID S/2 SE/4 SE/4 OF SECTION TWENTY-TWO (22), TOWNSHIP SEVENTEEN (17) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, COUNTY OF TULSA, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, AND LESS AND EXCEPT AN EXISTING COUNTY ROAD RUNNING EAST AND WEST ALONG 161 STREET ON THE SOUTH SIDE OF THE S/2 SE/4, **From AG (Agriculture District) To RE (Residential Single-family Estate District).**

OTHER BUSINESS:

Commissioners' Comments

Mr. Ard asked Mr. Boulden if he could enlighten the Planning Commission about the fee-in-lieu for the sidewalk policy. In response, Mr. Boulden stated that he talked with Charles Hardt and asked him directly if there is a policy. Mr. Hardt explained that there wasn't a policy of the Public Works Department regarding fees in lieu of sidewalks. Mr. Hardt attended a City Council meeting where the sidewalk issue was discussed and he offered an alternative of a fee-in-lieu of the sidewalk as a resolution to the problem. No stated or specifically delineated policy, but it was an offer for PUD-327-A.

Mr. Ard asked if there is a City fund for sidewalks. In response, Mr. Boulden stated that it is a general fund and could be used for sidewalks. Mr. Boulden explained that he is a little confused because of the one communication that he had from Public Works that indicated that there was a plan to widened the road and it would go specifically in that fund; however, Mr. Hardt indicated that it would go into a general fund for sidewalk development with in the City.

Mr. Ard asked Mr. Boulden if he believes the Planning Commission is on solid ground when a sidewalk is waived and require the applicant to deposit the funds as specified by the City Engineer into the sidewalk fund.

Ms. Cantrell reminded the Planning Commission that the sidewalk requirement is not actually being waived, but simply giving the applicant the option of installing sidewalks or contributing to the sidewalk fund. The Planning Commission has been consistent by never waiving the sidewalk requirement. Mr. Boulden stated that he would recommend the same approach here, because the Planning Commission doesn't have a policy that addresses this fee-in-lieu of sidewalks, but the Planning Commission can waive the sidewalk subject to funds being deposited and other than it is not waived and is a requirement.

Mr. Ard stated that he understood that the Planning Commission requires sidewalks and the applicant can do one or the other, install the sidewalks or pay toward the funding of sidewalks.

Mr. Midget stated that he loves sidewalks, but he doesn't like them when they do not go anywhere. He commented that if there is need for a sidewalk then make the applicant install the sidewalk, the fee-in-lieu should only be used in a situation where there may be a street widening coming up or topography problems.

Ms. Cantrell and Mr. Harmon both agreed that the Planning Commission should not use the wording "waiving sidewalks", but it should be either "install the sidewalk or pay a fee-in-lieu of sidewalk toward future sidewalks".

Mr. Boulden stated that the Planning Commission needs to have a very serious discussion about the policies. There should be a relationship between the development and the contribution that the applicant makes to the community. The fee should relate to the development.

Mr. Harmon stated that he believes the Planning Commission should stay with the sidewalk policy and require sidewalks. Sidewalks shouldn't be waived because the City may come along and widen the street in ten years.

Mr. Boulden stated that there is a serious need for the City, County and the Planning Commission to all come together and be on the same page regarding sidewalks. He further stated that once there is an agreement and everyone is on the same page, then amend the Subdivision Regulations.

Ms. Matthews stated that if there is a joint meeting regarding sidewalks it should also involve the Board of Adjustment. Ms. Matthews further stated that Public Works should attend the same meeting.

Mr. Boulden suggested that possibly the development community should also be included in the meeting, because he does anticipate some resistance.

Mr. Ard stated that the Subdivision Regulations can't be arbitrarily changed by the City Council because the Planning Commission is the overseers of the Subdivision Regulations. Mr. Ard commented that he understands that the City Council is going to discuss sidewalks at their next meeting.

There being no further business, the Chair declared the meeting adjourned at 5:03 p.m.

Date Approved:

10/17/07


Chairman

ATTEST:



Secretary

