TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2183

Wednesday, November 18, 1998, 1:30 p.m.
City Council Room, Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Boyle	Midget	Beach	Romig, Legal
Carnes		Dunlap	Counsel
Harmon		Huntsinger	
Hill		Stump	
Horner			
Jackson			
Ledford			
Pace			
Selph			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, November 16, 1998 at 9:25 a.m., posted in the Office of the City Clerk at 9:13 p.m., as well as in the office of the County Clerk at 9:05 p.m.

After declaring a quorum present, Chairman Boyle called the meeting to order at 1:30 p.m.

Minutes:

Approval of the minutes of November 4, 1998, Meeting No. 2181:

On **MOTION** of **WESTERVELT** the TMAPC voted **10-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Selph, Westervelt "aye"; no "nays"; none "abstaining"; Midget, "absent") to **APPROVE** the minutes of the meeting of November 4, 1998 Meeting No. 2181.

REPORTS:

Chairman's Report:

Mr. Boyle informed Mr. Carnes that in his absence of November 12th meeting, the Policies and Procedures Committee was assigned a task to review the Code of Ethics. He explained that staff would be helping to coordinate this.

Director's Report:

Mr. Stump reported that there are several items are the City Council agenda and Mr. Jim Dunlap will be representing staff.

Mr. Boyle stated that Mr. Jackson will be attending the City Council meeting to represent the TMAPC.

SUBDIVISIONS

FINAL PLAT:

TMAPC COMMENTS:

Mr. Westervelt stated that he discussed with Mr. Beach the concept of including the aerial photographs with all plats in the future.

Union Pines (PUD-312A) (3094) (PD-18c) (CD-5)
Southwest corner South Garnett Road and East Broken Arrow Expressway

Staff Recommendation:
Mr. Beach stated that all release letters have been received and staff recommends approval subject to final Legal review.

Mr. Beach explained that ODOT did submit a letter recommending denial. He stated that the applicant is present and would like to address the TMAPC regarding the letter and other issues related to the plat.

Applicant's Comments:

Mr. Jones, Tanner Consulting, 2202 East 49th Street, Tulsa, Oklahoma, 74105, stated that on October 20, 1998, ODOT submitted a letter recommending that the proposal be denied. He explained that the subject property abuts the Broken Arrow Expressway to the south. ODOT is planning to conduct a study in a year or two to see what property they will need to acquire in order to widen the Broken Arrow Expressway and accommodate a new Interchange that may be proposed for the subject property.

Mr. Jones stated that he has discussed the issue with Mr. Romig and ODOT, and they are aware that he is ready to obtain a building permit as soon as the plat is filed. It is not uncommon for ODOT to send a response indicating that they may need the subject property in the future, but are not ready to purchase the property at this time. Mr. Jones stated that if ODOT is not ready to purchase the subject property then he must continue with the plans for development. He indicated that Mr. Romig is in agreement and ODOT is aware of the situation.

Mr. Jones stated that he had another issue he would like to discuss with the Planning Commission. He explained that there is a collector street being proposed that will loop around from Garnett to East 51st Street. Garden Ridge was the first subdivision plat that went in on the north side of 51st Street. He explained that he is proposing a collector street to be dedicated by separate instrument. He stated that the owners' of the plat are different from the owners' of the property. The owners' of the property have agreed to dedicate by separate instrument and build the collector street. The collector street has been reviewed and approved by the Transportation Engineering. The proposal will go to the City Council in two weeks for adoption and accepting of the dedication by separate instrument. He explained that streets are usually dedicated by plat.

Mr. Jones stated that he has signed off on all transportation comments but there is one item that needs to be addressed. He stated that the subdivision regulations require that collector streets have sidewalks on both sides. He indicated that a precedent was set by Garden Ridge when the Planning Commission waived the requirement and only required a collector street, which would be on the subject property's south side and Garden Ridge's east side. He explained that he proposes a collector on the south side to go all the way around, but he needs a waiver of the subdivision regulations. He stated that he does not have a vehicle, like a plat, to bring to the Planning Commission to request the waiver. He indicated that he discussed this with staff and since the issues discussed today are commingled, this is the only way he can request the waiver.

Mr. Jones concluded that he does not know any other way to get the waiver of the subdivision regulations that require a sidewalk on both sides of the collector, to allow sidewalks on only on the south side, other than what he is doing today. He explained that only the Planning Commission can waive the subdivision regulations and this will not come before the Planning Commission because it is not a plat.

TMAPC COMMENTS:

Mr. Boyle asked Mr. Jones if he wanted the Planning Commission to just understand that the ODOT letter exists. In response, Mr. Jones answered affirmatively.

Mr. Boyle asked Mr. Jones if he wanted the Planning Commission to waive the subdivision regulations to allow that the sidewalk be put in on only his side of the street. In response, Mr. Jones answered affirmatively.

Mr. Boyle asked Mr. Romig if the Planning Commission could waive the subdivision regulations with the vehicle before them today. In response, Mr. Jones stated that because the plat and the collector street are one and the same, but are in two different ownership. He is not platting the street; however, he cannot have the plat without the collector street. Because the plat and the separate instrument are so commingled, he feels that this is sufficient reason to grant the waiver. In response, Mr. Romig stated that this is a practical question more than anything else. Mr. Romig commented that this is the only vehicle that the Planning Commission has before them to waive the subdivision regulations. Mr. Romig stated that if the Planning Commission does waive the subdivision regulations, it would be in the record and would be sufficient for any type of review. Mr. Boyle asked Mr. Romig if the request was beyond the notice and agenda. In response, Mr. Romig stated he did not believe that the waiver request is beyond the notice and agenda. Mr. Romig stated that the requirement is being waived on the applicant's side of the property and so it would be appropriate to consider the issue today.

Mr. Boyle asked Mr. Romig if the correct thing to do is to approve the final plat, subject to everyone's approval and waive subdivision regulations to allow the sidewalk to be installed on one side of the collector street. In response, Mr. Romig stated that in his opinion that would be correct. Mr. Romig explained that what the Planning Commission

would be doing (since the street is in a different ownership) is making clear what actually exists.

Mr. Harmon asked Mr. Romig if the Planning Commission waives the subdivision requirements for sidewalks on both sides of the street, can the Planning Commission then require that a sidewalk be installed on the other side if that property is platted in the future. In response, Mr. Romig answered affirmatively. Mr. Boyle stated that the Planning Commission would be addressing the platted portion, which does not include the other side of the street. Mr. Romig agreed with Mr. Boyle.

Mr. Westervelt asked Mr. Jones to remind or convince the Planning Commission why they would want to waive the subdivision regulations. In response, Mr. Jones stated that the subdivision regulations require sidewalks on both sides of the collector street and that is predominately for a residential collector. He agreed that sidewalks are needed in residential collectors; however, in an office park where the tracts are seven and eight acres in size and have 130,000 SF buildings, the foot traffic will be minimal compared to a residential neighborhood. The theory on Garden Ridge was that if a sidewalk is on one side, that is sufficient for pedestrian traffic. Mr. Jones stated that waivers of subdivision regulations are not decided on precedent, but the theory here is the same as that of Garden Ridge. Mr. Jones indicated that this proposal was discussed with Transportation and Traffic Engineering and although they do not agree with this theory, they are not fighting the proposal.

Mr. Westervelt asked Mr. Jones if there is a hardship or problem with installing a sidewalk on both sides. Mr. Jones stated that if he runs a sidewalk on the north side around the subject property, by the time the sidewalk reaches the Garden Ridge property, it may or may not extend farther to the south. He explained that he wanted to remain consistent with the sidewalk pattern that is existing.

In response to Mr. Carnes, Mr. Jones stated that he does not have any problem with the Planning Commission saying that as the parcel to the west of Union Pines develops they also have to ask for a waiver. He explained that the street is going to be built at the same time as the office building is being built, and he did not think that one could go in after the fact and require a sidewalk be installed. Mr. Carnes stated that he is concerned that if the Planning Commission allows one side to be built without a sidewalk, then when the next developer comes in on the other side of the street, how can the Planning Commission require that he install a sidewalk.

Mr. Westervelt stated that the Planning Commission has recently received criticism for not requiring sidewalks on both sides of the street. In response, Mr. Jones stated that the Planning Commission did not require that the Garden Ridge tract install sidewalks on both sides, but required a sidewalk on their side.

Mr. Stump stated that since the sidewalk will be in the dedicated right-of-way of the new collector street, then the person building the collector street, the developer of the larger tract of land, will have to install the sidewalks when he builds it. The sidewalk should be

in place before the area to the south of the collector street is under development. In response, Mr. Ledford stated that the sidewalk is included within the PFPI for the street. Mr. Westervelt stated that the Planning Commission is talking about the applicant's side of the street. In response, Mr. Jones stated that he did include the sidewalk in the PFPI, but only on one side of the street.

Mr. Stump stated that as a perspective, in the 71st Street area west of the Mingo Valley expressway, there were two collector streets (one in the north and one in the south) built through commercial areas and neither of them have sidewalks.

Mr. Boyle stated that Mr. Jones' point is well-taken, that while collector streets should have sidewalks in a residential neighborhood, this is not a foot-traffic-type arrangement and maybe some relief is appropriate.

Mr. Harmon asked Mr. Stump if it is absolutely clear that sidewalks can be required on the other side of the street. In response, Mr. Stump stated that the sidewalks are being built with the street because it is part of the Privately Financed Public Improvements that have been proposed to extend the street over to 129th. He explained that this would include the sidewalk on the south side. Mr. Boyle asked Mr. Stump if any action today would impact the street extension. In response, Mr. Stump answered negatively.

TMAPC Action; 10 members present:

On **MOTION** of **HARMON**, the TMAPC voted **9-1-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Selph "aye"; Westervelt "nay"; none "abstaining"; Midget "absent") to **APPROVE** the Final Plat for Union Pines and waive the subdivision regulations requirements which require sidewalks being installed on both sides and allow the sidewalk on one side only, as recommended by staff.

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PRELIMINARY PLAT:

Hawthorne Woods (3483) (PD-26) (CD-8)

North of East 121st Street and South Joplin Avenue

Staff Comments:

Mr. Beach stated that the applicant has requested a continuance because of some issues regarding the size of the lots and whether they meet the Zoning Code requirements.

Mr. Sack indicated his agreement with the request for a continuance.

TMAPC Action; 10 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **10-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Selph, Westervelt "aye"; no "nay"; none "abstaining"; Midget "absent") to **CONTINUE** the Preliminary Plat for Hawthorne Woods to December 2, 1998 at 1:30 p.m.

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Village Park of Tulsa (1683) (PD-18) (CD-8)
Southwest corner East 81st Street and South Yale Avenue

Staff Recommendation:

This subdivision consists of two lots in one block on 17.23 acres. The lots are in Development Areas A and B of the PUD. The permitted uses in Development Area A include offices, restaurants, convenience goods and services and other retail uses. The permitted uses in Development Area B include multifamily dwellings designed for elderly housing. Development Area C may have single-family dwellings but is not part of this plat.

The Technical Advisory Committee had the following comments:

1. McCormick, Stormwater, stated that additional easements for storm sewer and overland drainage need to be shown on the plat.
2. Nelson, SWB, stated that the word "or" should be added between "installation of" and "necessary maintenance" in SECTION 1.G.
3. Pierce, PSO, requested a site plan and wants a blanket easement until the required utility locations can be decided. Sack, Applicant agreed to provide both.
4. Sack, Applicant, stated that an "underground meeting" would be called to discuss the project in detail.
5. Cox, Infrastructure, noted that the book and page number must be shown for the existing right-of-way. He also noted three minor changes in the Deed of Dedication language. Sack, Applicant, agreed to make revisions.

Staff recommends approval of the preliminary plat subject to the following:

Waivers of Subdivision Regulations:

1. To allow the scale of 1"=60'

TAC Requirements:

1. None that aren't covered under Standard Conditions below.

Standard Conditions:

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.

2. Water and sanitary sewer plans shall be approved by the Department of Public Works (Water & Sewer) prior to release of final plat. (Include language for W/S facilities in covenants.)

3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owner(s) of the lot(s).

4. A request for creation of a Sewer Improvement District shall be submitted to the Department of Public Works (Water & Sewer) prior to release of final plat.

5. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater and/or Engineering) including storm drainage, detention design, and Watershed Development Permit application subject to criteria approved by the City of Tulsa.

6. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).

7. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)

8. Street names shall be approved by the Department of Public Works and shown on plat.

9. All curve data, including corner radii, shall be shown on final plat as applicable.

10. City of Tulsa Floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.

11. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the Department of Public Works.

12. All adjacent streets, intersections and/or widths thereof shall be shown on plat.

13. Limits of Access or LNA as applicable shall be shown on plat as approved by the Department of Public Works (Traffic). Include applicable language in covenants.

14. It is recommended that the Developer coordinate with the Department of Public Works (Traffic) during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)

15. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.

16. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. (Percolation tests required prior to preliminary approval of plat.)

17. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)

18. The method of water supply and plans therefor shall be approved by the City/County Health Department.

19. All lots, streets, building lines, easements, etc. shall be completely dimensioned.

20. The key or location map shall be complete.

21. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)

22. The restrictive covenants and/or deed of dedication shall be submitted for review with the preliminary plat. (Include subsurface provisions, dedications for storm water facilities, and PUD information as applicable.)

23. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)

24. Applicant is advised to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.

25. If the owner is a Limited Liability Corporation (L.L.C.) a letter from an attorney stating that the L.L.C. is properly organized to do business in Oklahoma is required.

26. All other Subdivision Regulations shall be met prior to release of final plat.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **HORNER**, the TMAPC voted **10-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Selph, Westervelt "aye"; no "nay"; none "abstaining"; Midget "absent") to **APPROVE** the Preliminary Plat for Village Park of Tulsa, subject to the waiver of the subdivision regulations, subject to the standard conditions as recommended by staff.

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Sutton East (3304) (PD-16) (CD-6)
13330 East Pine Street

Staff Recommendation:
The Technical Advisory Committee had the following comments:

1. Nelson, SWB, asked that standard pavement and landscape language be added to the Deed of Dedication.
2. Cox, Infrastructure, stated that a 50-foot right-of-way dedication will be required. The plat currently shows a private easement.
3. Lee, Water, stated that a 12-inch water line must be extended across the frontage.
4. Bolding, Wastewater, stated that a septic system would not be allowed in the City limits. Floyd, Cramer Construction and Donnelson, Engineer, stated that the septic system has been approved by the DEQ. Bolding said he needs documentation of the approval and will review.

Staff recommends approval of the preliminary plat subject to the following:

Waivers of Subdivision Regulations:
1. None needed.

TAC Requirements:
1. Dedication of 50 feet of right-of-way along the entire frontage of the property.

2. Extension of a 12-inch water line across the frontage of the property or alternate satisfactory to the Public Works Dept.

3. Extension of sanitary sewer to serve the property or alternate satisfactory to the Public Works Dept.

Standard Conditions:
1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.

2. Water and sanitary sewer plans shall be approved by the Department of Public Works (Water & Sewer) prior to release of final plat. (Include language for W/S facilities in covenants.)

3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owner(s) of the lot(s).

4. A request for creation of a Sewer Improvement District shall be submitted to the Department of Public Works (Water & Sewer) prior to release of final plat.

5. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater and/or Engineering) including storm drainage, detention design, and Watershed Development Permit application subject to criteria approved by the City of Tulsa.

6. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).

7. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)

8. Street names shall be approved by the Department of Public Works and shown on plat.

9. All curve data, including corner radii, shall be shown on final plat as applicable.

10. City of Tulsa Floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.

11. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the Department of Public Works.

12. All adjacent streets, intersections and/or widths thereof shall be shown on plat.

13. Limits of Access or LNA as applicable shall be shown on plat as approved by the Department of Public Works (Traffic). Include applicable language in covenants.

14. It is recommended that the Developer coordinate with the Department of Public Works (Traffic) during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)

15. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.

16. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. (Percolation tests required prior to preliminary approval of plat.)

17. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)

18. The method of water supply and plans therefor shall be approved by the City/County Health Department.

19. All lots, streets, building lines, easements, etc. shall be completely dimensioned.

20. The key or location map shall be complete.

21. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)

22. The restrictive covenants and/or deed of dedication shall be submitted for review with the preliminary plat. (Include subsurface provisions, dedications for storm water facilities, and PUD information as applicable.)

23. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)

24. Applicant is advised to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.

25. If the owner is a Limited Liability Corporation (L.L.C.) a letter from an attorney stating that the L.L.C. is properly organized to do business in Oklahoma is required.

26. All other Subdivision Regulations shall be met prior to release of final plat.

TMAPC COMMENTS:

Mr. Boyle asked Mr. Beach if there is an alternative satisfactory to Public Works. In response, Mr. Beach stated that everything is at a preliminary state and negotiations will take place that ultimately will result in a system that serves the property, as well as potential future properties in the area. Public Works Department has to sign off on this

plat and issue a release letter, which they will not do until they are satisfied that the proposed system meets the needs of the City.

Applicant's Comments:

Joe Donnelson, 17440 South 89th East Avenue, Bixby, Oklahoma, 74008, stated that he is the engineer on the project. He commented that Mr. Beach's comments are correct and he has not received any information from the Water Department in respect to their requirements for the water line. He stated that the Coweta Trucking Company is presently located on the subject property and would like to build an office building and close the office in their shop. He commented that the Health Department sent a letter on the previous preliminary plat for the subject property stating that they had no problem with the usage of the existing septic tank on the subject property.

Mr. Donnelson stated that he understands that the owners who gave the right-of-way on the easement given a quit claim deed to the owners of the subject property so that the plat could include the entire extent of the legal description, which would include the 50-foot right-of-way.

TMAPC COMMENTS:

Mr. Westervelt asked if there is DEQ approval, but the City objects, how this is resolved. In response, Mr. Beach stated that DEQ approves the septic system as meeting standards, but that does not necessarily meet the City's requirements for sanitary sewer disposal.

TMAPC Action; 10 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **10-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Selph, Westervelt "aye"; no "nay"; none "abstaining"; Midget "absent") to **APPROVE** the Preliminary Plat for Sutton East, subject to the 50-foot right-of-way dedication, resolution to the 12-inch water line and sanitary sewer or alternative to Public Works and the standard conditions recommended by staff.

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Retail Center I (2983) (PD-26) (CD-8)

East of southeast corner East 101st Street and South Delaware Avenue

Staff Recommendation:

This subdivision consists of one lot in one block on 1.377 acres. It will be developed for a small restaurant or other retail use.

The Technical Advisory Committee had the following comments:

1. McCormick, Stormwater, stated that drainage from this site needs to be taken to nearby storm sewer system.

2. Cox, Infrastructure, stated that the dedication label on the plat needs to say "right-of-way dedicated by this plat".
3. Nelson, SWB stated that page 1, paragraph 3 of the Deed of Dedication is incomplete.

Staff recommends approval of the preliminary plat subject to the following:

Waivers of Subdivision Regulations:
1. To allow the plat to be drawn at a scale of 1"=40'.

TAC Requirements:
1. None not already covered under Standard Conditions below.

Standard Conditions:
1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.

2. Water and sanitary sewer plans shall be approved by the Department of Public Works (Water & Sewer) prior to release of final plat. (Include language for W/S facilities in covenants.)

3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owner(s) of the lot(s).

4. A request for creation of a Sewer Improvement District shall be submitted to the Department of Public Works (Water & Sewer) prior to release of final plat.

5. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater and/or Engineering) including storm drainage, detention design, and Watershed Development Permit application subject to criteria approved by the City of Tulsa.

6. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).

7. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)

8. Street names shall be approved by the Department of Public Works and shown on plat.

9. All curve data, including corner radii, shall be shown on final plat as applicable.

10. City of Tulsa Floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.

11. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the Department of Public Works.

12. All adjacent streets, intersections and/or widths thereof shall be shown on plat.

13. Limits of Access or LNA as applicable shall be shown on plat as approved by the Department of Public Works (Traffic). Include applicable language in covenants.

14. It is recommended that the Developer coordinate with the Department of Public Works (Traffic) during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)

15. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.

16. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. (Percolation tests required prior to preliminary approval of plat.)

17. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)

18. The method of water supply and plans therefor shall be approved by the City/County Health Department.

19. All lots, streets, building lines, easements, etc. shall be completely dimensioned.

20. The key or location map shall be complete.

21. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)

22. The restrictive covenants and/or deed of dedication shall be submitted for review with the preliminary plat. (Include subsurface provisions, dedications for storm water facilities, and PUD information as applicable.)

23. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)

24. Applicant is advised to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.

25. If the owner is a Limited Liability Corporation (L.L.C.) a letter from an attorney stating that the L.L.C. is properly organized to do business in Oklahoma is required.

26. All other Subdivision Regulations shall be met prior to release of final plat.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **10-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Selph, Westervelt "aye"; no "nay"; none "abstaining"; Midget "absent") to **APPROVE** the Preliminary Plat for Retail Center, subject to waiver of subdivision regulations and conditions as recommended by staff.

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Grace Acreage (PUD-221B) (2894) (PD-17) (CD-6)
Southeast of East 41st Street and South 129th East Avenue

Staff Recommendation:
This subdivision consists of three lots in one block on 39.27 acres. It will be developed for church and accessory uses under PUD 221B. This plat appeared on the TAC agenda September 17 and October 15, 1998 but was tabled so the applicant could provide a site plan and more detailed information about the relationship of this property to the development areas of the PUD. The site plan is attached.

The Technical Advisory Committee had the following comments:

1. Eshelman, Traffic, stated that no access would be permitted from this site to the cul-de-sac. Mitchell, Architect, stated that he was told by Darrell French, Traffic to provide a secondary access point to the south which resulted in the cul-de-sac. Eshelman, Cox, and Beach explained inappropriateness of high traffic volume through residential subdivision. Eshelman stated he prefers no cul-de-sac and also wants access along 43rd Pl. to be limited to the westernmost 120 feet, not along the curve. Mitchell agreed to revise the southeast property lines and access locations.
2. Bolding, Wastewater, asked if the applicant planned to use the existing sewer? Mitchell answered in the affirmative; there is one to the south.

3. Lee, Water, stated that a water main extension would be required to provide fire protection.
4. Cox, Infrastructure, stated that the right-of-way that is being dedicated needs to be labeled.
5. Miller, ONG, requested an easement along 41st St.

Staff recommends approval of the preliminary plat subject to the following:

Waivers of Subdivision Regulations:
1. None.

TAC Requirements:
1. Remove the cul-de-sac and move the southern access west onto 43rd Pl., near Lot 1.
2. Other requirements as listed under Standard Conditions below.

Standard Conditions:
1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.

2. Water and sanitary sewer plans shall be approved by the Department of Public Works (Water & Sewer) prior to release of final plat. (Include language for W/S facilities in covenants.)

3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owner(s) of the lot(s).

4. A request for creation of a Sewer Improvement District shall be submitted to the Department of Public Works (Water & Sewer) prior to release of final plat.

5. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater and/or Engineering) including storm drainage, detention design, and Watershed Development Permit application subject to criteria approved by the City of Tulsa.

6. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).

7. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)

8. Street names shall be approved by the Department of Public Works and shown on plat.

9. All curve data, including corner radii, shall be shown on final plat as applicable.

10. City of Tulsa Floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.

11. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the Department of Public Works.

12. All adjacent streets, intersections and/or widths thereof shall be shown on plat.

13. Limits of Access or LNA as applicable shall be shown on plat as approved by the Department of Public Works (Traffic). Include applicable language in covenants.

14. It is recommended that the Developer coordinate with the Department of Public Works (Traffic) during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)

15. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.

16. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. (Percolation tests required prior to preliminary approval of plat.)

17. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)

18. The method of water supply and plans therefor shall be approved by the City/County Health Department.

19. All lots, streets, building lines, easements, etc. shall be completely dimensioned.

20. The key or location map shall be complete.

21. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)

22. The restrictive covenants and/or deed of dedication shall be submitted for review with the preliminary plat. (Include subsurface provisions, dedications for storm water facilities, and PUD information as applicable.)

23. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)

24. Applicant is advised to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.

25. If the owner is a Limited Liability Corporation (L.L.C.) a letter from an attorney stating that the L.L.C. is properly organized to do business in Oklahoma is required.

26. All other Subdivision Regulations shall be met prior to release of final plat.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **HARMON**, the TMAPC voted **10-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Selph, Westervelt "aye"; no "nay"; none "abstaining"; Midget "absent") to **APPROVE** the Preliminary Plat for Grace Acreage, subject to TAC requirements and standard conditions as recommended by staff.

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CHANGE OF ACCESS ON RECORDED PLAT:

Lot 1, Block 1, Mingo Valley Industrial Park (1704)

4045 North Garnett Road

Staff Recommendation:

Mr. Beach stated that this has been reviewed and approved by Jon Eshelman and the Traffic Engineering Department. He explained that this application seeks to add two new access points.

Mr. Beach stated that staff has no concerns with the application and recommends approval.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **10-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Selph, Westervelt "aye"; no "nay"; none "abstaining"; Midget "absent") to **APPROVE** the Change of Access On Recorded Plat for Lot 1, Block 1, Mingo Valley Industrial Park as recommended by staff.

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ZONING PUBLIC HEARING

PUD-538-2 - Charles Norman (PD-26) (CD-8)
North of northeast corner East 101st Street and South Yale Avenue
(Minor Amendment)

Staff Recommendation:
The applicant is requesting Minor Amendment approval to modify Development Area B standards as follows:

1. To increase the permitted floor area from 18,000 square feet to 19,500 square feet.

2. To delete the prohibition of north-facing second story windows extending no lower than six feet above the level of the second floor.

Staff has examined both the Detail Site and Landscape Plans submitted with the application and finds the following:

An 8.3 percent increase in the permitted floor area will result in an increase in the floor area ratio from 35 percent to 37.8 percent. The requested increase is below the maximum floor area ratio of 40 percent permitted by special exception in the OL District.

The site and landscape plans indicate an 83-foot building setback from the north property boundary. Development Area B requires a minimum building setback of 65 feet for two-story buildings. The applicant is proposing a ten-foot landscape strip along the north boundary. The central and eastern portion of this strip will be planted with 20 mature loblolly pines 18 to 20 feet in height. The landscape plan also indicates existing mature trees on abutting residential properties to the north. The plan indicates a total landscaped area of 26 percent -- 11 percent more than the required minimum for Area B. Finally, the second-story windows proposed on the north-facing building wall utilize approximately 51 percent of the 130 foot of wall surface.

Staff is of the opinion that the additional setback and proposed landscaped site screening will provide an adequate buffer which blocks any view of the three single family residential properties to the north from the second-floor offices. Staff can also support the increase in floor area as conforming to the Zoning Code requirements for a Special Exception within the OL District.

Staff, therefore, recommends **APPROVAL** of the Minor Amendment for PUD 538 Development Area B as submitted subject to Detail Site and Landscape Plan approval and modifying the outline development standards as follows:

NORTH BOUNDARY MINIMUM SETBACK	80 FEET
NORTH BOUNDARY MINIMUM LANDSCAPE STRIP	10 FEET

LANDSCAPE BUFFER PLANTINGS SHALL BE PROVIDED ALONG THE NORTH BOUNDARY WHICH ARE ACCEPTABLE TO TMAPC.

AND

OTHER BUSINESS:

PUD-538 - Charles Norman (PD-26) (CD-8)
North of northeast corner East 101st Street and South Yale Avenue
(Detail Site Plan and Landscape Plan)

Staff Recommendation:
The applicant is requesting Detail Site Plan approval for a two-story office building containing 19,500 square foot of floor area within Development Area B. Development Area B consists of a single lot containing 51,534 (net) square feet.

Staff has reviewed the Detail Site and Landscape plans and finds conformance to PUD 538 Area B and Chapter 10 standards and requirements for building height, setback, parking, access, circulation, lighting, site screening and total landscaped area. Landscaping materials, quantity and placement exceed the requirements of the Zoning Code.

Staff notes that the site plan does not conform to building floor area and north-facing window standards. The applicant is requesting Minor Amendment approval for modifications to these standards.

Having found conformance to the PUD development standards and the Landscape Chapter of the Zoning Code with the exceptions noted above, staff recommends **APPROVAL** of the Detail Site and Landscape Plans as submitted subject to the following condition:

Approval of Minor Amendment PUD-538-2.

Note: Detail Site Plan approval does not constitute Detail Sign Plan approval.

Staff Comments:
Mr. Dunlap stated that during his field check of the subject tract of land he discovered that Area A, which is a developed piece of property, has a masonry wall that does not look sound. It has large pieces falling down and is of several different colors. He commented that the trash receptacles haven't been properly screened. Mr. Dunlap concluded that he realizes that the Planning Commission is not considering Area A, but wanted to inform the Planning Commission that the requirements for Area A have not been met.

Applicant's Comments:

Mr. Charles Norman, 2900 Mid-Continent Tower, Tulsa, Oklahoma, 74103, stated that since the approval of the PUD, the shopping center at the northeast corner of East 101st Street and South Yale Avenue within Development Area A has been constructed in accord with detail site and landscape plans approved by the Planning Commission. He explained that the items that Mr. Dunlap mentioned would apply to the retaining wall between Area B, Area A and Area C. He commented that the photographs submitted as an exhibit would show that the conditions are not extreme, but there is some painting to be done on the retaining wall as part of the completion of the single-family areas and construction of the office building in Area B.

Mr. Norman stated that the single-family residences within Development Area C platted as Winbury Place are now under construction.

Mr. Norman stated that the property owner has submitted detail site and landscape plans for Development Area B for a professional office building and requests approval of two minor amendments to the Area C development standards. He commented that the increase in permitted floor area would result in a floor area ratio of 38 percent, which is still below what is permitted in an OL-Office Light district. He explained that the original application asked for 19,500 SF and was reduced by the staff 18,000 SF. The architect was given the original submittal and did not realize that the square footage had been reduced and designed a 19,500 SF building.

Mr. Norman commented that the issue of the deletion of the prohibition on windows below seven feet above the floor level of the second story of the building is probably of more interest to the Planning Commission. He stated that the minutes indicate that the standard was arrived at by consensus and there was no separate vote on this issue as a part of the PUD. He explained that requiring an office building to be designed without visibility for the people who work there would make the building difficult to lease on the second floor.

Mr. Norman stated that he has submitted the design and elevations of the building with a landscape plan. He corrected an error that was made during application and stated that Development Area B is bounded by 1 1/2 lots. He stated that there are two homes, one located north of the west 3/4 of the subject property and one at the corner of the northeast corner. These two homes are at angles to the subject property. The home nearest South Yale Avenue has only one window on the second floor and the other wall of the home angles from the southeast to the northwest. The second house on the northeast corner has more windows on the second floor (three); however, the house is angled and there is a significant amount of landscaping material. He explained that there are trees on both of the lots.

Mr. Norman stated that in addition to the site plan, his client designed the landscape plan to cluster mature pine trees (18 to 20 feet in height) in the gaps between the existing screening on the two residences and along the north wall to form an immediate

visual barrier. He indicated that the landscape plan was delivered to the owners of the two residences mentioned.

Mr. Norman stated that the other aspect of the design of the office building is that the windows are not side by side, but are separated by pairs. The north-facing windows on the second story of the professional building occupy approximately 51 percent of the north wall of the building, which is 130 feet long. Mr. Norman indicated that the site plan moves the building farther by 18 feet to the south than is required by the approved PUD, which moves the north wall of the office building 83 feet from the back lot line of the two single-family residences.

Mr. Norman indicated that his client has been able to increase the landscaped area from 15 percent, as required by the PUD, to 26 percent. Mr. Norman stated that based on those considerations and the physical facts as they exist, the staff has recommended that the Planning Commission approve the deletion of the restriction on the second-floor windows.

Mr. Norman concluded that if the Planning Commission feels that there is a concern over windows of the second-floor office buildings that abut residential areas, then that kind of restriction should be considered for incorporation in the Use Unit on offices where there is a relationship adjacent to residential areas. He indicated that for many years he has used the light-office-zoned areas as transitional areas between commercial and residential areas. He stated that there have been very few circumstances that he can recall where there has been any concern regarding second-floor windows from an office building looking into or being looked into by the residential area. He commented that if this should be an appropriate restriction, then it should be applicable to all of the situations where two story-office buildings abut residential areas.

Mr. Norman asked the Planning Commission to approve the application as recommended by the staff.

TMAPC COMMENTS:

Mr. Horner asked Mr. Norman who the developer of the subject property is. In response, Mr. Norman stated that the developer is Ray Biery.

Interested Parties:

Luster Jacobs, 9914 South Allegheny Avenue, Tulsa, Oklahoma 74137, stated that his property abuts the north end and joins Yale Avenue. He commented that he has been opposed to the development ever since he has lived in the subject area. He expressed concerns with the proposed windows on the second-story floor. He stated he is uncomfortable with a business abutting his fence because of the noise. He questioned the height of the trees and how many years they would have to grow before giving him some privacy. He explained that the bedrooms and bathrooms of his home are on the second floor, which would face the proposed building.

TMAPC COMMENTS:

Mr. Boyle asked Mr. Jacobs if he wanted the restriction for windows on the second floor to remain in force. Mr. Jacobs stated that he is concerned about the privacy and the buffer between a residential and a commercial area. Mr. Jacobs commented that he is not sure what the proposed building will be used for and there may be a parking lot next to his fence. Mr. Jacobs expressed concerns with trash coming over the fence into his yard.

Applicant's Rebuttal:

Mr. Norman stated that the proposal for the north boundary is a clustering of 30 pine trees that are to be planted at an initial height of 20 feet. This represents a significant commitment to close the gaps between the existing trees. He stated that with the proposal there will be an effective visual barrier from the date of the planting of the trees. He reminded the Planning Commission that his client cannot obtain a certificate of occupancy for the proposed building until the trees have been planted as shown on the landscaped plan.

TMAPC COMMENTS:

Mr. Boyle asked Mr. Norman what the anticipated use for the building will be. In response, Mr. Norman stated that the proposed building will be for professional offices, law firms, dentists and insurance companies. He explained that the tenants would not be interested in leasing office space without the ability to have some light and outside visibility.

Mr. Carnes stated that the proposed PUD is the type that the Planning Commission has been trying to obtain for years. He commented that the proposal is an excellent PUD.

Mr. Horner asked Mr. Norman to repeat the height of the pine trees proposed to be planted. In response, Mr. Norman stated that the pine trees will be 20 feet high and 30 trees planted, which will be clustered.

Ms. Pace stated that she understands the applicant wanting to continue the window treatments for architectural reasons. She reminded Mr. Norman that the Planning Commission did talk at length about protecting one land use from the other the first time this was before the TMAPC. She asked Mr. Norman if he would agree to fixed windows and frosted so that one cannot see out but light could come in. She explained that with this type of windows the architectural integrity would be maintained and the land uses would be separated. In response, Mr. Norman stated that he could not agree to the requirement that the windows be frosted because the point of the application is to allow people look out. Mr. Norman commented that in multifamily projects there is a standard that allows one to have two stories if they are 60 feet away. He reminded Ms. Pace that this building will be setting back 83 feet from the residences.

Mr. Selph asked Mr. Norman if there will be 30 or 20 trees. In response, Mr. Norman stated that the plan indicates 20 trees and he apologizes for stating 30 trees earlier.

Mr. Jackson stated that if the tract of land were zoned RS-3 with a cluster of homes that are 1 1/2 story, there could be possibly seven homes looking into the backyard. He commented that there wouldn't be any objection with the windows then.

Mr. Boyle stated that Mr. Norman's point is well-taken that if it were multifamily and back 83 feet, he would be allowed to have two stories and possibly a third story. He indicated that an office will not be used in the middle of the night like a multifamily unit would be.

TMAPC Action; 10 members present:
On **MOTION** of **CARNES** to recommend **APPROVAL** for the Minor Amendment for PUD-538, Development Area B as presented.

TMAPC COMMENTS:
Mr. Westervelt stated that frequently the Planning Commission will see the PUDs go in with the restrictions and text. After the rest of the PUD is built-out the applicants come back and delete something that may have been helpful to the overall PUD.

Mr. Carnes stated that he agrees that he does not like to see the PUDs change, but in this case there will be 20-foot tall pine trees and an additional 11 percent in landscaping. He commented that this is a good PUD.

Mr. Westervelt stated that a similar situation happened on Brookside. He explained that the agreements were in place and the then the developer was back in for the change, which does create some contentious feelings among the users. He commented that he would not like to see this becoming a constant precedent.

Mr. Stump asked if the motion is for the staff-recommended changes and conditions, as well as what was requested by the applicant. He further asked if the motion included the new minimum requirement for landscaping in Area B at 26 percent. In response, Mr. Norman stated that he understood that the motion was to approve the staff recommendation and the approval of the site plan would increase the landscape requirement. Mr. Norman indicated that he has no objection to making a requirement for the landscape area to be increased from 15 percent to 26 percent as indicated on the plan.

TMAPC Action; 10 members present:
On **MOTION** of **CARNES**, the TMAPC voted **8-2-0** (Boyle, Carnes, Harmon, Horner, Jackson, Ledford, Selph, Westervelt "aye"; Hill, Pace "nay"; none "abstaining"; Midget "absent") to recommend **APPROVAL** for the Minor Amendment of PUD-538-2 as recommended by staff and **APPROVAL** for the Detail Site Plan and Landscape Plan for PUD-538 subject to conditions as recommended by staff.

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PUD-589-1 - Mike Cox (PD-6) (CD-9)
Northwest corner East 41st Street and South Xanthus Avenue
(Minor Amendment)

Staff Recommendation:
The applicant is requesting Minor Amendment approval to reduce the building setback from the centerline of East 41st Street South from 80 feet to 65 feet for a proposed single-family dwelling (15 foot building setback with 100 ROW per the Major Street and Highway Plan). The applicant has represented to staff that the 60-foot by 90-foot building area of Lot 1 restricts development per the floor plan proposed.

Staff has reviewed the plot plan provided with the application as well as the conditions of the surrounding area. PUD 416 immediately to the east is a similar development and also requires an 80-foot setback from the centerline of East 41st or 30 feet from a ROW line. PUD 493 abuts the eastern boundary of PUD 416, and is similar in character to PUD 589, and PUD 416 and has established the setback at 85 feet.

Staff has also reviewed the preliminary studies for the proposed Urban Arterial street classification. This classification indicates a 70-foot ROW for East 41st Street. Should this new classification be adopted it would designate a 70-foot ROW resulting in a minimum 70-foot setback for the RS-1 District along East 41st.

If the subject request were to be approved, staff would note the possibility of a bow effect to setbacks along the frontages of the three similar PUDs. Staff does not believe, however, that this would be highly noticeable when viewed from the street, nor substantially alter the character of the PUD.

Staff therefore, recommends **DENIAL** of the 65-foot setback and **APPROVAL** of the Minor Amendment modified to maintain the minimum required 35-foot RS-1 setback based on a revised 70-foot ROW for East 41st or 70 feet from the centerline. Staff notes that the floor plan of the proposed dwelling as well as the Final Plat should be modified to reflect these revisions.

TMAPC COMMENTS:
Mr. Boyle asked staff if the 35-foot RS-1 setback is a separate issue from the 70 feet from the centerline of East 41st Street. In response, Mr. Dunlap answered affirmatively. Mr. Dunlap stated that staff recommends that the Planning Commission deny the applicant's proposed request and approve a 70-foot setback from the centerline of 41st Street. Mr. Dunlap explained that the 70-foot setback will not be consistent with two other developments in the subject area; however, it will be consistent with the Infill Task Force's proposed new standard.

Mr. Stump stated that the applicant wants to be 15 feet closer to the surrounding houses and staff is recommending that it be only 10 feet closer.

Mr. Jackson stated that if the tract of land were zoned RS-3 with a cluster of homes that are 1 1/2 story, there could be possibly seven homes looking into the backyard. He commented that there wouldn't be any objection with the windows then.

Mr. Boyle stated that Mr. Norman's point is well-taken that if it were multifamily and back 83 feet, he would be allowed to have two stories and possibly a third story. He indicated that an office will not be used in the middle of the night like a multifamily unit would be.

TMAPC Action; 10 members present:
On **MOTION** of **CARNES** to recommend **APPROVAL** for the Minor Amendment for PUD-538, Development Area B as presented.

TMAPC COMMENTS:
Mr. Westervelt stated that frequently the Planning Commission will see the PUDs go in with the restrictions and text. After the rest of the PUD is built-out the applicants come back and delete something that may have been helpful to the overall PUD.

Mr. Carnes stated that he agrees that he does not like to see the PUDs change, but in this case there will be 20-foot tall pine trees and an additional 11 percent in landscaping. He commented that this is a good PUD.

Mr. Westervelt stated that a similar situation happened on Brookside. He explained that the agreements were in place and the then the developer was back in for the change, which does create some contentious feelings among the users. He commented that he would not like to see this becoming a constant precedent.

Mr. Stump asked if the motion is for the staff-recommended changes and conditions, as well as what was requested by the applicant. He further asked if the motion included the new minimum requirement for landscaping in Area B at 26 percent. In response, Mr. Norman stated that he understood that the motion was to approve the staff recommendation and the approval of the site plan would increase the landscape requirement. Mr. Norman indicated that he has no objection to making a requirement for the landscape area to be increased from 15 percent to 26 percent as indicated on the plan.

TMAPC Action; 10 members present:
On **MOTION** of **CARNES**, the TMAPC voted **8-2-0** (Boyle, Carnes, Harmon, Horner, Jackson, Ledford, Selph, Westervelt "aye"; Hill, Pace "nay"; none "abstaining"; Midget "absent") to recommend **APPROVAL** for the Minor Amendment of PUD-538-2 as recommended by staff and **APPROVAL** for the Detail Site Plan and Landscape Plan for PUD-538 subject to conditions as recommended by staff.

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PUD-589-1 - Mike Cox (PD-6) (CD-9)
Northwest corner East 41st Street and South Xanthus Avenue
(Minor Amendment)

Staff Recommendation:
The applicant is requesting Minor Amendment approval to reduce the building setback from the centerline of East 41st Street South from 80 feet to 65 feet for a proposed single-family dwelling (15 foot building setback with 100 ROW per the Major Street and Highway Plan). The applicant has represented to staff that the 60-foot by 90-foot building area of Lot 1 restricts development per the floor plan proposed.

Staff has reviewed the plot plan provided with the application as well as the conditions of the surrounding area. PUD 416 immediately to the east is a similar development and also requires an 80-foot setback from the centerline of East 41st or 30 feet from a ROW line. PUD 493 abuts the eastern boundary of PUD 416, and is similar in character to PUD 589, and PUD 416 and has established the setback at 85 feet.

Staff has also reviewed the preliminary studies for the proposed Urban Arterial street classification. This classification indicates a 70-foot ROW for East 41st Street. Should this new classification be adopted it would designate a 70-foot ROW resulting in a minimum 70-foot setback for the RS-1 District along East 41st.

If the subject request were to be approved, staff would note the possibility of a bow effect to setbacks along the frontages of the three similar PUDs. Staff does not believe, however, that this would be highly noticeable when viewed from the street, nor substantially alter the character of the PUD.

Staff therefore, recommends **DENIAL** of the 65-foot setback and **APPROVAL** of the Minor Amendment modified to maintain the minimum required 35-foot RS-1 setback based on a revised 70-foot ROW for East 41st or 70 feet from the centerline. Staff notes that the floor plan of the proposed dwelling as well as the Final Plat should be modified to reflect these revisions.

TMAPC COMMENTS:
Mr. Boyle asked staff if the 35-foot RS-1 setback is a separate issue from the 70 feet from the centerline of East 41st Street. In response, Mr. Dunlap answered affirmatively. Mr. Dunlap stated that staff recommends that the Planning Commission deny the applicant's proposed request and approve a 70-foot setback from the centerline of 41st Street. Mr. Dunlap explained that the 70-foot setback will not be consistent with two other developments in the subject area; however, it will be consistent with the Infill Task Force's proposed new standard.

Mr. Stump stated that the applicant wants to be 15 feet closer to the surrounding houses and staff is recommending that it be only 10 feet closer.

Mr. Ledford asked Mr. Dunlap if the subject property is within the infill area. In response, Mr. Dunlap answered affirmatively.

Applicant was not present.

Interested Parties:
Larry Hawca, 4101 South Victor Court, Tulsa, Oklahoma 74105, stated that he is immediately south of the subject property. He commented that the proposed setback is less than those that have been approved for other infill developments in the neighborhood. The proposal will detract form the esthetics of the community. He expressed concerns that the proposal will add to the noise in the neighborhood.

Mr. Hawca stated that there is a need for sidewalks because 41st Street is a very busy street. He expressed concerns regarding visibility for vehicles exiting onto 41st Street if the house is allowed to move much closer to 41st Street.

Mr. Hawca expressed concerns regarding the PUD being reviewed and approved by the Planning Commission several months ago and now there are modifications being proposed without the same degree of notice as the original PUD. He commented that this sets a dangerous precedence and demeans the process of PUDs. He concluded that he is opposed to this application because it will add noise, diminish the esthetics and is not consistent with the adjoining neighborhoods.

TMAPC COMMENTS:
Mr. Boyle asked Mr. Hawca if he was opposed to the staff recommendation of a 70-foot setback. In response, Mr. Hawca stated he is opposed to the staff's recommendation.

Interested Parties:
Ted Sack, 111 South Elgin, Tulsa, Oklahoma 74120, stated that the applicant is the builder for the subject lot. He explained that his office is working on the PUD, which was originally submitted and dedicated the full right-of-way on Peoria. He stated that the original PUD was submitted before the Infill Task Force study. The infill study considered that there are several areas along the various arterial streets where the existing right-of-way does not exist and cannot be achieved because there will not be enough room for development in these areas. In these cases it is being recommended that a new classification be adopted, which will be an urban arterial with 70 feet of right-of-way.

Mr. Sack concluded that as infill developments come in these developed areas, the right-of-way will not exist for the full width of the arterial streets.

TMAPC COMMENTS:
Mr. Boyle asked Mr. Sack if the applicant is willing to accept staff's recommendation. In response, Mr. Sack answered affirmatively.

Mr. Westervelt stated that Mr. Ledford brought this issue to the Planning Commission's attention months before it even began to be studied by the Infill Task Force.

Mr. Ledford stated that the Infrastructure Committee will be recommending the Urban Arterial Streets to the full Infill Task Force.

Ms. Pace stated that she is disappointed that there is a minor amendment to amend this PUD. She explained that when a PUD is originally submitted, the neighborhoods are notified and representatives come to the meeting. The neighbors leave thinking that there is an agreed upon PUD and conditions; then Minor Amendments are submitted. The requirement for notification is not the same and the neighbors are not aware of the changes.

Mr. Selph stated he couldn't support this application. He explained that the Planning Commission approved an 80-foot setback and the new proposal is not consistent with the other PUDs in the area.

Mr. Ledford stated that there are two large tracts to the west of the subject property, which are four to five acres with one residential home on them. He commented that these properties will be coming in and they will be behind the Infill Task Force recommendation, which means the PUD standard will be at 70 feet.

Ms. Pace stated that City Council may not agree with the Infill Task Force recommendation. She explained that her concern is that the neighborhoods are told one thing and now the developer is asking to amend the requirements. She commented that she will have to vote against this application.

Mr. Boyle stated that this particular minor amendment appears to be a small issue. He commented that he would support a motion to approve the application in accordance with the staff's recommendation. Mr. Boyle indicated that for future reference, he would not support significant variations and this does not seem to be a significant variation.

Mr. Jackson stated that the plans indicate that a masonry wall buffers the house on the north side and the wall is not going to be any closer to the street. He explained that the house is going to be 20 feet away from the wall instead of 30 feet. He commented that the property itself will not be any closer to 41st Street.

Ms. Pace asked if the wall is in existence today. In response, Mr. Stump stated that there will be a six-foot masonry wall along the edge of the right-of-way.

TMAPC Action; 10 members present:
On **MOTION** of **WESTERVELT**, the TMAPC voted **6-4-0** (Boyle, Horner, Jackson, Ledford, Pace, Westervelt "aye"; Carnes, Harmon, Hill, Selph "nay"; none "abstaining"; Midget "absent") to recommend **APPROVAL** for the Minor Amendment of PUD-589-1 subject to conditions as recommended by staff.

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PUD-360-A-5 - Adrian Smith (PD-18) (CD-8)
West of northwest corner East 91st Street and South Memorial
(Minor Amendment)

Applicant has withdrawn this application.

This application was stricken from the agenda.

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Z-5722-SP-11-C - Michael Dwyer (PD-18) (CD-8)
East of southeast corner East 91st Street and South 73rd East Avenue
(Minor Amendment to a Corridor Site Plan)

Staff Recommendation:
The applicant is requesting amended corridor site plan approval to build a10,098 square foot one-story office building on Lot 3 containing 29,975 square feet.

Staff has reviewed the site plan and finds it conforms to bulk and area, floor area, height, setback, access, mutual access, non-medical parking, signage, circulation and landscaped area/landscaping requirements of the Corridor District/PUD as approved. Staff notes that a prior approval of a 10,491 square foot office building in 1997 never resulted in the buildout of Lot 3.

The applicant has demonstrated that the screening requirement for the southern boundary can be accomplished with the existing tree cover. If the City clears these trees in order to improve the drainageway, a privacy or sight-screening fence will be required.

Therefore, staff recommends **APPROVAL** of the Amended Corridor Site Plan subject to the following conditions:

1. Office parking at 1:300 for general office uses only. No medical or dental offices will be permitted.
2. Site screen fencing be installed on the southern boundary of the lot if the existing trees are removed within the drainage reserve Area B.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 10 members present:
On **MOTION** of **WESTERVELT**, the TMAPC voted **10-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Selph, Westervelt "aye"; no "nay"; none "abstaining"; Midget "absent") to recommend **APPROVAL** for the Minor Amendment to Corridor Site Plan Z-5722-SP-11-C subject to conditions as recommended by staff.

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There being no further business, the Chairman declared the meeting adjourned at 1:50 p.m.

Date approved: 12-2-98

Chairman

ATTEST: _____
Secretary