

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 2561

Wednesday, September 23, 2009, 1:30 p.m.

City Council Chambers

One Technology Center – 175 E. 2nd Street, 2nd Floor

Members Present	Members Absent	Staff Present	Others Present
Cantrell		Alberty	Boulden, Legal
Carnes		Feddis	Steele, Sr. Eng.
Dix		Fernandez	
Leighty		Huntsinger	
Liotta		Matthews	
Marshall		Sansone	
McArtor			
Midget			
Shivel			
Walker			
Wright			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, September 18, 2009 at 8:05 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 Cantrell called the meeting to order at 1:30 p.m.

REPORT:

Director's Report:

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

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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.

1. **LC-209** – James Shelby Navarro (9202)/Lot Combination (PD 1) (CD 4)
East of North Main Street and north of East Cameron Street, 302 North Boston Avenue
2. **Change of Access** – (2392) 1115 West 41st Street (PD 9) (CD 2)
East of U.S. 75, north of 41st Street

STAFF RECOMMENDATION:

This application is made to allow a change of access to add access along East 41st Street South. The property is zoned IM (Industrial Medium).

The Traffic Engineer has reviewed and approved the request. Staff recommends **APPROVAL** of the change of access as submitted for 1115 West 41st Street.

3. **Change of Access** – (2483) South Town Market, Lot 4 (PD 18 C) (CD 8)
East of South Memorial, north of East 101st Street South

STAFF RECOMMENDATION:

This application is made to allow a change of access to the north and delete the existing access along South Memorial Drive. The property is zoned PUD-411-C-12.

The Traffic Engineer has reviewed and approved the request. Staff recommends **APPROVAL** of the change of access as submitted for South Town Market, Lot 4.

4. **Place 41** – (9319) Final Plat (PD 6) (CD 9)
North of East 41st Street South, and east of South Utica

STAFF RECOMMENDATION:

This plat consists of five lots in one block on 2.07 acres.

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

5. **The Offices at Holland Lake** – (8310) Final Plat (PD 18) (CD 8)
East of Yale Avenue, north of East 81st Street South

STAFF RECOMMENDATION:

This plat consists of five lots in one block on 2.71 acres.

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

6. **PUD-636-5 – Architects Collective/The Villas at Nickel Creek** (PD-8) (CD-2)

North of the northwest corner of West 81st Street South and U.S. 75/7805 South Union Avenue (Minor Amendment to establish sign standards for the Nickel Creek Apartment complex in Development Areas B, D, and E.)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to establish sign standards for the Nickel Creek Apartment complex located in Development Areas B, D, and E of PUD-636. The original approval of the PUD did not establish sign standards for these development areas in which the underlying zoning is Corridor (CO).

The apartment complex does not cover the entirety of the development areas in question, so the proposed sign standards would be applicable to the Nickel Creek Apartments only. Should other development occur within these development areas the sign standards will be addressed through the PUD chapter of the zoning code.

Proposed sign standards are as follows (see attached exhibits):

1. One 39 square foot (SF) wall sign in Development Area B;
2. One 48 SF monument style ground sign not to exceed 6' in height at the access point along Union Avenue in Development Area B; and
3. One 31 SF monument style ground sign not to exceed 6' in height at the access point along 78th Street in Development Area D.

The proposed sign standards are within the limits of the PUD chapter of the code, as well as, within the limits of the underlying Corridor District zoning and do not substantially alter the character of the development nor the intent of the approved PUD concept plan. Therefore, staff recommends **APPROVAL** of minor amendment PUD-636-5.

Note: Approval of a minor amendment does not constitute detail site, landscape or sign plan approval.

TMAPC COMMENTS:

Ms. Cantrell stated that Items 7, 8 and 9 are being removed from the consent agenda in order to allow for an abstention.

The Planning Commission considered the consent agenda.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, McArtor, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; Midget "absent") to **APPROVE** the consent agenda Items 1 through 6 per staff recommendation.

Mr. Midget in at 1:35 p.m.

CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA:

7. **AC-090 – C. Dwayne Wilkerson/HROAK/QuikTrip** (PD-17) (CD-6)

Southwest corner East 51st Street South and South 129th East Avenue (Landscape Alternative Compliance to relocate tree plantings due to obstructions, and add five additional planting beds.)

STAFF RECOMMENDATION:

The applicant is seeking approval of an alternative compliance landscape plan at the above described location. The proposed landscape plan does not meet the technical requirements of Chapter 10 of the Zoning Code in that it fails to meet the required number of trees located in the street yards along 129th East Avenue and 51st Street South.

Street trees along the 129th East right-of-way (ROW) are limited by the presence of overhead power lines, an exiting outdoor advertising sign and by how much of the street frontage the access points will occupy as required by the Subdivision Regulations (approximately 33%). Also, there are significant underground waterlines and the presence of a sanitary sewer that could prevent the proper installation of irrigation as required by Chapter 10. Three trees will be planted within this street yard. The applicant is not seeking a waiver of the trees

altogether and is proposing to plant the required trees along the Broken Arrow Expressway right-of-way.

With respect to the 51st Street frontage the applicant is seeking to relocate three of the required trees along the frontage to the west side of the parking lot. The applicant is proposing to plant eight Honey Locust trees along the 51st Street frontage. The Honey Locust tree is known to achieve a canopy width of 25-35 feet wide which will allow eight trees to be planted on center along the frontage and still allow for each canopy to achieve full growth potential.

Additionally five planting beds will be installed containing 331 Crimson Pygmies, 129 Needle Point Hollies and two Crape Myrtles.

Staff contends that the proposed alternative compliance landscape plan will achieve the intent of Section 1000 of the Code. Also, it is staff's opinion that as required by Section 1003-D of the Code, the proposed plan meets or exceeds the technical requirements of Chapter 10 of the Code and therefore recommends **APPROVAL** of alternative compliance landscape plan AC-90.

There were no interested parties wishing to speak.

TMAPC Action; 11 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-1** (Cantrell, Carnes, , Leighty, Liotta, Marshall, McArtor, Midget, Shivel, Walker, Wright "aye"; no "nays"; Dix "abstaining"; none "absent") to **APPROVE** the landscape alternative compliance for AC-090 per staff recommendation.

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8. **AC-089 – C. Dwayne Wilkerson/HROAK/QuikTrip** (PD-5) (CD-5)

Northeast corner East 21st Street South and South Memorial (Landscape Alternative Compliance to substitute planting materials not on Zoning Code list; vary required distance of parking spaces from landscaped areas.)

STAFF RECOMMENDATION:

The applicant is requesting TMAPC approval of an alternative compliance landscape plan in conjunction with the construction of a new QuikTrip® (QT) store at the above described location. Referring to the attached case map aerial photograph, this project is an infill development proposal which will appear to greatly improve a currently vacant and under utilized CS zoned tract at a major intersection.

The proposed landscape plan does not meet the technical requirements of Chapter 10 of the Zoning Code in that there are not enough approved trees in the street yard along Memorial Drive. While the number of trees being planted will exceed the required amount by five trees, the proposed Wax Myrtles do not appear on the approved tree list within Chapter 10 of the Code. However, since these trees are known to grow to 20' in height with flowers at the extremities staff contends the Wax Myrtle is a viable alternative given the aesthetic improvement this will provide to the site over existing conditions.

Also, four parking spaces at the back and four at the front of the store are not within 50' of a landscaped area. This is generally true of almost every QT store given the general design of the building with its very long rectangular shape. Since this represents eight spaces out of 40 proposed parking spaces staff does not view this as detrimental to the stated purposes of Section 1000 of the Code as stated below.

Section 1103-D of the Code states that the Planning Commission may review alternative compliance landscape plans and determine that, although not meeting the technical requirements of the chapter, it is equivalent to or better than the requirements of the Landscape Chapter of the Code. Staff has reviewed the proposed plan and believes that approval of the plan will not limit the reasonable preservation and replenishment of valued trees and vegetation within the city; the plan will still aid in establishing ecological balance by contributing to air purification, oxygen regeneration, ground water recharge and will not retard stormwater runoff; and can achieve a meaningful urban forest while permitting economically feasible urban development to occur (Section 1000-A, City of Tulsa Zoning Code).

Therefore, staff recommends **APPROVAL** of alternative compliance landscape plan AC-89.

There were no interested parties wishing to speak.

TMAPC Action; 11 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-1** (Cantrell, Carnes, , Leighty, Liotta, Marshall, McArtor, Midget, Shivel, Walker, Wright "aye"; no "nays"; Dix "abstaining"; none "absent") to **APPROVE** the landscape alternative compliance for AC-089 per staff recommendation.

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9. **AC-091 – C. Dwayne Wilkerson/HROAK/QuikTrip** (PD-6) (CD-9)

Southwest corner of 36th Street South and South Peoria Avenue
(Landscape Alternative Compliance to install 13 new trees on the lot and
preserve two large mature trees along the west boundary of the site.)

STAFF RECOMMENDATION:

The applicant is seeking approval of an alternative compliance landscape plan for the remodel of the QuikTrip® lot located at the above-referenced location. The proposed landscape plan does not meet the technical requirements of Chapter 10 of the Code in that four parking spaces at the front of the store will not be within 50-feet of a landscaped area as required by Section 1002, B-1 of the Code. This is true of many of the local QuikTrip stores given the long, narrow rectangular design of the stores.

This property is located in a CH district with no setback requirement from the street right-of-way (ROW). As a result, there is no street yard setback and therefore no required trees along the street frontage. The required trees for the lot are then limited to the requirement of Section 1002, C-2 which states there will be one tree planted for every 12 parking spaces provided. Since there are 32 parking spaces provided the tree requirements for the lot are limited to three trees.

In order to compensate for the spaces that are not within 50-feet of a landscaped area and in an effort to meet or exceed the requirements of Chapter 10 of the Code as prescribed by Section 1003, D of the Code, the applicant is proposing to install 13 new trees on the lot. In addition, the applicant will preserve two large mature trees along the west boundary of the site.

Staff feels that the proposed plan fulfills the intent and purpose of Section 1000 of the Landscape Chapter of the Code. In addition it is staff's opinion that the proposed plan meets or exceeds the technical requirements of Chapter 10 of the Code and therefore recommends **APPROVAL** of alternative compliance landscape plan AC-91.

There were no interested parties wishing to speak.

TMAPC Action; 11 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-1** (Cantrell, Carnes, , Leighty, Liotta, Marshall, McArtor, Midget, Shivel, Walker, Wright "aye"; no "nays"; Dix "abstaining"; none "absent") to **APPROVE** the landscape alternative compliance for AC-091 per staff recommendation.

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Ms. Cantrell read the opening statement and rules of conduct for the TMAPC meeting.

PUBLIC HEARING

10. **Z-7140/Z-7140-SP-1 – Roy Johnsen** **AG to CO**
South of southwest corner of South Maybelle Avenue and West 81st Street South (Corridor Plan for a single-family residential development with a maximum of 185 dwelling units in two development areas and private streets.) (PD-8) (CD-2)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 11827 dated June 26, 1970, established zoning for the subject property.

RELEVANT ZONING HISTORY:

Z-7116/PUD-765 February 2009: All concurred in approval of a request for rezoning a 4.64± acre tract of land from AG to CS/PUD for retail use on property located on the southwest corner of Highway 75 South and West 81st Street South.

Z-7115/Z-7115-SP-1 February 2009: All concurred in approval of a request for rezoning a 25.97± acre tract of land from AG to CO and a Corridor Site Plan for mixed use development with retail, office, hotel and multifamily, on property located at the southwest corner of Highway 75 South and West 81st Street South and northwest of subject property.

BOA-20857 February 10, 2009: The Board of Adjustment accepted a verification of spacing requirement between outdoor advertising signs subject to the action of the Board being void should another outdoor advertising sign be constructed prior to this sign per surveyor's certificate on page 10.6, on property located at the southeast corner of West 81st Street and Highway 75 and abutting north of subject property.

Z-7083/Z-7083-SP-1 January 2008: All concurred in approval of a proposed Corridor Site Plan on a 12± acre tract of land for the Tulsa Hills South development including multiple commercial, mixed use developments on property located on the northeast corner of West 91st Street South and U. S. Highway 75.

PUD-739 June 2007: All concurred in approval of a proposed Planned Unit Development on a 25± acre tract of land for a single-family development on

property located on the northwest corner of West 81st Street South and South Elwood Avenue.

PUD-694-B/Z-6916-SP-3 January 2007: All concurred in approval of a proposed Major Amendment to a Planned Unit Development on a 8.3± acre tract of land to reallocate and approve Use Unit 21 from Development Area A (Lot 1) to Development Area B (Lot 2) in order to meet the 1,200 foot spacing requirement for an outdoor advertising sign, on property located north of the northwest corner of West 91st Street and Highway 75 South.

Z-7008-SP-1/Z-6966-SP-1/Z-6967-SP-1 March 2006: All concurred in approval of a Corridor Site Plan on 176± acres to permit a regional shopping center known as the Tulsa Hills site with a total of 1,554,194 square feet of maximum building floor area approved at a .25 floor area ratio, on property located east of US Highway 75 between West 71st and West 81st Streets.

PUD-694-A/Z-6916-SP-2 September 2005: A request for a major amendment to a PUD on a 4.61± acre tract to allow a Use Unit 16 to permit a mini storage was approved on property located north of the northwest corner of West 91st Street and Highway 75 South.

Z-6916/PUD-694 December 2003: Approval was granted for rezoning request and a PUD on property located north of the northwest corner of West 91st Street and Highway 75 South. CS zoning was approved on the south 467' of the subject property and CO zoning was approved on the balance. PUD-694 was also approved subject to Use Unit 15 being removed as an allowable use.

PUD-636/Z-5457-SP/Z-4825-SP October 2000: All concurred in approval for a proposed Planned Unit Development, on a 108± acre tract of land for a mixed use development including single-family townhouse dwellings, multifamily and commercial uses subject to conditions of the PUD located on the northwest corner of West 81st Street South and South Highway 75.

Z-4948-SP-3 March 2000: All concurred in approval of a proposed Corridor Site Plan on a 7.26± acre tract of land to allow Use Unit 9 to place a 14'x70' mobile home on the site for residence for an employee/security/additional office and storage space, on property located south of the southeast corner of West 81st Street South and South Union Avenue and abutting west of subject property across Highway 75.

Z-4948-SP-2 January 1999: Staff recommended denial of a proposed Corridor Site Plan on a 4.7± acre tract of land allowing Use Unit 21 for an outdoor advertising sign, on property located south of the southeast corner of West 81st Street South and South Union Avenue and abutting west of subject property across Highway 75. The TMAPC and City Council concurred in approval of the application.

Z-4948-SP-1 October 1985: All concurred in approval of a proposed Corridor Site Plan on a 14.94+ acre tract of land allowing Use Units 11 and 15 for an x-ray company, on property located south of the southeast corner of West 81st Street South and South Union Avenue and abutting west of subject property across Highway 75.

Z-5993/PUD-377 November 1984: All concurred in approval of request for rezoning a 2.06+ acre tract of land from RS-3 to OL/CS/PUD and a proposed Planned Unit Development for a printing and graphic art reproduction & associated sales business on property located on the southwest corner of West 81st Street South and West Union Avenue.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 41.02+ acres in size and is located south of southwest corner of South Maybelle Avenue and West 81st Street South. The property appears to be vacant and is zoned AG.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Maybelle Avenue	N/A	N/A	2

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

SURROUNDING AREA: The subject tract is abutted on the east by largely vacant land, zoned AG with residential single-family uses along Maybelle Ave.; on the north by vacant land, zoned AG; on the south by vacant land, zoned AG; and on the west by U.S. 75.

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 within a Corridor, a designation generally for higher intensity types of development. According to the Zoning Matrix, the requested CO zoning is in accord with the Plan.

STAFF RECOMMENDATION FOR ZONING:

Staff has some concerns regarding new single-family residential development within areas that were originally planned for more intense development, typically mixed uses. If approved, this application may be setting the precedent for no or limited medium intensity uses on the north, south and east of the property in the future. Conversely, should medium intensity developments be approved adjacent to this site in the future, there is the potential to adversely affect this development. However, if the TMAPC deems the accompanying Corridor Site Plan appropriate, staff can recommend **APPROVAL** of CO zoning for Z-7140.

STAFF RECOMMENDATION FOR CORRIDOR SITE PLAN:

Corridor District Site Plan #Z-7140-SP-1, also known as Hyde Park, is a 41.02 gross acre tract (39.49 net acres). Concurrently with this application is re-zone application #Z-7140, requesting a change from AG zoning to Corridor (CO) zoning. Approval of this Corridor plan would be contingent upon the TMAPC approving the aforementioned rezone request.

Existing topography of the site is gently rolling with the high point of the property having an elevation of 717' and located in the south central portion of the project site. The site gently slopes from the high point to three low points located at the northeast, southeast and southwest corners of the site with elevations of 680', 681' and 690' respectively. Based on discussions with the City Stormwater Management team, three on-site detention facilities are required each being located in the general area of the site's low points. Exhibit A depicts a pond in the northeast corner of the site. This pond is proposed to maintain a static water level and will serve as an amenity and aid in necessary on-site detention. The detention facilities located in the southeast and southwest portions of the property are proposed as dry detention ponds.

Referring to Exhibit A, the proposed corridor district plan is for a single-family residential development with a maximum of 185 dwelling units in two development areas and private streets. Development Area A would have 55' x 100' lots while Development Area B would have 45' x 100' lots.

Principal access to the development would be from Maybelle Avenue with a secondary point of access in the southwest portion of the site that will have a crash gate providing only restricted emergency access to a future roadway. Per TAC recommendation, Maybelle Avenue will be improved to City Standards and sidewalks required along Maybelle Avenue and on both sides of interior streets per subdivision regulations.

Staff understands that the intent of the developer is to have smaller sized, low maintenance lots while providing maximum common open space with amenities such as a pool and pool/house, tennis courts, putting green, water features, landscaping and walking trails. There will be a fully screened area located in the northeast corner of the site that will have a maintenance barn and small amount of associated parking for use in storing the equipment necessary to maintain the common/open spaces. A homeowners association will be formed responsible for the maintenance of all common areas including private streets.

A 6' privacy wall would surround the site with an 8' section along Highway 75 used as a buffer. The section along Highway 75 would be of masonry construction with the remainder being wood and masonry.

The Corridor Site Plan is submitted to establish a conceptual site plan with designation of development areas, allocation of uses and intensity of uses,

development standards and use conditions. The entire site will be platted and will be submitted to and approved by the Tulsa Metropolitan Area Planning Commission and accepted by the Tulsa City Council, and constitute the required detail site plan. Detail site plan review will be required for the perimeter wall/fence, the entry gate and guard house if proposed, the pool and pool house, and the proposed maintenance barn.

Staff has reviewed the proposal, conducted site visits and has some reservations about residential development within districts that are targeted by the Comprehensive Plan as being planned for more intensive, mixed use developments under the corridor designation. While residential development is permitted in CO districts and this proposal is well within the limits of density permitted for residential uses in the Corridor District, approval of this application may limit future medium to high intensity development to the north and south. Also, the future approval of medium to high intensity development adjacent to this site could have a negative impact on this development.

However, staff does recognize the following factors specific to this site:

- The amount of commercial development approved along Highway 75, from the Interstate-44/U.S. Highway 75 interchange to West 81st Street South, including the Tulsa Hills Regional Shopping Center. Residential development would seem appropriate to help further support these areas;
- Proximity to larger-lot, residential single-family development to the east and northeast; and
- That the approximate 51-acre tract located south of the subject tract, at the northeast corner of U.S. Highway 75 and West 91st Street South is owned by the Jenks Public Schools and is targeted for new school construction. With the approval of development on the subject tract, construction of a public school on the "Jenks" tract, combined with the amount of commercial development approved in this corridor area, proposed commercial development of the lot between the subject property and the "Jenks" tract could become very limited and would receive great scrutiny.

Based on the factors cited above, staff can support this application. Based upon the proposed Concept Plan staff finds Z-7041-SP-1 to be: (1) in harmony with the existing development of surrounding areas; (2) a unified treatment of the development possibilities of the site given the surrounding approved developments; and (3) consistent with the stated purposes and standards of the CO Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of Z-7140-SP-1, contingent upon approval of rezone application Z-7140 and subject to the following conditions as modified by the TMAPC (underlined items have been added in):

display area. The sign or signs may be incorporated into the perimeter wall.

DEVELOPMENT AREA B - PATIO HOMES

Permitted Uses:

Uses permitted by right in Use Unit 6, Single-Family Dwelling; and Use Unit 5, Community Services and similar uses and uses customarily incidental to permitted principal uses.

Maximum Number of Dwelling Units: 40

Minimum Livability Space Per Dwelling Unit: 2,000 sq. ft.*

** Livability Space is defined as open space not used for parking or drives. Parking or drives located between the front lot line and building setback line shall count against livability space.*

Minimum Lot Size: 4,500 sq. ft.

Minimum Lot Frontage: 45 feet

Setbacks:

Front Yard	20 feet
Side Yards	0 ft/10 ft. or 5 ft./5 ft.
Side Yard abutting private street	15 feet**
Rear Yard	15 feet

***Garage openings shall not be permitted to face the 15 foot building setback.*

Maximum Building Height: 35 feet***

**** Architectural decorative features such as chimneys and cupolas may extend to a maximum height of 45 feet. However, no habitable portion of any dwelling may exceed the 35 foot height limitation.*

SIGNS: No signs permitted in Area B

RESERVE A

Permitted Uses:

Open space and recreational uses, such as: swimming pool, clubhouse, tennis courts, putting green, and associated parking, passive and active open space, stormwater detention facilities.

RESERVE B

Permitted Uses:

Passive and active open space, stormwater detention facilities, maintenance barn/facility and associated parking and landscaped entryways.

RESERVE C

Permitted Uses:

Passive and active open space, stormwater detention facilities and landscaped entryways.

CONDITIONS FOR DEVELOPMENT AREAS A AND B:

OFF-STREET PARKING:

As required per applicable use unit of the City of Tulsa zoning code.

ACCESS AND CIRCULATION:

Access shall be provided in substantial conformance with the Conceptual Site Plan, Exhibit "A" (dated August 4, 2009). Sidewalks shall be provided on both sides of all interior streets, and the west side of Maybelle Avenue within the project limits per subdivision regulations

4. No building permit shall be issued until the requirements of Section 1107-F 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 and conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions. Approval of the final plat shall serve as the detail site plan approval for individual lots containing single-family dwellings only.
5. No sign permits shall be issued for erection of a sign within the development until a detail sign plan has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
6. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.
7. A homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain all private streets, sidewalks and common areas, including any stormwater detention areas, security gates, guard houses or other commonly owned structures within the PUD.

8. All private roadways shall have a minimum right-of-way of 30' and be a minimum of 26' in width for two-way roads and 18' for one-way loop roads, measured face-to-face of curb. All curbs, gutters, base and paving materials used shall be of a quality and thickness which meets the City of Tulsa standards for a minor residential public street. The maximum vertical grade of private streets shall be ten percent.
9. 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.
10. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC and contained below.
11. Entry gates and/or guardhouses, if proposed, as well as perimeter walls, pools and pool house, maintenance barn and associated parking must receive detail site plan approval from TMAPC, Traffic Engineering and Tulsa Fire Department, prior to issuance of a building permit for the gates or guard houses.
12. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during the subdivision platting process.

TAC COMMENTS:

General: No comments.

Water: A water main line must be extended along the whole property frontage along the eastside. A looped water main line must be installed for the water services and fire protection of all lots.

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 automatic sprinkler system the distance requirement shall be 600 feet.

Concerning the south loop, developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with separate and approved fire apparatus access roads.

Exceptions:

1. Where there are more than 30 dwelling units on a single public or private access way and all dwelling units are protected by approved residential sprinkler systems, access from two directions shall not be required.
2. The number of dwelling units on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the fire code official.

Where two access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.

Added by staff based on comments at TAC meeting: Street layout per conceptual site plan 'Exhibit A' acceptable with respect to emergency access.

Stormwater: No comments.

Wastewater: Sanitary sewer service must be provided for all lots within the proposed development. The mainline extension must be sized to handle the anticipated flow from the entire basin.

Transportation: Maybelle must be upgraded to its full width in accordance with Major Street and Highway Plan and per City of Tulsa design standards. Not enough information is available on the internal streets. Are the internal streets private or public? In the Development standards include reference to pedestrian access and circulation and include sidewalks.

INCOG Transportation:

- **MSHP:** U.S. 75 between 81st St. S. and 91st St. S. is a designated freeway. S. Maybelle Avenue is a designated residential collector.
- **LRTP:** US-75, between 81st St. S. and 91st St. S., planned 6 lanes. S. Elwood, between 81st St. S. and 91st St. S., existing 2 lanes. Sidewalks should be constructed if non-existing or maintained if existing, per Subdivision Regulations.
- **TMP:** No comment.
- **Transit:** Currently, Tulsa Transit operates existing route on W. 81st St. S., from Union Avenue to ½ a mile east. According to MTTA future plans, this location will continue to be served by transit routes. Therefore, consideration for access to public transportation should be included in the development.

Jones Airport Authority: Applicant must submit construction evaluation air study to FAA and receive approval prior to commencement of construction or issuance of building permits. Include navigation note/notice on plat.

GIS: No comments.

Street Addressing: No comments.

TMAPC COMMENTS:

Mr. Marshall stated that he would like to take the zoning separately and he is in favor of the rezoning.

Ms. Cantrell questioned staff about the access points. Mr. Sansone stated that there are two access points along Maybelle Avenue and an emergency access that has been approved by the Fire Marshal to the west.

Ms. Cantrell asked about the corridor zoning. In response, Ms. Matthews stated that part of the subject property has been zoned corridor and the expansion of it was in conjunction with the Tulsa Hills. The corridor district ends at 91st Street, which is the end of the city limits.

Mr. Marshall requested that the zoning and corridor be considered separately.

Mr. Midget asked if the access point located at the southwest corner will be a through street when tract to the south is developed. In response, Mr. Sansone answered affirmatively.

Ms. Cantrell stated that she understands Mr. Marshall wanting to take these applications separately; however, there are a lot of people signed up to speak and it would be difficult for them to understand that the Planning Commission is only talking about the zoning or corridor plan. She would like to treat these as two separate issues when it is time for the final decision. Mr. Marshall stated that he understands.

Mr. Marshall stated that this would be putting a low intensity development into what is considered a high intensity area. He would like to know how the staff came to the decision to approve the low intensity use into a high intensity area. Mr. Alberty stated that staff did have some concerns about the intensity based on previous developments where low intensity development had occurred within a corridor district. However, what actually came out from staff discussions was the fact that within a corridor district the full range of density and intensity is permitted. In this particular area, this being the first development in, it will set the tone for what will occur adjacent to the subject property. In effect, the die is cast for low intensity. That is not to say that all of the other properties within the corridor must develop low intensity, but the transition between the uses will have to take into account that the predominant use if this is developed at the time the

adjacent property comes in, will influence will affect what can about the subject property. At 91st Street, a corridor project has already been approved for medium intensity; however, that is an area that has been purchased by Jenks Schools and will probably not develop the way the corridor site plan was developed. Staff was concerned about the effect of Highway 75 on the subject property and staff is requiring the extra retaining wall and landscaping separation on the west side of the subject project. The west side of Highway 75 was designated corridor and land use intensity was not put on the Plan at that time and was left open. In the past the way that this has been administrated is, if land use intensity has been placed on the Plan and then someone came in and requested something other than Corridor, then that is what would dictate.

In response to Mr. Marshall, Mr. Sansone stated that he would have to guess possibly 200 to 300 residential lots have been approved near Tulsa Hills. Mr. Marshall indicated that there are three different housing developments within the subject area. He doesn't understand why staff would want to approve low intensity, even though it is allowed. The Planning Commission has consistently followed on the east side of Highway 75 with commercial heavy intensity. All of sudden there is an application for a subdivision to be in the middle of what the Comprehensive Plan says is high intensity. Mr. Sansone stated that the case report, and the additional information Mr. Alberty cited, provided some points that staff took into consideration immediately following reservations about the development of the subject property. There is a large amount of commercial development from 61st Street to 81st Street and there is a necessity for some residential development in the subject area to help support those commercial developments. Also there are single-family residential lots across Maybelle and they could be impacted should high intensity commercial development come in the subject area. The subject proposal will have an impact on how the subject area is developed from 81st to 91st Streets. The corridor district allows almost every Use Unit with a site plan review. Single-family residential is one of the uses allowed. Mr. Sansone stated that for several reasons he could not recommend denial of the subject proposal.

Mr. McArtor asked if it would be policy or more of a pragmatic kind of thing that would determine what the potential development would be in the subject area if this application is approved. In response, staff stated that they would be looking for more pragmatic solutions to buffering, but they would have to look at the proposed uses and proposed intensities of those uses and how they could create a compatible relationship with the subject property. It is sort of the first one in type of situation. Staff wouldn't deter anyone proposing anything to the north or south, but would be looking for ways that any proposed commercial development to the north or south would attempt to limit impact on the proposed residential development. The proposed lots are very small and this is about as high intensity as one can get for single-family residential.

Mr. McArtor asked staff if there were any developments similar to the proposed. Mr. Sansone stated that he recalls one southeast of the southeast corner of 81st and Mingo where single-family development was done and then extended and then to the north a development with hotels, office buildings and then a four-lot commercial development that included a mini-storage. Mr. Sansone stated that he knows that there are others in the City of Tulsa, but he doesn't the exact locations.

Ms. Wright commented that this high density residential proposal would be a transition from the high commercial, apartments and larger lots that have been approved in the subject area.

In response to Ms. Wright, Mr. Sansone stated that he believes that the ODOT right-of-way is approximately 200 feet wide on either side and then they are set back farther from their property line.

Ms. Wright commented that it would wiser to take out the road to nowhere and take out some of the lots and run the road along the lot line out to Maybelle. Mr. Sansone stated that at the TAC meeting the Fire Marshal reviewed and approved the layout of the proposal. Staff relies heavily on Traffic Engineering and the Fire Marshal regarding access points and emergency access points. Ms. Wright stated that she understands that, but it is only assuming that there will be a development next to the road and right now they would have to drive over open terrain. Ms. Wright made several comments about the road to nowhere and the fact that these have been seen in several developments. She further commented that many times the neighboring development doesn't want the road to continue into their development, etc.

Mr. Leighty asked Mr. Sansone whether, if the proposal had been for a multifamily development, it would have been as much of a struggle for staff. In response, Mr. Sansone stated that it would have been an easier decision.

Mr. Marshall commented that when the north and south areas do develop, then there will be the same problem that has been in the past that the neighbors are going to back up to commercial development and be upset. The west side of the subject tract backs up to Highway 75 and there will be a lot of traffic noise. Putting this development right in the middle completely destroys the intent of the Comprehensive Plan. He believes that on the north and south sides will develop commercially.

Ms. Cantrell recommended that the Planning Commission to ask questions at this point because there are a lot of interested parties wishing to speak.

Mr. Marshall asked staff if they believe the proposal destroys the Comprehensive Plan. Mr. Sansone answered negatively.

Applicant's Comments:

Roy Johnsen, 201 West 5th Street, Suite 501, 74103, representing Hyde Park, LLC, stated that this is a single-family development with small lots. This development is designed for seniors and will have substantial amenities, including pools, walkways, trailways, etc. The owner/developer sees this as an emerging market. The market is one of the conditions that are essential to actual development of property. The probability that all of the corridor district developing commercially is very low, because there are limits to the marketplace. Corridor districts were designed to recognize to identify a place where higher intensity might be appropriate. The idea was also that a number of uses could be permitted in a corridor and that fact should be kept in mind. According to the Comprehensive Plan Matrix under Corridor/Low Intensity, single-family is in accord. Under Medium Intensity it also allows single-family. Under Corridor High Intensity the matrix also allows single-family development. The Plan was amended in conjunction with Tulsa Hills. There was an acquisition of all the property fronting Highway 75 from 71st to 81st Streets, which permitted a road system to be developed that extended the full length of the mile. There was substantial governmental assistance with the extension of utilities and other matters to permit that development to occur. He believes that everyone would agree that it is very successful.

Mr. Johnsen stated that at the time the Plan was amended, as a result of Tulsa Hills, Jenks School District condemned and acquired property for future school uses for the Jenks School at the south tract of land along US 75 and 91st Street. This corridor does not have the opportunity of bringing that corridor street continuous all the way to 91st Street from Tulsa Hills. Without the through-collector street, the interior properties are progressively the poorest for commercial development. The north part of the subject area is more than likely to occur as commercial if there is a market, which would be 40 acres. The north property would have access to 81st Street, a traffic signal that connects it to Tulsa Hills and that is why it would likely develop commercially, which his client is aware of. There will be consequences for the single-family development and should be a factor to consider, which will be transposed into setbacks, screening, lighting, etc. Throughout Tulsa there are commercial developments within close proximity of single-family. Corridor district zoning gives an opportunity to impose conditions and standards to make sure there is compatibility between the subject tracts. His client is aware that commercial may develop to the north.

Mr. Johnsen stated that with due respect to Mr. Marshall, he doesn't see how he could state that the proposed development destroys the Comprehensive Plan. The Plan is showing corridor and the matrix indicates that single-family is permitted. There are several examples of this type of zoning throughout Tulsa. Mr. Johnsen stated that with the exception of Tulsa Hills, he doesn't know of any corridor that is all commercial. Mr. Johnsen read from the Comprehensive Plan and the Zoning Code describing corridor zoning. He believes that the proposal is completely in accord with the planning and Code concepts.

Mr. Johnsen explained that the subject property is a difficult property to develop. Maybelle Avenue is not very well improved and is narrow with borrow ditches. It is a public street and there are other streets that are private in the subject area. The proposal of Hyde Park is to dedicate 60 feet from their property for a residential street and build it on their property with curb and gutter (26 feet, City specifications). His client doesn't control the street, but has committed to the idea of adding four feet in width to the street on a temporary basis and extend to 81st Street, which would give reasonable passage for two cars. Ultimately, when the adjacent property is developed they will have to extend the pavement as his client will have to do in order to have a full width of a minor street.

Mr. Johnsen stated that the property to the south and subject property was at one time all under one ownership. There was some sort of family disagreement and the property was divided up, with one sister owning the subject property and the other sister owning the southern property with an agreement of a 60-foot utility and access easement along the east boundary of each tract.

Mr. Johnsen stated that throughout the City of Tulsa there are single-family homes next to highways, which does create some problems. ODOT has been concerned about this and within this project, there is a requirement that along the Highway 75 frontage of the subject property, there will be an eight-foot masonry wall. There is a ten-foot interior trail, then the rear yard and then the house and there is substantial setback from the actual paving of the highway. Mr. Johnsen indicated that he has met with various neighbors, who agree to do screening to shield headlights that will be exiting the subject development onto Maybelle.

Mr. Johnsen concluded that he believes that the Jenks School District was the major change of circumstances of what will develop within the subject corridor.

TMAPC COMMENTS:

Mr. Johnsen explained to Mr. McArtor that he believes the Jenks School District will be very interested in what will develop on the adjoining property and he doesn't believe that they are anxious to put a street through their property. Usually the schools' streets look public, but they are actually private streets. Staff was looking at the Plan and everything was commercial on 91st and at 81st, so it was logical that might occur between 81st and 91st, but the Jenks School acquisition is very significant. The CO-zoned property is now owned by Jenks School District at 91st Street. There is no interchange with Highway 75 at 91st Street and that wouldn't make it a good place for commercial. There wouldn't be the relationship to the expressway with an interchange and it is not favorable for commercial development.

Ms. Cantrell asked Mr. Johnsen if his client would be willing to install more buffers on the north side and a taller wall as well. This would allow the next person to come in and to what they really have the right to do without incurring

the wrath of the neighborhood. Many people who buy homes do not realize what could possibly be developed next to them. Mr. Johnsen stated that he would have to discuss that with his client and it may have some merit with regard to the landscaping. He believes that most people see the CO zoning and ask questions, but we still have people who want to voice their comments at the hearings. Usually the first development sets the circumstances that have to be considered in the future.

Interested Parties Comments:

John Shafer, 2 West 6th Street, Suite 303, 74119, representing Steve and Kathy Hall, stated that his clients own the property immediately to the south of the subject property. Mr. Shafer cited the family history of how the subject tract was split between the two sisters.

Mr. Shafer questioned the access and whether there would be a gate. The road that leads to nowhere will be a private street with a crash gate and he doesn't understand what the use of that would be. The development to the south may not tie into the stub street and he asked why should they be forced to tie into a street that has a crash gate on it.

Mr. Shafer indicated that his clients are going to develop or sell the property to a developer who proposes to develop it with intensities and uses consistent with the Comprehensive Plan. He wouldn't want his client's property compromised by a decision that the Planning Commission might make today.

Mr. Shafer stated that his clients do not object to the CO zoning and his clients plan to seek the same zoning. His clients do object to the proposed development on the subject property. The use may be permitted, but it is not one of the targeted uses identified in the Plan. The proposal will have a negative impact on his client's property. The proposed site plan does not comply with the applicable Subdivision Regulations. This is a 40-acre development and the Subdivision Regulations state that there shouldn't be private streets for a development for more than 20 acres. Mr. Shafer questioned if the proposal is consistent with the Comprehensive Plan and asked if it does harmonize with the existing and expected development of the surrounding areas. He doesn't believe that the proposal meets these two criteria. Mr. Shafer stated that the Planning Commission took the time to adopt the Plan and should stick to it. Mr. Shafer cited the number of cars that travel along U.S. Highway 75 and questioned if it made sense to allow residential use along an expressway. If this proposal is approved it would have some restrictions on how his client's property is developed, which they plan to develop consistently with the Plan. The "first come" development should not be making decision of what type of development is for everyone else in the whole section.

TMAPC COMMENTS:

Mr. Midget asked Mr. Shafer if he was in agreement with the CO zoning. In response, Mr. Shafer answered affirmatively. Mr. Midget stated that it would seem to him that they would also be supportive of what is permitted within corridor zoning. In response, Mr. Shafer answered affirmatively. Mr. Midget stated that if that is the case he is confused why, if residential is permitted within corridor zoning, his client is not supportive of that unless his client has made a decision of what type of development he/she would like see on their subject property. In response, Mr. Shafer stated that his client hasn't decided what type of development he/she would like on the property. Mr. Midget asked Mr. Shafer if his client would rather the subject property not be developed and only zoned for corridor until they make a decision on what they want to do on their subject property and if it meets their particular needs. Mr. Shafer stated that that would be fine. Mr. Midget stated that is what he is referring to, that Mr. Shafer's clients are asking for the Planning Commission to wait. Mr. Shafer stated that it was Mr. Midget's suggestion. Mr. Midget stated that it was not his suggestion, but what Mr. Shafer was implying and he doesn't want to argue it. It is simply what he understood from Mr. Shafer's statements. Mr. Shafer stated that his first request would be that the Planning Commission deny the site plan and in the alternative he would ask that they would send back the site plan for further review and revision with a buffer along the west and perhaps a through a public access street that would tie in with future development on the parcel to the south. Mr. Shafer stated that as a final alternative, he would appreciate if the Planning Commission would go on the record to say that if they approve today's proposal, it would not prejudice the Halls' future use of their property and development. He doesn't want to leave today and feel that his client's property has been condemned, taken or restricted to single-family type uses in the future.

Mr. Leighty asked Mr. Shafer if he would be opposed to this application if they were requesting medium to high multifamily density. In response, Mr. Shafer stated that in substance that is what they are requesting. Mr. Leighty explained that single-family and multifamily are not the same. Mr. Shafer stated that multifamily would be better.

Ms. Cantrell asked Mr. Shafer if he doesn't see that his client's property as already having some restrictions, since it is adjacent to school property and then directly across from residential. Surrounding properties always put some constraints on proposed developments. She asked if there are any expectations that his clients can do whatever they wanted that is permitted under Corridor. Mr. Shafer stated that his client feels that they should be able to avail the highest and best use of their property, which is an economic factor. The school will obviously have some consideration there and there are a myriad of uses permitted in corridor district that would be compatible with the school. Mr. Shafer stated that his clients do not want to be restricted and tied down to what the future use of the property will be. He asked that the Planning Commission not approve the detail plan.

In response to Mr. Shafer's comments about the traffic and highway, Ms. Cantrell stated that U.S. Highway 75 is already in place and she would think anyone purchasing a home would notice it and would take that into account before purchasing home. Mr. Shafer stated that it doesn't seem to him to be rational planning and zoning to have single-family next to a high traffic expressway.

Interested Parties Comments:

Wally Worsham, 8349 South Maybelle Avenue, 74132, requested that the sanitary sewer be stubbed under Maybelle at each residential property. He expressed concerns with the width of Maybelle and the proposal of temporarily widening of four feet by the applicant.

TMAPC COMMENTS:

Ms. Cantrell explained to Mr. Worsham that the Planning Commission can't dictate the location of the sanitary sewer or stubbing of the sewer line. She recommended that he get in touch with his City Councilor.

Ms. Cantrell asked Mr. Worsham if he had a position regarding the proposed application. Mr. Worsham stated that he is only concerned with the sewer line and the street.

Interested Parties Comments:

Bob Rosencutter, 8511 South Maybelle Avenue, 74132, stated that he is in support of the proposal, but he is concerned with the width of the existing street. There is a need for more residential areas and he hopes it will bring in more restaurants to the subject area.

Mary Watson, 8221 South Maybelle Avenue, 74132, Big Rock Entertainment, stated she has several trailers that are 35 to 45 feet in length that are pulled behind a dully pickup truck. It is difficult to make the corner on 81st Street onto Maybelle Street. It is difficult to pass along the street with the trailers. Stormwater runoff undercuts the roads and the ditches overflow. She is not opposed to the residential subdivision, but prefers that the zoning remain AG. The roads should be installed before any improvements are allowed.

David Steele, Senior Engineer, City of Tulsa, stated that he felt it might be appropriate if he discussed the City's position with regard to Maybelle. The City met to discuss and review this at the Technical Advisory Committee and Transportation Engineers for the City of Tulsa stated that when this project comes before the City to be reviewed and approved, they will insist that Maybelle be improved to full City standards at its full width to accommodate the traffic that will be generated from this development. The plans will have to be in place and approved prior to approval of development. The plans will have to be for 81st all the way through the subject proposal.

Sue Rosencutter, 8520 South Elwood, 74132, stated that she has no concerns if the City of Tulsa is committed to taking care of the widening of Maybelle and not having to fight traffic down to a one-lane road, which it is now. She would request that they put in a street light at 81st and Maybelle to help traffic in and out. She has no problem with the zoning and the single-family development/light intensity. She believes that this would be an improvement to the subject neighborhood than commercial uses. One major concern is that residents might try to use 84th Street to go to Elwood, which is a private street with gates at each end. She commented that they will start closing the gates to keep cut through-traffic from happening.

TMAPC COMMENTS:

Ms. Cantrell explained to Ms. Rosencutter that the Planning Commission can't require the City to put in a stop light or to widen the street. Mr. Steele was simply reassuring the Planning Commission that the City is going to be requiring the road to be widened to City standards.

Interested Parties Comments:

Peggy Knight, 8408 South Elwood, 74132, stated that she prefers houses on the subject property and prefer to keep 84th Street private. She doesn't want commercial or another Tulsa Hills on the subject property.

TMAPC COMMENTS:

Ms. Cantrell stated that the City would have to go through several steps before they could force a private street to become a public street, which would require a public hearing she believes. Mr. Midget stated that it is highly unlikely the City would do such a thing and it is unimaginable.

Interested Parties Comments:

Aaron Griffith, 2561 East 17th Street, 74104, stated that he is in support of the subject proposal. He further stated that he lives in a home adjacent to the Broken Arrow Expressway and people do purchase homes near highways. Mr. Griffith offered several suggestions for sustainability.

TMAPC COMMENTS:

Ms. Cantrell asked Mr. Steele if a light at 81st Street be possible. In response, Mr. Steele stated that he can't answer that question and it was not discussed at the early review of the project. With regard to the sewers the City does plan to extend the mainline for water and sanitary sewer to serve the subject area. He can't guarantee that local people in between will have access to that. Normally the large mainlines can't be tapped by individuals. Possibly something could be worked out and possibly the residents could come in and talk to the City regarding this issue.

Mr. Midget stated that he wanted to make sure he heard Mr. Steele correctly. He asked Mr. Steele if he stated that the City will build or that the City will require

that the developer to build the streets. Mr. Steele stated that he can't state that the City will build the street, but the City will work in conjunction with the developer to work out an agreement so that this can be done.

Ms. Wright asked Mr. Steele if the subject area was on septic or City water. Mr. Steele stated that he didn't know. Ms. Wright asked the audience and several answers were given away from the recorder and unidentified. Mr. Steele indicated that he understands that they are on City water and septic tanks, which is normal for this type of area.

Mr. Midget pointed out that it would be the individual homeowner's responsibility to install the sewer line from their home to the mainline. It would be unreasonable to expect the developer to build a private line for the individuals. He suggested that all of the neighbors get together and work out a deal to build a line that they all can tap into when the line comes straight down their side of the street. Mr. Steele stated that they would need to form a sanitary sewer district.

Applicant's Rebuttal:

Mr. Johnsen stated that the subject development will be extending sewer to the south line. It will be coming from the north subdivision (Stonebrooke) and the line will be extended and be less than 12 feet away from the neighbors and would available to be tapped into. He would build it on the east if the easements were available, and if the neighbors can arrange for that, then he would build it on the east side. Right now the extension will be on the west side. Public water exists down to Mr. Rosencutter's property and his client will extend it to the south line of the subject property, which will open up more opportunities for people to have public water. There is a cost to connecting to it and each homeowner would have to do that. Properties to the east are on septic systems and some are on well water or City water.

Mr. Johnsen stated that the chair mentioned a buffer on the north side and he believes during site plan that could probably happen. He pointed out that there is a substantial vacant area to start with and the lots are deeper than any of the others on that side. Perhaps these lots could be shallowed to create an additional green space.

Mr. Johnsen stated that since the Comprehensive Plan has been amended, there has been a substantial change of circumstances, which is the school district that acquired 30-plus acres. The Comprehensive Plan didn't designate the subject area medium, high or low intensity, but simply identified it as corridor. There is no text and most of the time, corridors will have some expression of objectives, but in this instance that is not present. After reading the Zoning Code and the Comprehensive Plan of what corridor designation means, then this use is in accordance with the Plan. The Planning Commission has discretion and under the circumstances the Planning Commission might consider that this is inappropriate. Under the circumstances present today, there is no intersection

with U.S. Highway 75 at 91st Street. There is an intervening school acquisition, existing residential to the east, existing expressway (developer has agreed to put up a wall for sound barrier) and this is an unusual situation. Anyone with real estate experience would agree that there are a lot of areas designated for commercial in this general part of the City and much more than will ever likely develop. There will not be a loss of potential sales tax-producing entities with this proposal. The area north of the subject area will more than likely develop commercially and the Planning Commission will look carefully at what transition has to be done. Mr. Johnsen commented that the subject tract and the one south of it will have some serious market questions on whether it could ever be developed commercially. There are alternatives and the questions are fairly made, should there be a choice from the landowner and is it reasonable for what he is seeking. If it is consistent with the Plan, why shouldn't the landowner have that option to develop it single-family subject to meeting all of the requirements?

Mr. Johnsen stated that he mentioned in his opening remarks that the streets are a concern to the neighborhood. The neighbors are basically supportive of the use and they want Maybelle improved. His client is working very hard toward that goal and the portion along his client's front will be to City standards. There are some questions of easements to the north of the subject property, but he believes there is sufficient room to do an interim step to widen it four feet from 18 feet to 22 feet. That is the prevalent width of all arterial streets that haven't been widened. Long-term, there will need to be additional improvements and his client will work with the City toward that.

TMAPC COMMENTS:

Ms. Wright indicated that she has several questions for Mr. Johnsen. She commented that overall she supports the development and believes that it is a good transitional use. Ms. Wright stated that she is having problems with containing this development within its own property lines. She would love to see a reduction of around 45 lots and that there be a buffer zone around the entire edge of green space, which would allow walking trails or some kind of green belt all around the subject property. The reason for this is to alleviate conflicts in the future with development either to the north or south. Ms. Wright asked the audience if there are public buses on Maybelle and asked if they had to have a car to go anywhere. Several members from the audience answered away from the microphone unidentified and inaudible. Ms. Wright asked the audience if they had the ability to walk to a store. Several members from the audience answered away from the microphone unidentified and inaudible. Ms. Wright stated that the site plan doesn't indicate any sidewalks and by the time the sidewalks are put in, then the lots become very shallow.

Mr. Johnsen stated that he believes he has achieved some of the things Ms. Wright commented on. There is a green area along the east boundary, and along the west boundary there is a trail shown and in the middle of the west boundary there is a common area for tennis courts, swimming pool and a club

house. There are lots farther to the south and the only separation between the expressway right-of-way is a trail. There is an eight-foot wall along the west boundary and he doesn't see the west or east boundaries being of question. On the north there will have a detention pond that will be a focal point and there is some green connection along the detention and the area along Maybelle and the client may perhaps look at making the lots shallower to create more open space with prescribed landscaping along the boundary. All of this can be achieved without reducing 45 lots and it is not acceptable to the client nor is it something normally required in developments of this kind.

Ms. Wright stated that the reason why she suggested the reduction in lots was because of the concerns heard today about adjoining development on either side. She further commented that the suggestions were made to delay those conflicts later.

Ms. Wright commented on the road going nowhere and to her it sounded as if the adjoining development wouldn't line up with it. Perhaps the emergency access should go to Maybelle. Mr. Johnsen stated that there are two access points onto Maybelle and the emergency access is a practice that the Fire Marshal has dictated, which is to stub a street for future development. Mr. Johnsen stated that the streets might align in the future, but perhaps it won't. Ms. Wright stated that as long as the Planning Commission has some kind of definitive statement from the Fire Department that it is known that there will never be any development to the south of that stub road, does there need to be a third access onto Maybelle? In response, Mr. Johnsen stated that in the TAC report it was referenced that the stub street was acceptable. Ms. Wright stated that didn't answer her question. Ms. Wright stated that her question was that knowing that the stub will never connect to anything... Mr. Johnsen stated that he doesn't accept that proposition because he doesn't know that it will never connect to anything in the future.

Ms. Cantrell stated that when one looks at the northwest corner there seems to be a little bit of a strip that comes over to the north side and she was wondering if the Planning Commission could suggest that it continue on to the detention pond. Mr. Johnsen stated that it would be reasonable.

In response to Mr. Dix, Mr. Johnsen stated that the project is gated and designed for senior living. Security is an increasing issue. It seems unnecessary to have three access points onto Maybelle. Mr. Dix stated that it would seem to be possible to put a third access point toward the south where it fed into the intersection line east and west of the lots. Mr. Johnsen stated that he would look at that and it may be a possible alternative emergency access point. Mr. Dix stated that lights wouldn't shine into anyone's home and it might be a way to eliminate the other stub road. Mr. Dix questioned the street width of 22 feet and feels that it is narrow. Mr. Johnsen stated that it is narrow and he would be doing this as an interim extension. To the north it is very sketchy and rough on what is

available, but his engineer's belief is that he can reach 22 feet from the subject property to 81st Street. The long-term, in his opinion, really should be a joint effort by the City and other property owners. Right now, the easements are not available. There are fences in the way and he believes the 22 feet can be done within the easements available.

Mr. Boulden stated that uses in corridor zoning are only those uses allowed by what is approved today. There is a use on this property that the Planning Commission can approve, as a Use Unit 1 – Area Wide Use by Right. There are some stormwater uses that are designated in this particular project, but we presently don't specifically identify those uses as a Use Unit 1, in the action that the Planning Commission is asked to approve today. To clarify this action, if the Planning Commission approves the site plan, in addition to the uses that are already listed, he suggests that the Planning Commission identify a Use Unit 1 as also being approved in this corridor site plan and in that way there would be no confusion that it is also a use permitted on this property. Without the inclusion of this language, there could be an argument made that a Use Unit 1 - Area Wide Use by Right, is not allowed on this property. He wants the Planning Commission to clearly approve a Use Unit 1.

Mr. Johnsen stated that he is okay with Mr. Boulden's suggestion, but the interpretation has always been area wide uses.

Ms. Cantrell asked Mr. Alberty if staff would restrict the use of the property to the south because of the school district adjacent. Mr. Alberty stated that it would definitely be an influencing factor. When staff acknowledges corridors throughout the expressway corridors, staff knew at the time that there would not be any opportunity to develop that fully high intensity commercial, industrial or whatever. Those areas are designated for Corridor so that the marketplace can determine what uses go in there and that is why there is a full range of uses. By designating as Corridor, it gives a developer the opportunity to allow the market to determine what the uses are. In no way would staff ever try to restrict uses based upon that fact, but with regard to the property to the south, which has been identified as the Hall property. This is an interior piece, before the Jenks School, before this action, and without combining it with additional properties, it would be virtually unmarketable as a commercial use. It would require a lot of other things to happen. Now there is the Jenks School District on the south and the subject property on the north. If the Hall property had any opportunity to go high intensity commercial in the very beginning, it is certainly not a marketable commercial property now. There are many factors that play into undeveloped lands that have been designated and that gives landowners the option to pursue what the market is for that property.

Ms. Wright asked staff if this site plan would have been configured differently after hearing about the potential lack of development on other side of this. Mr. Alberty stated that what is before the Planning Commission today is a corridor

site plan, which is considered to be conceptual and what will determine the actual detail plans is when the subdivision plat has been prepared. At that time if there are things that the Planning Commission does not feel are met by the concept plan, and then there is some discretion. Based on what the Planning Commission sees now is what it is requested to be approved in addition to the commitment by the developer in his text. Staff will not manipulate or try to impose additional things. Ms. Wright stated that she is not happy with the boundaries of the proposal and would like to see more interior greenscaping. There are no parks, and there are a lot of problems with this. She stated that she is almost curious and since Mr. Fregonese is in the audience, she would love for him to give his opinion on a development that is where the Planning Commission could make it or break it. Mr. Fregonese stated that he doesn't think it would be appropriate since he doesn't have any background on this and he would further confuse the issue.

Ms. Cantrell recognized Mary Watson.

Mary Watson, 8221 South Maybelle, 74132, asked where the four feet for widening of the street going to come from and will it be from the borrow ditches and if he puts it in the borrow ditches, where will the water go.

Ms. Cantrell stated that the specifics will be worked out by Mr. Steele. Mr. Steele did say that when they widen the street, then they will be putting in sewer systems. Ms. Watson stated that she is talking about stormwater runoff. The sewer system will capture the water and the borrow ditches will no longer be necessary at that point. Ms. Cantrell suggested that Ms. Watson speak with Mr. Steele.

Mr. Marshall stated that he was convinced before the meeting that this was not a proper place for a single-family subdivision. Mr. Johnsen has brought out some very good points and the neighbors are not against this. Therefore, he will be voting to approve this application.

Mr. Shivel stated that he appreciates the neighbors coming to today's meeting and sharing their views. The key here is that there was a concern expressed by Mr. Shafer of who would want to live in a place like that. This is one of the miracles of free enterprise, that the developer has decided that this is something that is appropriate and worthy to take the risk in selling the properties. This is consistent with the Plan and TAC has met regarding improvements and he is fully in support of this application.

Mr. Dix stated that his issues are with this, not the use at all, but the street width from the subject property to 81st Street. He believes that Mr. Johnsen has made a great emphasis on the Jenks Public Schools being there and blocking the use of the corridor all the way south. The real issue to him is the lack of an off-ramp at 91st and that kills the property for any commercial development.

Mr. Leighty stated that he will be supporting the application, but it has been a very difficult decision. It is unfortunate that the infrastructure is so lacking. The Comprehensive Plan is quite old and the City is in the process of renewing the Comprehensive Plan and it would have been great to have Mr. Fregonese to weigh-in here on what the implications might be on the new Comprehensive Plan and what we might expect, but that would be problematic to put him in that situation. Mr. Leighty stated that he believes that the higher intensity uses would be desirable in this particular location, but he doesn't favor full commercial because of the traffic it would create down Maybelle. If this is to be residential, he would rather see multifamily, but they are not making an application for multifamily and the neighborhood probably wouldn't be for that as well.

Ms. Wright stated that she would like to see another 75 feet of setback from the highway.

Mr. Midget stated that he is supporting the application and he believes that it is compatible for corridor zoning specifically. He agrees with Mr. Dix about the property to the south and the lack of an off-ramp from the highway. He is concerned about the streets, but he feels confident that working with City staff and the developer's willingness to address that issue, they will come up with something that is going to be better than what is existing.

Ms. Cantrell stated that she is hesitant when corridor develops as residential because it usually creates a mess. However, one has to constantly reevaluate the circumstances and in this case she thinks that corridor was extended too far. The school system and the exit ramp are issues and she believes it would be poor planning to put high intensity commercial development next to an elementary school. It is already been affected and it is clear that there are still a lot of Agricultural/Low Intensity land in the subject area. This development will create a lot easier transition into a more intense node. To put another Tulsa Hills in the subject area would affect a lot of people adversely and she believes that the proposal is appropriate. She would like to see the extension of the greenbelt across the north end to ensure that the neighborhood would be protected from any commercial development, which Mr. Johnsen was agreeable to. Hopefully, when this comes back to the Planning Commission the street to nowhere will be addressed because it is an odd placement for the road.

TMAPC Action; 11 members present:

On **MOTION** of **CARNES**, TMAPC voted **11-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** the CO zoning for Z-7140 per staff recommendation.

TMAPC Action; 11 members present:

On **MOTION** of **CARNES**, TMAPC voted **11-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** the corridor plan per staff recommendation, subject to the following: adding Use Unit 1, to impose the additional buffer along the north end across to the detention pond as modified by the Planning Commission.

Legal Description for Z-7140/Z-7140-SP-1:

A tract of land located in the S/2 of the NW/4 of Section 14, T-18-N, R-12-E of the Indian Meridian, Tulsa County, State of Oklahoma, according to the Official U.S. Government Survey thereof, being more particularly described as follows: The S/2 of the NW/4 of Section 14 lying east of the right of way for U.S. Highway 75. Said tract contains 1,786,680 square feet or 41.0165 acres.

* * * * *

Mr. Carnes out at 3:55 p.m.

ZONING CODE PUBLIC HEARINGS

- 11. **Public Hearing to Consider Amending the City of Tulsa Zoning Code, Title 42 Tulsa Revised Ordinances**, (Chapter 10A, Section 1052.J - Quorum – Seven members of the Preservation Commission shall constitute a quorum for the transaction of business.)

STAFF RECOMMENDATION:

Tulsa Preservation Commission requests that Tulsa Metropolitan Area Planning Commission hold a public hearing on a proposed zoning text amendment regarding quorum requirements. A quorum for the Preservation Commission is presently established in Title 42 Tulsa Revised Ordinances, Chapter 10A, Section 1052.J, as follows:

- J. **Quorum.** Seven members of the Preservation Commission shall constitute a quorum for the transaction of business, except that in the matter of Certificate of Appropriateness reviews and action, there shall be at least four members, of the seven, from the Professional Group in the quorum.

When the Preservation Commission has difficulty obtaining a quorum, Certificate of Appropriateness applicants are negatively impacted. The Preservation Commission wishes to eliminate the application of the "Professional Group" requirement from the quorum provision. This could be easily accomplished by removing the language which is shown as ~~strikeout~~ below.

J. **Quorum.** Seven members of the Preservation Commission shall constitute a quorum for the transaction of business, ~~except that in the matter of Certificate of Appropriateness reviews and action, there shall be at least four members, of the seven, from the Professional Group in the quorum.~~

This recommended language was approved by the Preservation Commission on June 11, 2009. The Preservation Commission requests that the Planning Commission reviews the proposed change forwards its recommendation to City Council. Please contact staff at (918) 576-5669.

Interested Parties Comments:

Bob Sober, Vice Chairman of Preservation Commission, 2420 East 24th Street, 74114, stated that he wanted to make sure that the TPC is able to conduct business. Currently there are seven professionals out of 15 and four of the professionals have to be present in order to conduct business. The TPC would like to be able to conduct business with a quorum that includes all of the TPC members, not just the seven professional members.

TMAPC Action; 10 members present:

On **MOTION** of **MCARTOR**, TMAPC voted **10-0-0** (Cantrell, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; Carnes "absent") to recommend APPROVAL Amending the City of Tulsa Zoning Code, Title 42 Tulsa Revised Ordinances, (Chapter 10A, Section 1052.J - Quorum – Seven members of the Preservation Commission shall constitute a quorum for the transaction of business.)

* * * * *

12. Public Hearing to Consider possible approaches to screening requirements for outhouses or temporary latrines in residentially zoned areas for more than six months.

STAFF RECOMMENDATION:

In response to the City Council’s request by consensus to study the possibility of requirements for screening portable latrines (“Porta-Potties”, “Porta Johns”, etc.), staff has conducted research and found the following issues to be relevant:

1. If screening is to be required, how, by what materials and who would enforce these requirements?
2. Where these latrines may be placed on a property? This is directly related to the ability of the contractor to provide cleaning service to the unit(s) and the accessibility of the latrines to the contractor.
- 3, Length of time in place – what is reasonable?

4. Design of units – relates to exterior appearance, environmental conditions, industrial standards (need for sealing and placement above water tables); ADA requirements
5. Alternatives to portable latrines and screening
6. If requirement is passed, how enforced and who enforces?
7. In what zoning categories is any regulation to be applicable? Only residential?
8. What permits are currently required (through the City/County Health Department at this time)? What, if any, additional permits should be required?

These and other issues will be discussed at the September 23, 2009 TMAPC public hearing. Providers and other interested parties have been notified. Please feel free to call me if you have questions. Thanks in advance.

Interested Parties Comments:

Paul Kane, 1214 East 17th Place, 74120, Executive Vice President of the Homebuilders Association of Greater Tulsa, stated that he would like to pose the question of why the screening of temporary latrines should be done. This will cost added to the expense for construction sites. He realizes that temporary latrines are unsightly, but they are present because the City started requiring them five years ago. Now, five years later, the City is stating that they do not like the way they look and wants to cover them up. Dumpsters are also unsightly and have smells; perhaps they will want to start screening them next, then where is the end? He suggests that this is not necessary. Latrines serve a public safety purpose and screening serves no such purpose. He doesn't want to begin the process of government regulation of the beautification of construction sites.

Aaron Griffin, 2561 East 17th Street, 74104, stated that he believes that there needs to be some type of regulation involved with these. He personally has been affected by temporary latrines being set on sidewalks. The homeless population was also using these as their own facilities. Perhaps they should be required to keep them locked and do something to prevent the latrines from being overturned. Mr. Griffin indicated that he is a carpenter himself and he doesn't see this as being a big burden.

TMAPC COMMENTS:

Ms. Cantrell informed Mr. Griffin that the Planning Commission discussed this during a work session and those issues are definitely concerns. During the work session the Planning Commission felt that this is more of a permitting issue than a zoning issue. The Planning Commission doesn't require screening for temporary dumpsters and that would be something that permitting would address. She didn't want Mr. Griffin to think that the Planning Commission wasn't considering that an issue, but it is something the Planning Commission feels should be through permitting.

TMAPC COMMENTS:

Ms. Wright asked Mr. Griffin how long he would state the latrines were present. Mr. Griffin stated that they were present throughout the entire building process. He further stated that they were present at least six months. Mr. Griffin stated that there were building supplies being stored on the sidewalk as well.

Interested Parties Comments:

Stacey Hillis, P.O. Box 1676, Owasso, Oklahoma 74055, representing At Your Service Restroom Rentals and stated that he is the largest portable restroom company in Tulsa. Mr. Hillis submitted documents addressing portable restrooms and how they are maintained, as well as rules and regulations of his association that regulate the industry (Exhibit B-1).

Mr. Hillis stated that he is not sure why there would be a need to screen the portable restrooms. Everyone knows what the portable restrooms are for and if anything were to go on it could happen between the screening and the toilets. At 115 degree weather no really likes to go into the toilets.

Mr. Hillis stated that his company is the only company in the southern and northern State of Oklahoma that has gone green. He explained that there is a product in the restroom to prevent smells and scents from overflowing into the atmosphere and if it is spilled out (from being overturned) it is contained and the product is a bio-friendly ecological product. Mr. Hillis named the numerous large events that his company services and manages to contain the restrooms.

Mr. Hillis recommended that the City of Tulsa look at the ANSI and OSHA regulations that are currently not enforced by the City of Tulsa. He would rather see these enforced rather than a screening around the latrines.

TMAPC COMMENTS:

Ms. Wright made several comments about a portable latrine in her neighborhood that was a problem in her view. She asked Mr. Hillis how many complaints he receives from people around the portable latrines. Mr. Hillis stated that it is usually around the time of Halloween and when school has ended that he receives calls of overturned latrines. Most people understand the rules and regulations is a safety issue and he definitely stands by it for this generation and generations to come. He will do everything to stay in compliance and he doesn't really have that many calls or issues. His company has a 24-hour response time to pickup, cleanup and maintain. Ms. Wright stated that it sounds like Mr. Hillis is on top of the issues, but most people do not want to look at it. Mr. Hillis stated that that is correct, but most people know that when they are building a house, they will have to have a restroom. They forget the issue when their house is being built, but when the next person's house is being built, they complain.

Mr. Leighty asked if there is some way to prevent the latrines from being tipped over. Mr. Hillis stated that they actually staked down two to three feet into the

ground. He explained that today he has heard a lot of issues about the placement of the toilets and he does everything he can, but when it is staked down between lot-lines, it is difficult to do anything. If the toilet is put in the back, he is unable to service it. Mr. Leighty asked Mr. Hillis what his policy is regarding of the placement of a portable latrine. Mr. Hillis stated that usually the job superintendant or project manager to indicate where the restroom is to be placed. Mr. Hillis explained that Broken Arrow is the only City that has implemented the program on the portable toilets. Each house has to have a toilet or they will not be permitted in the City of Broken Arrow. Mr. Hillis reminded the Planning Commission "if you have to go make sure you go clean".

Mr. Midget stated that he is in agreement with Mr. Kane. He doesn't believe that this is a wide enough issue that it needs to come before the Planning Commission for this level of decision making. Screening the portable latrine on construction sites is a little bit over-reaching for the Planning Commission. He believes that there are some things that can be done administratively from the City's point of view regarding the placement of the latrines, etc. If the Council feels that it is to their advantage to impose a fine for people who violate the permits and placement of latrines, then so be it. He believes that there may have been some isolated incidences, but he doesn't believe it has reached the level to impose a Zoning Code regulation.

Mr. McArtor stated that he doesn't see this as a land use issue.

Ms. Cantrell stated that she doesn't think that this isn't a problem, but it is a permitting and City issue, not a land use issue. It is not a permanent use and is considered a temporary use.

Mr. Midget suggested that from the Planning Commission's discussion, one could take the crux of that, because this not primarily land use issue, but something that should be dealt with administratively through Development Services as part of the permitting process. The Planning Commission should urge the City to develop some process to address the placement of the latrines in residential areas specifically.

Ms. Cantrell stated that if the Planning Commission would be inclined, she could work with Ms. Huntsinger in terms of capturing that sort of wording as a response to City Council.

TMAPC Action; 10 members present:

On **MOTION** of **MIDGET**, TMAPC voted **10-0-0** (Cantrell, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; Carnes "absent") to direct staff to prepare a response to the City Council with Ms. Cantrell's assistance.

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OTHER BUSINESS:

13. Discussion regarding.

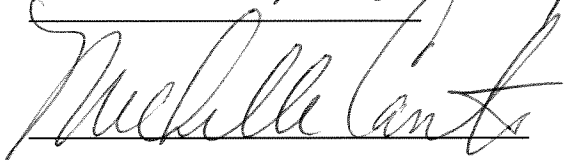
TMAPC COMMENTS:

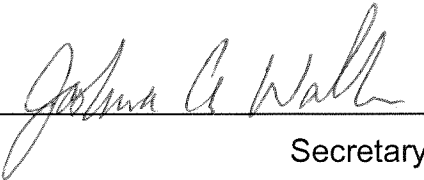
Ms. Cantrell suggested that this item be continued to October 7, 2009 and allow the work session begin with Mr. Fregonese's presentation.

TMAPC Action; 10 members present:

On **MOTION** of **MIDGET**, TMAPC voted **10-0-0** (Cantrell, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; Carnes "absent") to **CONTINUE** the discussion for TMAPC holding evening meetings to October 7, 2009.

There being no further business, the Chair declared the meeting adjourned at 4:13 p.m.

Date Approved: 10-21-09

Chairman

ATTEST: 
Secretary