

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 2497

Wednesday, November 7, 2007, 1:30 p.m.

Francis Campbell City Council Room
Plaza Level, Tulsa Civic Center

| Members Present | Members Absent | Staff Present | Others Present |
|------------------------|-----------------------|----------------------|-----------------------|
| Ard | Cantees | Alberty | Boulden, Legal |
| Cantrell | Carnes | Chronister | |
| Harmon | Miller | Fernandez | |
| Marshall | McArtor | Huntsinger | |
| Midget | | Matthews | |
| Shivel | | Sansone | |
| Sparks | | | |

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, November 1, 2007 at 10:10 a.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

After declaring a quorum present, Chair Ard called the meeting to order at 1:45 p.m.

REPORTS:

Chairman's Report:

Mr. Ard reported on the TMAPC Retreat and thanked staff for their support and help. Mr. Ard thanked the facilitator, Gary Richetto, who donated his time to the TMAPC.

Director's Report:

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

Comprehensive Plan Report:

Ms. Cantrell reported that one of the consultants is being asked to return for a second interview.

Minutes:

Approval of the minutes of October 3, 2007 Meeting No. 2494

On **MOTION** of **HARMON**, the 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 minutes of the meeting of October 3, 2007, Meeting No. 2494.

COMPREHENSIVE PLAN

Review for Conformance with the Comprehensive Plan FY 08-12 CIP Amendment

The City of Tulsa Department of Finance/Budget and Planning Division has submitted a request to amend the FY 08 Capital Improvements Project Plan to include the relocation of current City Hall offices and various other City staff to the One Technology Center at 100 South Cincinnati.

STAFF RECOMMENDATION:

The City of Tulsa Department of Finance/Budget and Planning Division has submitted a request to amend the FY 08 Capital Improvements Project Plan to include the relocation of current City Hall offices and various other City staff to the One Technology Center at 100 South Cincinnati. As required by State statute (Title 19, Section 863.8) the City is required to submit these amendments, as well as the other annual capital project requests, to the TMAPC for review for conformity to the Comprehensive Plan.

Staff has reviewed the proposed amendment for its relationship to the recently amended District One Detail Plan and finds it in accord. The amended Plan incorporated provisions of the Downtown Linkages Study/Downtown Public Investment Coordination Plan, and speaks generally to maintaining public infrastructure and establishing linkages between uses. This proposed CIP amendment would consolidate various City offices and so physically link those uses.

Not expressly included in this project request, but mentioned in other venues, is the possible reuse/redevelopment of the existing City Hall. Staff reminds the TMAPC and City officials that the District One Plan, by adopting the Linkages Study, calls for maintaining existing downtown buildings where possible.

Staff recommends that the TMAPC find the proposed amendment in accord with the Comprehensive Plan.

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 recommend **APPROVAL** of the FY 08-12 CIP Amendment to include the relocation of current City Hall offices and various other City staff to the One Technology Center at 100 South Cincinnati finding it in conformance with the Comprehensive Plan per staff recommendation.

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

Mr. Ard announced that the following items have been requested to be removed from the consent agenda: Item 3, Moran Foundation Square Preliminary Plat and Item 7, PUD-364-A, Detail Site Plan.

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** Item 3 and Item 7 being removed from the consent agenda.

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.

- 4. **Trenton Lofts at Cherry Street** - (9307) Vacation of Plat (PD 6) (CD 4)
1432 South Trenton Avenue
- 5. **Life Park** – (9234) Reinstatement of Plat (PD 8) (CD 2)
West of northwest corner of West 61st Street and South Union
- 6. **PUD-460 – Tanner Consulting, LLC** (PD 18) (CD 8)
North of northwest corner of East 81st Street and Mingo Road (Detail Site Plan for a multifamily development.)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a new multifamily development in Development Area B of PUD-460. The site plan is for the proposed Lot 1 of the approved Preliminary Plat (9/5/07) for the Sonoma Grande subdivision. Three hundred and thirty-six units are proposed for the project. The requirements of the PUD for the site plan have been met.

The building floor area, height of structures, setbacks, lighting, sidewalks, screening and parking are in conformance with the approved PUD standards.

Staff recommends **APPROVAL** of the detail site plan.

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

8. **L-20147** – Roy Johnsen (8202) / Lot-Split (PD 8) (CD 3)
Northeast corner West 71st Street South and Hwy 75
9. **L-20148** – Wallace Engineering (9322) / Lot-Split (PD 18) (CD 7)
3916 South Sheridan Road
10. **L-20149** – Jack Ramsey (7408) / Lot-Split (County)
12850 East 131st Street South
11. **L-20154** – Cheryl Chaloupek (0404) / Lot-Split (County)
6540 North 137th East Avenue
12. **L-20155** – Bill Wilson (9322) / Lot-Split (PD 5) (CD 5)
5970-A East 31st Street
13. **L-20156** – Paul Turner (9412) / Lot-Split (PD 17) (CD 6)
18002 East 12th Street
14. **L-20157** – Barber & Barber (0227) / Lot-Split (PD 11) (CD 1)
921 West Ute
15. **L-20158** – Cheryl Chaloupek (0404) / Lot-Split (County)
6418 North 131st East Avenue
16. **LC-72** – Monroe Guest (9006) / Lot Combination (County)
503 South 257th West Avenue

The Planning Commission considered the consent agenda.

There were no interested parties wishing to speak.

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 consent agenda Items 4, 5, 6, 8 through 16 per staff recommendation.

CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA

- 3. **Moran Foundation Square** – (0329) Preliminary Plat (PD-3) (CD-3)
 Southwest corner of East Apache and Harvard Avenue (**Request continuance until 11/28/07 to allow Board of Adjustment case to be heard on 11/13/07.**)

STAFF RECOMMENDATION:

Ms. Matthews stated that this application needs to be continued to 11/28/07 to allow Board of Adjustment case to be heard on 11/13/07.

There were no interested parties wishing to speak.

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 **CONTINUE** the preliminary plat for Moran Foundation Square to November 28, 2007.

Mr. Ard stated that Item 26 is requesting a continuance:

Application No.: Z-7077

RS-3 to OL

Applicant: James W. Lane, Jr.

(PD-6) (CD-4)

Location: 1552/1602/1606 South Lewis Avenue

STAFF RECOMMENDATION:

Ms. Matthews stated that the applicant has requested a continuance to February 6, 2008 in order to file a PUD with the zoning application. City Council has not heard the revisions for the District 6 Plan for the Lewis Study, which has been transmitted to the City Council 11/06/07.

There were no interested parties wishing to speak.

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 **CONTINUE** Z-7077 to February 6, 2008.

CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA

7. **PUD-364-A – Architects Collective** (PD-26) (CD-8)

Northeast corner of East 101st Street South and South Mingo Road
(Detail Site Plan for a restaurant and retail uses.)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a total of 46,574 square feet of restaurant and retail uses. A total of 109,800 square feet of floor area is approved for the ten-acre site. An approximate one acre tract at the intersection corner is not a part of this application and will be subject to a detail site plan. The proposed uses, Use Unit 12, Eating Establishments Other Than Drive-Ins, and Use Unit 13, Convenience Goods and Services and Use unit 14, Shopping Goods and Services are in conformance with Development Standards of PUD-364-A.

A minor amendment was approved on October 24, 2007, allowing an increased height of the light poles to 25 feet and an increased building height to 40 feet to permit the architectural features per plan. The proposed site plan reflects that approval. The remaining PUD conditions with regard to building floor area, building setbacks, parking requirements, landscape areas, building materials and setback and screening of trash containers meet or exceed the requirements. A five-foot sidewalk is proposed on the 101st Street and Mingo Road frontage.

The only condition in addition to those proposed and reflected on the site plan is that the 6 foot screening fence be of masonry materials rather than the proposed wood screening fence. This conditions is imposed when the adjacent and abutting properties are single-family residential. This requirement can be reflected on the landscape plan when submitted for approval.

Therefore, staff recommends **APPROVAL** of the detail site plan for PUD-364-A as submitted subject to the masonry screening fence.

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

Applicant's Comments:

Doug Collins, 10025 South Braden, 74137, stated that yesterday he had a meeting with the homeowners in Millicent Crossing and he would like to submit a petition of the neighbors directly affected by the proposal (Exhibit A-1).

Mr. Collins stated that he would like to have the option to install an eight-foot wood fence with masonry columns that would replace the existing wood fences of the adjacent properties in lieu of the solid masonry wall. He explained that he would like this to be an either/or option.

TMAPC COMMENTS:

Mr. Ard asked Mr. Collins if all of the homeowners adjacent to the property line agree with that proposal. In response, Mr. Collins stated that he was able to get 12 out of the 14 homeowners who back up to the development. Mr. Collins further stated that he believes that their preference would have been a masonry wall, but he convinced them that perhaps the other option would be just as good if not better. The neighbors preferred eight feet in height for the fence.

Mr. Harmon asked Mr. Collins why he wanted to install a wood fence rather than a masonry wall. In response, Mr. Collins stated that there is a possibility that the masonry wall will be more expensive and esthetically the wood fence will look nicer than the masonry wall he envisions. Mr. Collins indicated that this would not be a brick wall, but poured-in-place concrete panels set between steel H-beams. The masonry wall would be set off of the property line and leave an area between the masonry wall and the existing wood fences. The proposal is to replace all of the existing fences with the new fence and decorative columns that would match their fences and their front entrance on 101st Street. It would be a more attractive option.

Mr. Midget asked Mr. Collins if the neighbors actually preferred the masonry, but he was able to convince them to agree the alternative proposal. In response, Mr. Collins stated that he believes that the first choice would have been masonry, but after meeting with them for two hours, he believes that after that meeting they were happy with the development and the new fence proposal.

Mr. Midget stated that he is concerned about the maintenance of the fence. There should be some assurance that the developer or property owner would be able to maintain the wooden fencing between the masonry columns. Mr. Collins stated that the homeowners will not have any responsibility for maintenance on the fence.

Mr. Midget asked Mr. Collins if he has considered other materials for the fence that is not masonry or wood, but has the longevity of masonry. In response, Mr.

Collins stated that he has looked at some other products and hasn't ruled it out, but thought esthetically the natural wood would look better today. Mr. Collins further stated that ten years from now, he many wish he made another decision, but he is dealing with today. He commented that he would like to spend the money where it will be seen and the fence is in back where no one will pay any attention to it. In response, Mr. Midget stated that the residents will be seeing the back and the fence.

Ms. Cantrell asked if the fence would be on the property line or off of the property line. In response, Mr. Collins stated that the new fence would be on the subject properties' side of the property line and the existing fences will be removed as the new one is being constructed. He indicated that he plans to fill the gap between the existing side fences and the new back fence.

Mr. Marshall stated that he believes that once Mr. Collins starts looking into an eight-foot fence he will see a substantial cost increase versus a six-foot wood fence. He commented that in the long run it might be better to do the masonry fence. Mr. Marshall commented that he appreciates Mr. Collins working with the neighbors.

Mr. Collins stated that he is asking for the option to do either the masonry fence or the alternative proposal.

Mr. Ard commended Mr. Collins for working with the neighbors. Mr. Ard asked Mr. Collins if he is asking for either the eight-foot wood fence with 30-foot on-center brick pillars or in the alternative a six-foot masonry fence. In response, Mr. Collins answered affirmatively.

Mr. Marshall suggested that the applicant consider placing the lights on the wall or consider shorter light poles to keep the glare from residential homes. Mr. Collins stated that he would look at the lighting and if it creates a problem, then there will be an adjustment.

There were no interested parties wishing to speak.

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 detail site plan for PUD-364-A per staff recommendation, with the modification that the applicant shall install a six-foot masonry fence or an eight-foot wooden fence with masonry columns as proposed by the applicant.

PUBLIC HEARING

L-20162 – Sack & Associates (8407) / Lot-Split

(PD 18) (CD 7)

Northeast corner East 79th Street South and Mingo Road

STAFF RECOMMENDATION:

On January 19, 2007, Sack and Associates filed a lot-split application (L-20063) to split two acres off an 11-acre tract. The property had been rezoned to CO and PUD-575, and was subject to plat.

On March 3, 2007, the Planning Commission approved a "minor amendment and corridor site plan for PUD-575-3/Z-6611-SP-1a per staff recommendation, subject to verbiage that the subject tract is conditioned on being platted and the conditions of the underlying PUD and subject to there being no further lot-splits of unplatted land permitted within PUD-575-3/Z-6611-SP-1."

L-20063 was approved subject to meeting the PUD requirements, subject to dedication of required street right-of-way, and subject to satisfying the City of Tulsa's Development Services' requirements in extending a sanitary sewer main line.

Since that time, Sack and Associates submitted a lot-split application located within PUD-575. Staff informed the applicant that no further lot-splits were allowed on this property prior to platting.

On October 11, 2007, Mr. Sack met with staff and explained that a preliminary plat (7900 Mingo) for the subject property, including the originally split-off tract, was submitted on September 28, 2007. The Technical Advisory Committee was scheduled to review this preliminary plat on October 18, 2007, and it would be heard before the TMAPC on November 7, 2007. A major amendment would be filed on the property, rather than a minor amendment. Staff accepted the lot-split application (L-20162).

Development Services comments that the lot-split is okay, however, no water or sewer connections will be allowed until a sanitary sewer district has been created, the excess capacity fees and Broken Arrow System Development fees have been paid.

Neither the minor/major amendment to PUD-575 nor the corridor site plan has been filed to date. The appropriate applications must be filed by November 15, 2007 for the December 6, 2007 TAC meeting and the December 19, 2007 TMAPC public hearing.

Given the submission of the preliminary plat, staff can recommend **APPROVAL** of the lot-split, subject to approval of a minor/major amendment and corridor site plan, and subject to verbiage being placed on the deeds that the property is

subject to platting, and noting that water and sewer connections will not be allowed until the sanitary sewer district has been created, the required fees paid.

TMAPC COMMENTS:

Mr. Ard stated that he understands that the reason staff is okay with this lot-split is because the plat has been submitted. In response, Ms. Chronister answered affirmatively.

Mr. Midget asked staff if the development would be hooked into the Broken Arrow sewer system. In response, Ms. Chronister stated that she believes that Mr. Sack could probably address that question.

Mr. Marshall asked Ms. Chronister why she is reconsidering this since staff indicated that they wouldn't do it before. In response, Mr. Alberty stated that Ms. Chronister explained that before, there wasn't a plat pending, and under those conditions staff felt uncomfortable doing lot-splits repeatedly. Staff did allow the owner some grace on the first opportunity and stated at that time, even though the lot-split, if approved, didn't grant them development rights, everyone understood that it was only to allow for a change in ownership and give the new owner the ability to plat the property. Now they have come back with a lot-split, a transaction that needs to occur prior to the approval of the plat, based on the fact that the engineer and owners are all aware that it is subject to a plat and the plat has already been submitted. All of the control and protection that the City would want are in place. This lot-split only allows the exchange of ownership, subject to platting and a plan being submitted. Staff has learned that there will not be any sewer connections until the sewer district is created and there is no way any development can occur at this time. All protections are in place and staff can recommend approval.

Applicant's Comments:

Ted Sack, 111 South Elgin, 74120, stated that this will go through the development to the north, which is an apartment complex and the sanitary sewer runs north through an access capacity line and then it runs east and west to Broken Arrow. There is a fee to Broken Arrow since the sewer passes over to Broken Arrow. All of the sewer fees are normal development fees that will take place with the platting of the subject property. Mr. Sack cited the various steps necessary to be able to file the lot-split.

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 lot-split, subject to approval of a minor/major amendment and corridor site plan, and subject to verbiage being placed on the deeds that the property is subject to platting, and noting that water and sewer connections will not be allowed until the sanitary sewer district has been created, the required fees paid per staff recommendation.

Tradition Blocks 1-7 – (8327) Preliminary Plat

(PD 26) (CD 8)

West of northwest corner of East 111th Street and Sheridan Road

STAFF RECOMMENDATION:

This plat consists of 73 Lots, 7 Blocks, on 32.35 acres.

The following issues were discussed October 18, 2007 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned PUD 741 (RS-2). Show public versus private streets. Show Development Areas. Sidewalks required per Subdivision Regulations and PUD. A homeowners' association must be formed for maintenance. Show lot square footages. All PUD conditions must be met.
2. **Streets:** Sidewalks will be required. Change the access to read "access w/median". Increase the Joplin Transition from 3:1 to 15:1 at the entry. Show sidewalk easements. Show the island with all dimensions as a Reserve at the Joplin entry. In Section I.A include standard language to dedicate the street right-of-way. In Section IV.A please specify the maintenance of the private street. Recommend providing for two exit lanes and striping the center approach to the island.
3. **Sewer:** All perimeter easements adjacent to unplatted property must have either a 17.5-foot easement instead of the 11-foot easement shown, or provide an 11-foot easement by separate instrument along the unplatted property. This will result in a total of 22 feet for utilities. Continue the 11-foot easement along the east boundary of the plat through Reserve B. The back lot easements for the lots adjacent to Reserve B must be increased to 17.5 feet or a minimum of 11-foot additional easement added to Reserve B. The north easement in Lots 9 and 10, Block 7 must be a minimum of 15 feet in width. Lots 1-4, Block 3 and Lot 16, Block 2, do not have access to sanitary sewer service. Extend one of the sewer lines within Lots 5 and 6, Block 7 to serve Lot 8, Block 5, Forest Park South. The north arrow points west. Maintain adequate depth of the sanitary sewer line in Block 7 to allow for a mainline extension to serve Forest Park South.
4. **Water:** Add restricted water line easement language. A water main line extension will be needed to provide water services and hydrant coverage. Water main lines must be installed around the cul-de-sacs in Block 2, Lots 6-8 and Block 5, Lots 14-17.

5. **Storm Drainage:** Reserve B must be labeled as a stormwater detention facility. Add an access easement to the plat to access the bottom of the stormwater detention facility from one of the adjacent streets. The covenants have an overland drainage easement (ODE) section. The ODE's must be shown and labeled on the face of plat. Lot 15, Block 7 is shown by contours on the conceptual plan to contain major overland drainage. Is this where the ODE should be? The conceptual plan also shows a large area that is not a part of this plat, however, storm sewers extend from this plat to a stormwater detention facility in this off-site area. Add a note to the face of plat that states, stormwater detention for blocks 1-4 has been provided off-site, in an area located approximately 900 feet east of the centerline of South Joplin Avenue and immediately north of East 111th Street South. A stormwater detention easement will be provided by separate instrument for the off-site facility. No construction will be allowed in blocks 1-4 until this facility has been constructed. Show and label this area on the location map. Add the standard language for Reserve B, stormwater detention facility maintenance. Place the ODE in a Reserve and modify the language in Section IJ to be the standard language for this type of ODE. Add a roof drainage subsection to Section I to state that all roof drains will be conveyed to the public drainage system or the stormwater detention facilities, whichever your intended design calls for. Show and label the ODE and the stormwater detention facilities and include them in your legend.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** Additional easements will be needed.
7. **Other: Fire:** Cul-de-sacs greater than two hundred and fifty feet in length shall have a turn-around radius of not less than forty feet of paving and a radius of fifty-two feet of right-of-way at the property line. 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: Add a graphical scale bar. Need to establish a new basis of bearing for this plat. The basis of bearing stated as being based on the plat of Preston Woods, plat number 5440, is not acceptable because its basis of bearing was based on Southern Woods Estates, plat number 4943, which never had a basis of bearing established for its plat. In addition to describing the basis of bearing, please give this bearing in degrees, minutes and seconds. Label the point of commencement (POC) and the point of

beginning (POB). Correct the inconsistencies of the bearings and distances between the face of the plat and the metes and bounds description of the property in the covenants. Fix north arrow.

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.

TMAPC COMMENTS:

Mr. Marshall asked staff if they knew what the bulk and area requirements for PUD-741 would be. In response, Mrs. Fernandez stated that she may have them in the file, but she would have to look it up. He asked why standard number seventeen isn't followed on the preliminary plat, because there are no dimensions on the preliminary plat, building lines, etc. In response, Mrs. Fernandez stated that the lists of conditions in the packet are the standards that the plat will have to meet and before the final plat is approved all those conditions need to be on the final plat. In response, Mr. Marshall stated that in the Subdivision Regulations it states that under preliminary plats these are supposed to be done before submitting a preliminary plat. Mrs. Fernandez stated that there are several plans that are submitted. There is a conceptual plan, face of the plat and several different maps that come through the process. Ms. Matthews displayed the conceptual plat with the elevations and building lines shown. Mr. Marshall stated that it would have been nice to have that information prior to today's meeting.

There were no interested parties wishing to speak.

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 preliminary plat for Tradition Blocks 1-7, subject to special conditions and standard conditions per staff recommendation.

Clarehouse – (8407) Preliminary Plat

(PD 18) (CD 8)

South of southeast corner of East 75th Street and Mingo Road

STAFF RECOMMENDATION:

This plat consists of one lot, one block, on 5.74 acres.

The following issues were discussed October 18, 2007 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned CO 6611-SP-2/PUD 575 A. Show Development Areas. All CO/PUD conditions must be met.
2. **Streets:** Sidewalk required along Mingo Road. In Section IA include standard language to dedicate public street right-of-way. In Section IG, please change Sheridan to Mingo Road.
3. **Sewer:** The utility easement along the east boundary must be increased to a 17.5-foot easement. Excess capacity fees of \$1,128.03/acre; and Broken Arrow System Development Fees of \$700.00/per acre will be required.
4. **Water:** A three-way fire hydrant must be installed for fire hydrant coverage of the site. Bore Mingo Road; place minimum six-inch ductile iron pipe in conduit.
5. **Storm Drainage:** Show and label the "West Branch Haikey Creek FEMA Floodplain" as such. A "Reserve" is not required with an overland drainage easement for the floodplain on a One Lot, One Block Plat. The Overland Drainage Easement must be labeled as such, and must include an additional 20 feet adjacent to and outside of the Limits of the Floodplain, for maintenance access. The limits of floodplain should be plotted by using the 100 year water surface elevation for the fully urbanized conditions. The title for Section IF should have Overland Drainage Easement in it. Remove the word "General" from the title for Section IA.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** Additional easements may be needed.
7. **Other: Fire:** No comment.

GIS: Add a written scale, i.e. 1" = 100'. Include the e-mail address for the surveyor. Tie the plat from a section corner using bearings and distances from a labeled point of commencement (POC) to a labeled point of beginning (POB). Add names of all the adjacent subdivisions to the face of the plat.

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

Waivers of Subdivision Regulations:

1. ~~A sidewalk waiver is being requested.~~

Special Conditions:

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

Standard Conditions:

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

10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. The method of water supply and plans therefor shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.
19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final plat.

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

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **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 preliminary plat for Clarehouse, subject to special conditions and standard conditions per staff recommendation, noting that the sidewalk waiver has been withdrawn. (Language with a strike-through has been deleted and language with an underline has been added.)

7900 Mingo – (8407) Preliminary Plat

(PD 18) (CD 8)

Southeast corner of East 78th street and Mingo Road

STAFF RECOMMENDATION:

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

The following issues were discussed October 18, 2007 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned CO/PUD 575, SP Z6611-SP-1. Plat must meet all CO/PUD requirements and have these reflected in the covenants.
2. **Streets:** Show existing right-of-way. Sidewalk required along Mingo. Document all adjacent right-of-way. Provide for a mutual access easement for Estancia to/from 79 East Avenue as its principal access. Include standard language in the covenants for mutual access easements.
3. **Sewer:** Add a minimum 15-foot wide sanitary sewer easement along the common boundary for Lots 3 and 5, and for Lots 4 and 6. Add language for the sanitary sewer easement to the covenants. The proposed sewer main extension to the south must begin as low as possible, and be designed at minimum grade so it can be extended to serve the area to the south of this development. Excess capacity fees of minimum grade so it can be extended

to serve the area to the south of this development. Excess capacity fees of \$1,128.03/acre and Broken Arrow System Development Fees of \$700.00/acre will be required.

4. **Water:** Show a 15-foot restricted water line easement for all proposed water main lines on-site. A water main line extension will be needed to provide water services and hydrant coverage.
5. **Storm Drainage:** Add and label the boundary of the "West Branch Haikey Creek City of Tulsa Regulatory Floodplain" that crosses Lot 1 and possibly 2. Add the overland drainage easement in the reserve for this floodplain, which will contain the floodplain plus 20 feet for access. Add a legend to show all unlabeled lines, abbreviations, and symbols. Add storm sewer easements to the face of plat. Add a subsection for overland drainage easement in reserve to Section I, for the floodplain. If the floodplain is being changed, then both existing and proposed floodplains must be shown and labeled. Show the conceptual design for the new conveyance system, which removes Lots 1 and 2 from the floodplain.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** Additional easements may be necessary.
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: Add a written scale. Fix the graphical scale; it is not proportional to the dimensions on the plat. Tie the plat from a section corner using bearings and distances from a labeled point of commencement to a labeled point of beginning. Instead of stating that the basis of bearing is from Estancia Plat # 5938, state that the basis of bearing as the following: "The bearings shown hereon are based on the west line of Section 7, T-18-N, R-14-E, having an assumed bearing of due north." Correct the inconsistencies of the bearings and distances between the face of the plat and the metes and bounds description of the property in the covenants. The street labeled as "East 79th East Avenue" must be changed to "East 79th Street South". The street labeled as "East 79th East Avenue" must be changed to "East 79th Street South". Include PUD # in title.

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.

TMAPC COMMENTS:

Mr. Ard asked if staff would require sidewalks along side the mutual access easements. In response, Mrs. Fernandez stated that Mr. Sack may need to identify whether he would agree to sidewalks along the mutual access easement. Mr. Ard asked if the Subdivision Regulations require a sidewalk along Lots 3 and 5. In response, Mrs. Fernandez stated that it would depend on the street and what the PUD required. PUDs identify sidewalks and pedestrian circulation plan for where the sidewalks should be and technically the Subdivision Regulations may not require it.

There were no interested parties wishing to speak.

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 preliminary plat for 7900 Mingo, subject to special conditions and standard conditions per staff recommendation, noting that sidewalks have to meet the Subdivision Regulations requirements.

University of Tulsa Block 5 – (9305)

(PD 4) (CD 4)

East 8th Street to East 11^t Street, Evanston Avenue to College Avenue

STAFF RECOMMENDATION:

This plat consists of one lot, one block, on 5.6 acres.

The following issues were discussed October 18, 2007 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned CH, OL, RM-2. Show Limits of No Access.
2. **Streets:** Document all three right-of-way vacations and label only their centerlines.
3. **Sewer:** Add an easement for the existing sanitary sewer main running north and south through Block 5. Make sure the entrance wall does not encroach into the existing sanitary sewer easement.
4. **Water:** Show a 15-foot restricted water line easement for all existing water main lines along the vacated roadways. Add restricted water line easement language. Recommend showing the easement for the easterly, six-inch, offsite north/south water. Provide a restricted waterline easement for the

westerly 12" north/south onsite water line.

5. **Storm Drainage:** Storm sewer easement may be required along vacated Evanston Avenue between 11th Street and vacated 10th Street and along vacated south college Avenue from the first inlet south of vacated 10th Street to 8th Street.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** Additional easements may be necessary. PSO blanket easements may be removed.
7. **Other: Fire:** No comment.

GIS: Tie the plat from a section corner using bearings and distances from a labeled point of commencement to a labeled point of beginning. In addition to describing the basis of bearing, please give this bearing in degrees, minutes and seconds. Use the distances and bearings from the face of the plat for the metes and bounds description of the property in the covenants.

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.

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 preliminary plat for University of Tulsa Block 5, subject to special conditions and standard conditions per staff recommendation.

University of Tulsa Block 8 – (9305) Preliminary Plat (PD 4) (CD 4)
East 8th Street to East 11th Street, Florence Avenue to Gary Avenue

STAFF RECOMMENDATION:

This plat consists of one lot, one block, on 8.2 acres.

The following issues were discussed October 18, 2007 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned RS-3. Show Limits of No Access.
2. **Streets:** Document all recent right-of-way vacations and label only their centerlines.
3. **Sewer:** Label the existing sanitary sewer lines as "private".
4. **Water:** Show a 15-foot restricted water line easement for the proposed/existing water main line along the vacated roadway. Add restricted water line easement language. The six-inch or eight-inch line replacing the two-inch line needs to be in a 15-foot restricted waterline easement adjacent to the westerly property line, and the line itself located eight feet from the westerly property line.
5. **Storm Drainage:** Label the existing sanitary sewer lines as "private".
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comment.
7. **Other: Fire:** No comment.

GIS: Show locations and names of all subdivisions within the mile section of the location map. In addition to describing the basis of bearing, please give this bearing in degree, minutes and seconds. Tie the plat from a Section corner using bearings and distances from a labeled point of commencement to a labeled point of beginning. Use the distances and bearings from the face of the plat for the metes and bounds description of the property in the covenants.

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.

Mrs. Fernandez stated that the two plats for the University of Tulsa will likely come before the Planning Commission as one plat as they go through the final

process. Public Works Department and staff believe this would lead to less confusion.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, 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 preliminary plat for University of Tulsa Block 8, subject to special conditions and standard conditions per staff recommendation.

Cedar Hill – (8419) Preliminary Plat (PD 18) (CD 8)

East of Northeast corner of East 101st Street and 106th East Avenue

STAFF RECOMMENDATION:

This plat consists of 14 lots, two blocks, on 5.04 acres.

The following issues were discussed October 18, 2007 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned AG/PUD 746. Show setbacks per the PUD. Sidewalks are required.
2. **Streets:** Reduce both access dimensions by eliminating the intersection radii. Show Limits of No Access restrictions on both sides of both streets to prevent conflicts with the gates based on their final design. Include standard language for the proposed pedestrian easements. Form two separate paragraphs in Section IA to limit the specific uses of the two types of Reserves. Prefer the dedication of public streets be listed first prior to the paragraph for the private street reserve. Change four-foot sidewalks to five feet. At least one sidewalk gate at each intersection (suggest total of three).
3. **Sewer:** Design the proposed sanitary sewer line deep enough to serve the property to the east of this development. The sanitary sewer line within the south 17.5-foot utility easement must be located 12.5 feet from the north edge of the fence easement, and five feet south of the north easement line. The columns supporting the screening fence and the access gates will not be allowed to be constructed over the sanitary sewer line.
4. **Water:** Recommend two 45's (degree bends) at each tie to the 12-inch main on 101st Street South to stay clear of curb (wheelchair) ramps.

5. **Storm Drainage:** Add notes to the face of the plat. Note 1: All Drainage from this plat must be conveyed to the public drainage system along 101st Street South. Note 2: The roof drainage from each lot must be piped to the adjacent residential street within this plat. Replace Section IB with the standard language for "water main, storm sewer, and sanitary sewer services". Add a subsection for roof drainage.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** Additional easements may be needed.
7. **Other: Fire:** No comment.

GIS: Tie the plat from a section corner using bearings and distances from a labeled point of commencement to a labeled point of beginning. Define P/E in the legend. Include a south perimeter ownership dimension in a large font. Provide street names and label reserve A as a private street. Correct 4 lot line dimensions (subtracting the five-foot of reserve area) and add various omitted dimensions.

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.

Mr. Marshall complimented the engineering firm for the thorough preliminary plat.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, 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 preliminary plat for Cedar Hill, subject to special conditions and standard conditions per staff recommendation.

Application No.: Z-7076

RS-2 to CS

Applicant: Lou Reynolds

(PD-8) (CD-2)

Location: Southeast corner of South 33rd West Avenue and West Skelly Drive

STAFF RECOMMENDATION:

Z-7073 September 2007: All concurred in approval of rezoning a two-acre parcel immediately adjacent to the subject property from RS-2 to CS for a financial services and commercial shopping center.

BOA-18374 April 13, 1999: The Board of Adjustment approved a Special Exception to allow for auto repair with six bays, not including body and paint shop, no storage of inoperable vehicles outside, and a mini storage facility in a CS district, with conditions set forth in an RM-1 district. The south wall of the mini storage facility was to be constructed out of masonry material and serve as the screening fence. The Board also approved a Special Exception of the screening requirements on the north and south boundaries, per plan submitted on property located at 2940 West Skelly Drive and abutting east of the subject property.

Z-6371 November 1992: All concurred in approval of a request for rezoning a tract of land from RS-3 to CS, located north of the subject property.

Z-6321 October 1991: All concurred in approval of a request for rezoning a tract of land from RS-3 to CS/PK on property located west of and abutting the subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 1.5± acres in size and is located at the southeast corner of South 33rd West Avenue and West Skelly Drive. The property appears to be vacant and is zoned RS-2.

STREETS:

| Exist. Access | MSHP Design | MSHP R/W | Exist. # Lanes |
|------------------------------------|--------------------|-----------------|-----------------------|
| South 33 rd West Avenue | Secondary arterial | 100' | 4 |
| West Skelly Drive | Expressway | Varies | Varies |

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

SURROUNDING AREA: The subject tract is abutted on the east by single-family residential uses and vacant lots zoned RS-2; on the north by Skelly Drive and

associated right-of-way, zoned RS-2 and RS-3; on the south by vacant single-family residential property, recently rezoned CS-; and on the west by convenience commercial and parking uses, zoned CS/PK.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 8 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being Medium Intensity-Commercial and in Special District Area B. According to the Zoning Matrix, the requested CS zoning **may be found** in accord with the Plan because of its location within a Special District. Plan policies call for this area to be developed and maintained in commercial and highway-related uses.

STAFF RECOMMENDATION:

The request for CS zoning is in keeping with the recent rezoning of the adjacent property to the west and will add to the developable area of the site. Therefore, staff recommends **APPROVAL** of CS zoning for Z-7076.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **HARMON**, TMAPC voted **7-0-0** (Ard, Cantrell, Harmon, Marshall, Midget, Shivel, Sparks "aye"; no "nays"; none "abstaining"; Cantees, Carnes, McArtor, Miller "absent") to recommend **APPROVAL** of the CS zoning for Z-7076 per staff recommendation.

Legal Description for Z-7076:

The West 150 feet of the East 1120 feet of the North Half of the South Half of the Northwest Quarter of the Northwest Quarter, Section 34, Township 19 North, Range 12 East, of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the recorded Plat thereof, less and except the South 152 feet thereof **From RS-2 (Residential Single-family District) To CS (Commercial Shopping Center District).**

Application No.: PUD-747

RS-3/OL/CS TO RS-3/OL/CS/PUD

Applicant: DBS Properties, LLC

(PD-18) (CD-8)

Location: 89th and South Yale

STAFF RECOMMENDATION:

Z-6878 December 2002: All concurred in approval for a request to rezone a 200' x 330' tract located north of the northwest corner of East 89th Street South and South Yale Avenue from RS-3 and OL to OL for office use.

PUD-355-C June 2001: All concurred in approval of a proposed Planned Unit Development on a 10± acre tract of land for office use on property located northwest corner of East 91st Street South and South Yale Avenue.

Z-6791/PUD-269-B January 2001: All concurred in approval of a request for rezoning a tract of land from RS-3 to OL and a proposed Major Amendment to a Planned Unit Development to add a 30,000 square foot/3-story office building on property located north and east of East 89th Street South and South Yale Avenue and abutting subject property to the north.

Z-6784 September 2000: All concurred in denial of a request to rezone a lot located north of the northeast corner of East 89th Street and South Vandalia Avenue and east of the subject property, from RS-3 to OL.

PUD-355-B August 2000: All concurred in approval of a request for a Major Amendment to the PUD to establish new Development Areas, decrease the landscaped areas, increase the access points and increase the maximum building floor area on property located west of the northwest corner of East 91st Street and South Yale.

Z-6765 June 2000: All concurred in approval of a request to rezone a .5± acre tract from RS-3 to OL for office use, on property located south of the southwest corner of East 87th Place South and South Yale Avenue.

PUD-355-A December 1999: All concurred in approval of a proposed Major Amendment to add uses permitted by right in a CS district to the east 195' of the south 299' of Phase II tract of the original PUD property and which consisted of five acres west of the northwest corner of East 91st Street and South Yale. The request was to also delete the commercial uses previously approved for the remainder of Phase II.

Z-6715 October 1999: All concurred in approval of a request to rezone a 135' x 305' tract located on the northwest corner of East 89th Street South and South Yale Avenue from RS-3 to OL.

Z-6684 March 1999: All concurred in approval of a request to rezone a tract located north of the northwest corner of East 89th Street and South Yale Avenue from RS-3 to OL for office use.

PUD-354 May 1984: All concurred in approval of a proposed Planned Unit Development on a 14.45± acre tract of land for single-family subdivision with private streets, on property located east of northeast corner of East 91st Street South and Yale Avenue and abutting subject property to the east.

Z-5929/PUD-355 March 1984: A request was filed to rezone a tract of land from RD, RS-3, and CS to OM for an office park development. The tract consisted of four separate lots, and to avoid nonresidential zoning on the property abutting the residential uses on the north and west, staff recommended OL zoning on the lot in the northeast corner and OL zoning on the lot along the north boundary. Both tracts would provide an OL buffer to the residential uses. All concurred in denial of the rezoning on the remainder of the property and approval of the request for a proposed PUD to build an office park within the RS-3, OL, OM and CS underlying zoning.

PUD-269-A September 1982: All concurred in approval of a major amendment to the PUD to reduce the number of office buildings allowed on property; increasing the height of buildings from two story to five stories and increasing the open space from approximately 58% to 65% which would allow for a park-like setting for the building.

Z-5633/PUD-269 November 1981: All concurred in approval of a request to rezone a tract of land from RS-3 to OL/PUD and a proposed Planned Unit Development for office use subject to reducing the amount of OL zoning allowed to approximately 279.4 feet by 880.7 feet along South Yale Avenue with the balance of the tract remaining RS-3.

Z-4197 September 1972: A request for rezoning a 26.76± acre tract of land from AG to RM-2/CS for retail and multi-family uses was recommended for denial by staff. However, all concurred in approval for rezoning the subject tract from AG to RS-3/OL/CS on property located on the northeast corner of East 91st Street South and South Yale Avenue and a part of subject property.

Z-3766 August 1970: A request for rezoning a 10± acre tract of land from AG to CS was recommended for denial by staff, on property located on the southeast corner of East 91st Street South and South Yale Avenue. The TMAPC recommended to the City Commission to approve OL on the south and east 150 feet of tract and CS on the remainder, however the City Commission denied the

CS. The case went to District Court and granted CS uses on RS-3 zoned property (Case number: DC-C-71-728).

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 5± acres in size and is located north of northeast corner East 91st Street South and South Yale Avenue. The property appears to be vacant/wooded and is zoned RS-3/OL/CS.

STREETS:

| Exist. Access | MSHP Design | MSHP R/W | Exist. # Lanes |
|----------------------|-------------------------|-----------------|-----------------------|
| South Yale Avenue | Primary Arterial Street | 120 feet | 3-lanes |

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

SURROUNDING AREA: The subject tract is abutted on the east by single-family residences, zoned RM-1/PUD 354; on the north by a mid-rise office building, zoned OL/PUD 269-B; on the south by mixed retail and office uses, zoned CS and OL; and on the west by a mid-rise office building, zoned OM.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 18 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being medium-intensity, no specific land use and low-intensity, no specific land use. According to the Zoning Matrix, the requested PUD and existing zoning **are** in accord with the Plan

The proposed development plan contemplates three development areas on the 5.25 acre site. The property is zoned a combination of CS on 2.98 acres, OL on 0.941 acres and RS-3 on the remaining 1.328 acres. The development plan reflects a two-story office building on the east with a maximum of 20,000 square feet of floor area, a future retail area with a maximum floor area of 61,476 square feet and limited to two-story height of buildings and a third development area to provide access and possible additional parking.

Mid-rise office buildings are adjacent to the north and to the west across Yale Avenue. The development plan provides a transition to the single-family neighborhood to the east by imposing an 80 foot building setback, a 10 foot landscaped area and an eight foot masonry fence.

Staff finds the uses and intensities of development proposed and as modified by staff to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds PUD-747 as modified by staff, to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the

development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD-747 subject to the following conditions:

1. The applicant's Outline Development Plan and Text be made a condition of approval, unless modified herein.
2. Development Standards:

DEVELOPMENT AREA A

AREA: 1.328 acres 57,860 SF

PERMITTED USES:

Those uses permitted as a matter of right in Use Unit 10, Off-Street Parking Areas; Use Unit 11, Offices, Studios and Support Services.

MAXIMUM BUILDING FLOOR AREA: 20,000 SF

MAXIMUM BUILDING HEIGHT (Not to exceed two stories): 35 FT

OFF-STREET PARKING:

As required by the Use Unit of the Tulsa Zoning Code.

MINIMUM BUILDING SETBACKS:

| | |
|-----------------------------------|----------------------------|
| From the east boundary | 80 FT |
| From the north and south boundary | 60 FT |
| From the west boundary | 60 <u>30</u> FT |

LANDSCAPED AREA:

A minimum of ten percent (10%) of the land area shall be improved as internal landscaped open space in accord with the Landscape Chapter of the Zoning Code and shall include at least ten feet of landscape area just west of the eight-foot masonry screening wall located on the east boundary. In this ten-foot landscape area, clusters of Loblolly Pine trees a minimum of fifteen feet in height will be planted. The location of the pine trees will be located with the approval of the owners of the single-family homes of Lots 34, 35, 36 and 37 in Fox Pointe Addition.

LIGHTING:

1. Parking area light standards in the east half of Area A shall not exceed 14 feet in height and shall be equipped with deflectors directing the light

- downward and away from the east boundary of the property. Height standards on the west half of Area A shall not exceed 20 feet in height.
2. No lighting on the east walls of the office building shall be permitted other than accent and security lighting which shall be hooded and directed downward to prevent spillover lighting into the Fox Pointe subdivision.
 3. All lighting will comply with the Kennebunkport Formula.

TRASH CONTAINERS:

Outside trash containers will be located along the northwest or southwest corner of Development Area A and shall be screened from view from the residential area and roadways.

SIGNS:

Any signage shall comply with the standard of the Tulsa Zoning Code, Section 1103.B.2.

DEVELOPMENT AREA B

AREA:

| | | |
|-------|------------|------------|
| GROSS | 2.98 ACRES | 130,154 SF |
| NET | 2.75 ACRES | 120,154 SF |

PERMITTED USES:

Those uses permitted as a matter of right in the CS, Commercial Shopping District, under the Tulsa Zoning Code as the same exist on September 1, 2007 and accessory uses customarily incident to permitted principle uses.

MAXIMUM BUILDING FLOOR AREA: 61,476 SF

MAXIMUM BUILDING HEIGHT (Not to exceed two stories): 35 FT

OFF-STREET PARKING:

As required by the Use Units of the Tulsa Zoning Code.

MINIMUM BUILDING SETBACKS:

| | |
|------------------------------------|--------|
| From the east boundary | 20 FT |
| From the north and south boundary | 20 FT |
| From the centerline of Yale Avenue | 110 FT |

LANDSCAPED AREA:

A minimum of ten percent (10%) of the land area shall be improved as internal landscaped open space in accord with the Landscape Chapter of the Zoning Code and shall include at least five feet of landscape area just east of the south Yale Avenue roadway dedication.

LIGHTING:

1. Parking area light standards in the east half of Area B shall not exceed 20 feet in height and shall be equipped with deflectors directing the light downward.

TRASH CONTAINERS:

Outside trash containers shall be screened from view from the residential area and roadways.

SIGNS:

Signage shall comply with the standards of the Tulsa Zoning Code, Section 1103.B.2.

DEVELOPMENT AREA C

AREA:

| | | |
|-------|-------------|-------------|
| GROSS | 0.941 ACRES | 40,998.51SF |
| NET | 0.868 ACRES | 37,848.51SF |

PERMITTED USES:

Private roadway access and additional parking for Development Areas A and B.

OFF-STREET PARKING:

As required by the Use Unit of the Tulsa Zoning Code to supplement parking for Development Areas A and B.

LANDSCAPED AREA:

A minimum of ten percent (10%) of the land area shall be landscaped open space.

LIGHTING:

Roadway and Parking area light standards in Area C shall not exceed 14 feet in height and shall be equipped with deflectors directing the light downward.

SIGNS:

One lighted monument sign will be permitted along the South Yale frontage identifying the office and commercial uses in Development Areas A and B not to exceed 64 square feet of display surface area and six feet in height.

3. No zoning clearance permit shall be issued for a lot within the PUD until a detail site plan for the lot, which includes all buildings, pedestrian and vehicular circulation, parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
4. A detail landscape plan for each lot shall be approved by the TMAPC and installed prior to issuance of any occupancy permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved landscape plan for the lot, prior to issuance of an occupancy permit. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.
5. No sign permits shall be issued for erection of a sign on a lot within the PUD until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
6. Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement shall be prohibited.
7. 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.
8. Lighting used to illuminate the subject tract shall be so arranged as to shield and direct the light away from adjacent residential areas. Shielding of such light shall be designed so as to prevent the light-producing element or reflector of the light fixture from being visible to a person standing in the adjacent residential areas or street right-of-way. No light standard nor building-mounted light shall exceed 14 feet in height on the east 80 feet of Development Area A, and 20 feet on the remaining development. All lighting must comply with the Kennebunkport formula.
9. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and any require detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.

10. All private roadways shall have be a minimum of 26' in width for two-way roads measured face-to-face of curb and placed in a reserve area with private maintenance. All curbs, gutters, base and paving materials used shall be of a quality and thickness which meets the City of Tulsa standards for a minor residential public street. The maximum vertical grade of private streets shall be ten percent.
11. The City shall inspect all private streets and certify that they meet City standards prior to any building permits being issued on lots accessed by those streets. The developer shall pay all inspection fees required by the City.
12. No building permit shall be issued until the requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the [City/County] beneficiary to said covenants that relate to PUD conditions.
13. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
14. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.
15. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, nor shall trucks or truck trailers be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers and shipping containers shall not be used for storage in the PUD.

TAC COMMENTS:

General: No comments.

Water: A looped water main extension line required.

Fire: Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122 m) 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.

Exceptions:

1. For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet (183 m).
2. For buildings equipped throughout with an approved sprinkler system the distance requirement shall be 600 feet.

Provide fire hydrants on looped water main extension.

Stormwater: No comments.

Wastewater: Sanitary sewer access must be provided for all proposed lots within the development.

Transportation: No comments.

Traffic: Recommend providing for two exit lanes for a minimum of 80 feet at the main entry. Align the main entry with the existing street on the west side of Yale.

GIS: No comments.

Street Addressing: No comments.

County Engineering: No comments.

TMAPC COMMENTS:

Mr. Harmon read the letter from Mr. Fischer, Tulsa Engineering and Planning, 6737 South 85th East Avenue, 74133, submitted requesting the Planning Commission to consider requiring a mutual access along the Yale frontage somewhere within the first 55 feet of the subject property. In response, Mr. Alberty stated that staff is not recommending approval of the access easement. Staff believes that this should be exactly mutually agreeable between the owners and maybe the applicant would like to address this issue. Typically staff does not impose a mutual access easement on an adjacent property. Staff has required mutual access easements within a development, for example the 7900 Mingo project. The subject property has adequate access and a mutual access easement wouldn't be necessary.

Applicant's Comments:

Dale Penn, representing DBS Properties, LLC, 9175 South Yale Avenue, Suite 100, 74137, stated that he would be happy to answer any questions.

Mr. Marshall asked Mr. Penn if he met with the neighbors. In response, Mr. Penn indicated that Ray Biery met with the neighbors and represented AAA, the land owners. Mr. Penn stated that an agreement with the neighbors was reached. Mr. Marshall stated that there are some good requirements and he appreciates the applicant meeting with the neighbors.

Ray Biery, 10022 South Braden, 74137, representing AAA, stated that prior to the applicant submitting the PUD he met with four of the adjoining properties, Mr. and Mrs. Harvey Young, Mr. and Mrs. Logan Jones, Mrs. Hood and Elizabeth Colten. He indicated that three of the four property owners were in favor of the development. Mr. Biery commented that Mr. Jones didn't seem to be totally against the development, but did not authorize him to represent him as being for the project. Mr. Biery stated that he also met with the Fox Pointe Subdivision President of the Board and they have no objection to the development.

Interested Parties Comments:

Russell Fischer, Tulsa Engineering and Planning, 6737 South 85th East Avenue, 74133, representing the property owner of Lot 2, Block 1, Ross Laxson, stated that his client is requesting that a stipulation be made for the mutual access that would go across the frontage of the property along Yale Avenue. Mr. Fischer cited the existing developments near the intersection and the mutual accesses that were provided as the area developed. Mr. Fischer stated that to have the mutual access seems to make very good sense and all zoning is CS on both sides of the subject property.

Mr. Fischer discussed the street improvements and indicated that a new raised median has been constructed and left-hand turns are impossible. He concluded that he wanted to put this in front of the Planning Commission and hopefully get the stipulation that a mutual access would be beneficial across the subject property and Mr. Laxson's property.

TMAPC COMMENTS:

Mr. Ard stated that he understands Mr. Fischer's concern and he urged him to continue to have conversations with the developer regarding the mutual access agreements since the Planning Commission can't force this on the subject development.

Interested Parties Comments:

Logan Jones, 8920 South Braden Avenue, 74137, stated that he is one of the property owners who abut the proposed development. He agrees that no one has opposed the development of the subject property, but he does object to Mr. Biery's statement that no one opposes this specific development. The neighbors do not want to stand in the way of progress, but they do want to stand in the way of an unnecessary development that will impede their property values. Mr. Jones stated that the other abutting neighbors asked him to deliver what they consider their reservations about what is going to happen to the subject property. Mr. Jones commented that when he purchased his land he looked at what the zoning requirement was and realized that he was abutting a piece of property that was zoned for residential use (single-family homes). Today's proposal is to erect an office building that is beyond the scope of what anyone in the neighborhood originally thought would happen here. Mr. Jones cited concerns with maintenance and requirements that will come with the subject building. He expressed concerns with noise pollution and light pollution. Mr. Jones submitted photographs of his neighborhood (Exhibit E-2). Mr. Jones stated that a person in a two-story building would be able to see into his home, and as a parent he is concerned about that. The proposed building is going to be set back substantially and there is a concern for trucks and vendors coming and going and a security issue for after hours and the possibility of vandalism. Mr. Jones expressed concerns with the existing trees and vegetation being removed for development. Mr. Jones concluded that there are an abundance of properties in

the subject are currently zoned for office use that are available, which would be ready for development immediately and there is no need for this development.

TMAPC COMMENTS:

Ms. Cantrell stated that she has been to the subject area and she doesn't see how the subject property would ever be developed as RS-3. She believes that an office use is better than other possibilities. She explained that if the subject property were brought to the Planning Commission for a rezoning, she would be in favor of the rezoning because it is isolated and she doesn't see it ever being developed for single-family residential.

Ms. Cantrell asked Mr. Jones, knowing this would be an office development, what type of protections he would like to see. She believes the developer has taken a lot of steps to assure that this would not be harmful to the neighborhood. Mr. Jones stated that the major concern that he has is protecting the environment that is why he is here today. The existing environment creates a privacy barrier between the homes and the subject property. He explained that the overgrown vegetation prevents the Quik-Trip, Sonic and other businesses from impacting their homes. The light from all of these businesses is absorbed by the vegetation. Mr. Jones stated that it was presented to him that there would only be ten feet of landscaped area between his property and the proposed parking lot, which would not give him very much privacy.

Ms. Cantrell stated that there will be an eight-foot masonry screening wall in addition to planting pine trees. The idea is that this would replace the other growth. The applicant will have to submit a landscaping plan, which will be reviewed to make sure that every requirement is met and that sufficient buffer is being provided. In response, Mr. Jones stated that there is only ten feet of an area to plant these plantings and it will not create that much of a privacy barrier. Mr. Jones commented that he would prefer that the applicant be required to replicate the existing vegetation within the ten-foot barrier. He would be in agreement with this plan, but he believes that would be cost prohibitive.

Mr. Marshall stated that he agrees with Ms. Cantrell that this property is landlocked and it would difficult to get back in that area to build houses. If a house were built, then there would be 35 feet in height allowed, and the office building is proposing 35 feet in height. A house would have a 20-foot rear yard requirement and the trees that a house would be required to put in would be within the ten-foot fence and they wouldn't have to build an eight-foot masonry fence. The developer is giving the adjacent homeowners some protections. In response, Mr. Jones stated that the primary deviation is that when he purchased his home, he understood that the subject land existed and was zoned for single-homes only. Mr. Marshall stated that office zoning is one of the ways that is really compatible with residential and the building is located 80 feet from the residential properties with a parking lot in between. In response, Mr. Jones stated that another concern is having an anonymous office property owner rather

than a homeowner to whom one could speak to over the fence about maintaining property. An additional concern is that the submitted plan is not a 100% guarantee that it will be the final outcome.

Ms. Cantrell stated that the RS-3 zoning will remain on the subject property and the PUD is an overlay. If anything should change, then the only thing the property owner could use on the subject property is office or parking. If ownership should change and they wanted to change the use, it would require returning to the Planning Commission and meet the same requirements. A PUD gives neighbors more protection than straight zoning. Technically, the subject property will not develop as residential homes. Zoning changes and people have a right to ask for a zoning change. The Planning Commission can only offer to give as much protection as possible for the surrounding neighborhoods.

Applicant's Rebuttal:

Mr. Biery stated that the adjacent homeowners will not be able to see the top of the roof of the proposed building from their backyards. A person at the second story windows from Mr. Jones's house will be able to see the building, but standing in the backyard one would not be able to see the building.

Mr. Biery stated that he has no knowledge of anyone approaching AAA about a mutual access easement. Mr. Biery cited the length of time he has represented the property owners and the development/sale of the subject property. Mr. Biery explained that the existing GRC building was built before Fox Pointe was built and AAA had planned to build on the subject property back in the 80's but things have now changed. Office use is a compatible use and all of Mr. Jones's neighbors purchased homes behind buildings.

Mr. Biery stated that regarding Mr. Laxson's property has been proposed for a car wash and the subject property is proposed to be a high-end development. He is not sure that the uses would be compatible. He understands that Mr. Laxson is trying to sell his property and there no way of knowing what the user will be. Until those things are understood, it may be advantageous to both properties to work out cross easements, but if they are not compatible; there shouldn't be a burden put on the subject property. The access for the existing commercial businesses, Sonic, Quik-Trip and Bridgestone Firestone store, is a dedicated easement that was established when it was under one ownership.

Mr. Biery indicated that the developers of the subject property are owner/occupants of the proposed building. It is not a speculative building and it is designed.

TMAPC COMMENTS:

Ms. Cantrell asked Mr. Biery if he would be willing to increase the landscape buffer area. In response, Mr. Biery stated that he would prefer not to because there is an eight-foot tall masonry wall and ten feet is more than adequate with

trees 15 feet in height and at the time of planting meet with the adjacent homeowners regarding placement. To impose a larger landscape would do no good. Mr. Biery cited similar development throughout Tulsa and homes continue to be built next to offices and increase in value.

Applicant's Rebuttal:

Mr. Penn stated that he and Brian Hendershot will be occupying the entire proposed building for general light office, hours 8:00 a.m. to 5:00 p.m., Monday through Friday with virtually no Saturday or Sunday activity. No operations will be at night with very low retail use. He explained that he and Mr. Hendershot live close to the subject property and there are not a lot of sites that will fit the proposed building that is needed. This site is great and can be tucked away in the back for a quiet place surrounded by trees.

TMAPC COMMENTS:

Mr. Marshall asked if there would be any light poles in the back. In response, Mr. Penn stated that if there are, the proposal is to face them toward the building to cover the lot and shield them to prevent light diffusion toward the neighbors.

Mr. Marshall asked Mr. Penn if he would be willing to keep the light poles at 13 feet in height rather than 25 feet. In response, Mr. Penn stated that he thought staff was recommending 14 feet in height. Mr. Alberty confirmed that staff is recommending 14 feet in height and it must meet the Kennebunkport Formula.

Mr. Harmon stated that if you look at the surrounding properties, this request is not unreasonable. The PUD will give the adjacent neighbors protection.

In response to Mr. Sparks, Mr. Alberty stated that the third development area will be used for access and parking only. He further stated that the applicant is not sure they will need it for additional parking.

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 recommend **APPROVAL** of PUD-747 per staff recommendation.

Legal Description for PUD-747:

SOUTH 263 FEET OF NORTH 854.88 FEET OF WEST 880.77 FEET OF SOUTH HALF OF SOUTHWEST QUARTER OF SECTION 15, T-18-N, R-13-E, IBM, TULSA COUNTY, STATE OF OKLAHOMA, LESS WEST 60 FEET THEREOF; From RS-3/OL/CS (Residential Single-family District/Office Low Intensity District/Commercial Shopping Center District) To RS-3/OL/CS (Residential Single-family District/Office Low Intensity District/Commercial Shopping Center District/Planned Unit Development [PUD-747]).

Application No.: Z-7078

RS-3 to IL

Applicant: John L. Shafer, III, PC

(PD-18c) (CD-6)

Location: 4849 South Mingo Road

STAFF RECOMMENDATION:

Z-6965 December 2004: All concurred in approval of a request for rezoning a 1.34+ acre tract of land from RS-3 to IL on property located Southeast corner East 48th Street South and South Mingo Road.

Z-6657 October 1998: All concurred in approval of a request for rezoning a tract of land from RS-3 to IL on property located north of northwest corner of East 51st Street and South 101st East Avenue.

Z-6654 August 1998: A request to rezone the tract adjoining the subject tract on the south and on the northwest corner of E. 51st Street S. and S. 101st East Avenue from RS-3 to IL has been recommended for approval of IL zoning by staff and TMAPC. The request is pending final action by the City Council within the next two weeks.

Z-6555 October 1996: All concurred in approval of a request to rezone a 110' x 125' tract located east of the northeast corner of E. 51st Street S. and S. Mingo Road and west of the subject tract from RS-3 to IL for a dental office.

Z-6487 June 1995: All concurred in approval for a request to rezone property at the southeast corner of East 47th Place and South Mingo Road from RS-3 to IL.

Z-6486 June 1995: All concurred in approval of a request for rezoning a .8+ acre tract of land from RS-3 to IL to enlarge the existing educational facility on the property located north of northeast corner of East 51st Street South and South Mingo Road.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately .72+ acres in size and is located north of northeast corner of East 51st Street and South Mingo Road. The property appears to be a parking lot and is zoned RS-3.

STREETS:

| Exist. Access | MSHP Design | MSHP R/W | Exist. # Lanes |
|----------------------|--------------------|-----------------|-----------------------|
| South Mingo Road | Secondary arterial | 100' | 4 |

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

SURROUNDING AREA: The subject tract is abutted on the east by an industrial area, zoned IL; on the north by open space, a parking lot and a mixed industrial/commercial/office area, zoned IL; on the south by mixed industrial/office and commercial uses and a school, zoned IL; and on the west by multifamily residential uses, zoned RM-2 and mixed industrial/commercial/office uses, zoned OM.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 18 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being Special District 1 - Industrial. According to the Zoning Matrix, the requested IL zoning **may be found** in accord with the Plan by virtue of its location in a Special District. District 18 Plan policies call for future industrial development and redevelopment to occur within this area.

STAFF RECOMMENDATION:

This is clearly an "island" remaining in an area that is transitioning into industrial uses. Based on the District 18 Plan, surrounding development and trends in the area, staff recommends **APPROVAL** of IL zoning for Z-7078.

TMAPC COMMENTS:

Ms. Cantrell stated that she understands this is adjacent to a nursery school and if an industrial use goes in would there be any fencing requirements. In response, Ms. Matthews stated that it is zoned industrially and the screening is required if it is adjacent to a residential piece of property. Ms. Matthews stated that Miss Helen's Nursery School went in knowing that they were zoned industrially and surrounding by industrial uses. Ms. Matthews commented that she believes that the reason for the location of the school was because a lot of their clients live in the area.

Applicant's Comments:

John Shafer, 5918 East 81st Street South, 74136, stated that he is in agreement with staff's recommendation. He explained that he is the attorney for Miss Helen's Private School, Inc., which owns the adjacent property as well. The property was purchased as RS-3 and rezoned to IL in 1995. Miss Helen's subsequently purchased the subject parcel in 1998 and it was zoned RS-3 as well and are now trying to bring it into a consistent classification with the adjacent property so that it can be developed consistently. Currently the subject property is being used as a parking lot and it is a nonconforming use. He requested that the staff recommendation be approved and rezoned as IL.

There were no interested parties wishing to speak.

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 recommend **APPROVAL** of the IL zoning for Z-7078 per staff recommendation.

Legal Description for Z-7078:

A TRACT OF LAND DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT 208 ¾ FEET SOUTH OF THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SW/4 SW/4) OF SECTION 30, T-19-N, R-14-E, TULSA COUNTY, OKLAHOMA; THENCE EAST 208 ¾ FEET TO A POINT; THENCE SOUTH 150 FEET TO A POINT; THENCE WEST 208 ¾ FEET TO A POINT; THENCE NORTH 150 FEET TO THE POINT OF BEGINNING, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF; **From RS-3 (Residential Single-family District) To IL (Industrial Light District).**

Application No.: Z-7024

AG to CO

Applicant: Tulsa Engineering & Planning

(PD-18) (CD-8)

Location: South of the southwest corner East 81st Street and South Garnett Road

STAFF RECOMMENDATION:

PUD-716/Z-6989 July 2005: All concurred in approval for a request to rezone a 9.37+ acre tract of land and a Planned Unit Development from CO to CS/PUD for commercial development and approved per staff recommendation.

PUD-666 August 2002: Approval was granted for a Planned Unit Development on a ten-acre tract located on the northwest corner of East 81st Street and South 113th East Avenue from RM-0 and CS to PUD for commercial development.

PUD-663 June 2002: A request to rezone a 26-acre tract located north and west of the subject property on the north side of East 81st Street, from CO to CO/PUD-663. The PUD was approved for a recreation and sporting goods store, boat sales, and other retail and office uses.

PUD-569-A/Z-6054-SP-5 November 1999: The TMAPC denied the request for a major amendment to PUD-569 and a Corridor Site Plan for an outdoor advertising sign in Development area C. The applicant appealed the decision of the TMAPC to the City Council and upon review approved the application.

PUD-569/Z-6054-SP-3 December 1997: All concurred in approval of a request for a corridor site plan and Planned Unit Development on a 30.7-acre tract abutting the subject property on the west for a mixed use development.

Z-6054 July 1985: All concurred in approval of CO zoning on a 137-acre tract that included the subject property and located in the southeast corner of East 81st Street and Mingo Valley Expressway.

BOA-9717 November 3, 1977: The Board of Adjustment approved a Special Exception to allow a mobile home in an AG District for a period of 3 years located on the subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 20± acres in size and is located south of the southwest corner East 81st Street and South Garnett Road. The property is vacant and is zoned AG.

STREETS:

| Exist. Access | MSHP Design | MSHP R/W | Exist. # Lanes |
|------------------------------|--------------------|-----------------|-----------------------|
| East 81 st Street | Secondary Arterial | 100' | 2 lanes |

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA: The subject tract is abutted on the east by mixed commercial/office uses, zoned R-1 in Broken Arrow; on the north by vacant and large-lot residential land, zoned CO and PUD-716; on the south by single-family residentially used land, zoned CO; and on the west by residential and mixed uses, zoned PUD-569-A. To the southeast is Golf World, zoned PUD-117 in Broken Arrow.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 18 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area Corridor. According to the Zoning Matrix, the requested CO is in accord with the District Plan.

STAFF RECOMMENDATION:

Based on the Comprehensive Plan and other uses in the area, staff can support the requested rezoning and recommends **APPROVAL** of CO zoning for Z-7024.

There were no interested parties wishing to speak.

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 recommend **APPROVAL** of the CO zoning for Z-7024 per staff recommendation.

Legal Description for Z-7024:

The south 660 feet of the north 1415 feet of the east 1320 feet of the NE/4 of Section 18, T-18-N, R-14-E, of the Indian Meridian, according to the U.S. Government Survey thereof; **From AG (Agriculture District) To CO (Corridor District).**

Application No.: PUD-533-B-2

MINOR AMENDMENT

Applicant: Sack & Associates

(PD-5) (CD-5)

Location: Northeast corner of 27th Street South and Skelly Drive (I-44) service road

Applicant's Comments:

Ted Sack, 111 South Elgin, 74120, stated that he has an application before the Planning Commission for a minor amendment to the PUD. He understands staff's concern about there not being any floor area left. The underlying zoning on the subject property is zoned CS and there is plenty of floor area that is available. He requested a continuance to December 5, 2007. This will allow him to re-advertise and allocate additional 1800 square feet to the subject lot. He believes that by doing this it would meet staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, TMAPC voted **7-0-0** (Ard, Cantrell, Harmon, Marshall, Midget, Shivel, Sparks "aye"; no "nays"; none "abstaining"; Cantees, Carnes, McArtor, Miller "absent") to **CONTINUE** the minor amendment for PUD-533-B-2 to December 5, 2007.

OTHER BUSINESS:

Application No.: AC-083

**ALTERNATIVE
COMPLIANCE**

Applicant: Tanner Consulting, LLC

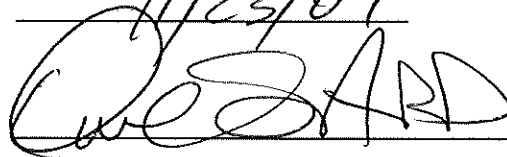
(PD-18c) (CD-8)

Location: Northwest of northwest corner of East 81st Street South and South Mingo Road

Withdrawn by the applicant.

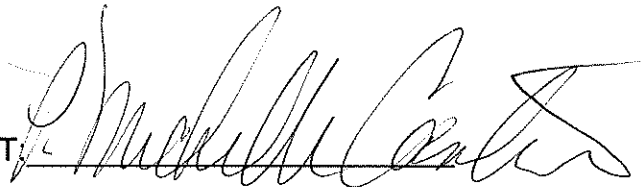
There being no further business, the Chair declared the meeting adjourned at 3:25 p.m.

Date Approved:

11/23/07


Chairman

ATTEST



Secretary