

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2222

Wednesday, November 3, 1999, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Boyle	Dick	Beach	Swiney, Legal
Carnes	Horner	Dunlap	Counsel
Harmon		Huntsinger	
Hill		Matthews	
Jackson		Stump	
Ledford			
Midget			
Pace			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, November 1, 1999 at 8:30 a.m., posted in the Office of the City Clerk at 8:28 a.m., as well as in the office of the County Clerk at 8:25 a.m.

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

### **REPORTS:**

#### **Committee Reports:**

##### **Rules and Regulations Committee**

Mr. Westervelt reported that the committee completed a meeting regarding the Brady Heights proposal for HP zoning prior to today's meeting and the TMAPC will be seeing this proposal at the appropriate time (November 17, 1999 at 1:30 p.m.).

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#### **Director's Report:**

Mr. Stump reported that there are two items on the City Council agenda for Thursday, November 04, 1999. In response, Mr. Harmon stated that he would attend the City Council meeting to represent the TMAPC.

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**CONTINUED ITEMS:**

**PRELIMINARY PLAT:**

**Ridge Point Villas (PUD-411-C) (2483)**

(PD-26) (CD-8)

Northeast corner East 101<sup>st</sup> Street and South 84<sup>th</sup> East Avenue

**STAFF RECOMMENDATION:**

Staff requests a continuance to November 17, 1999.

**There were no interested parties wishing to speak.**

**TMAPC Action; 8 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Horner "absent") to **CONTINUE** the preliminary plat for Ridge Point Villas to November 17, 1999 at 1:30 p.m.

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**Eastside Market II (PUD-601) (0684)**

(PD-18) (CD-8)

Northeast corner East 71<sup>st</sup> Street South and Highway 169

**STAFF RECOMMENDATION:**

Staff requests a continuance to November 17, 1999.

**There were no interested parties wishing to speak.**

**TMAPC Action; 8 members present:**

On **MOTION** of **HILL**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Horner "absent") to **CONTINUE** the preliminary plat for Eastside Market II to November 17, 1999 at 1:30 p.m.

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**SUBDIVISIONS**

**LOT-SPLITS FOR WAIVER OF SUBDIVISION REGULATIONS:**

**L-18938 – David Phillips (592)**

(PD-10) (County)

6402 West Edison

**STAFF RECOMMENDATION:**

The applicant has applied to split the property into two tracts. Both tracts meet the RS Bulk and Area Requirements; however, the proposed configuration for the remainder tract results in having six side-lot lines. This would require a waiver of the Subdivision Regulations that states no lot should have more than three side-lot lines.

The Technical Advisory Committee reviewed this application on October 21, 1999, and expressed no concern. Staff believes this lot-split would not have an adverse effect on the surrounding properties and would therefore recommend **APPROVAL** of the waiver of Subdivision Regulations and of the lot-split.

**There were no interested parties wishing to speak.**

**TMAPC Action; 8 members present:**

On **MOTION** of **WESTERVELT**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Horner "absent") to **APPROVE** the waiver of Subdivision Regulations and lot-split for L-18938 as recommended by staff.

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**L-18956 – Wallace Engineering (294)**

(PD-17) (CD-6)

16901 East Admiral Place

**STAFF RECOMMENDATION:**

The applicant has applied for a lot-split with the intention of using Tract 1 for a telecommunications regeneration station. Sewer service is not available to this tract, and would require a waiver of the Subdivision Regulations. Therefore, the applicant is asking for a waiver of the Subdivision Regulations 6.5.4.(d) and (e) requiring sewer/septic on each tract.

Staff reviewed this application with TAC on October 21, 1999. While TAC expressed no concerns with waiving the sewer requirements, PSO did request an easement for Tract 1. On October 26, 1999, the Board of Adjustment approved a variance of the street frontage requirements from 150' to 25'.

Staff believes this lot-split would not have an adverse effect on the surrounding properties and would therefore recommend **APPROVAL** of the waiver of Subdivision Regulations and of the lot-split, with the condition that the utility easement be provided.

**There were no interested parties wishing to speak.**

**TMAPC Action; 8 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Horner "absent") to **APPROVE** the waiver of Subdivision Regulations and lot-split for L-18956 subject to the condition that the utility easement be provided as recommended by staff.

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**L-18957 – Charles Hillhouse (1582)**

(PD-8) (CD-2)

8221 South 33<sup>rd</sup> West Avenue

**STAFF RECOMMENDATION:**

The applicant has applied to split their 490' X 221' property into two tracts. Both tracts meet the RS Bulk and Area Requirements; however, the proposed configuration for Tract 2 results in having four side-lot lines. This would require a waiver of the Subdivision Regulations that states no lot should have more than three side-lot lines.

Staff reviewed this application with TAC on October 21, 1999. PSO requested an easement for Tract B and Tulsa County stated that additional right-of-way would need to be deeded to the County.

Staff believes this lot-split would not have an adverse effect on the surrounding properties and would therefore recommend **APPROVAL** of the waiver of Subdivision Regulations and of the lot-split, with the condition that the utility easement and the west 50' of right-of-way be provided.

**APPLICANT'S COMMENTS:**

**Charles Hillhouse**, 8225 South 33<sup>rd</sup> West Avenue, Tulsa, Oklahoma 74132, stated that he is concerned with the term of "deeded" to as opposed to "easement". He commented that he understood that he had a choice of either deeding an additional 20 feet to the County or proposing it as an easement.

In response, Mr. Beach stated that that the requirement is for dedication of right-of-way in order to meet the Major Street and Highway Plan. He explained that 33<sup>rd</sup> West Avenue is a secondary arterial and it requires 50 feet from the centerline.

Mr. Swiney stated that the land that Mr. Hillhouse will be deeding to the County would be a road right-of-way, which would revert to him if and when that street is ever vacated.

**TMAPC Action; 8 members present:**

On **MOTION** of **PACE**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Horner "absent") to **APPROVE** the waiver of the Subdivision Regulations and the lot-split for L-18957 subject to the condition that the utility easement and the west 50' right-of-way be provided as recommended by staff.

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**LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:**

<b><u>L-18921 – Sack &amp; Associates (2483)</u></b> 9800 South 84 <sup>th</sup> East Avenue	(PD-26) (CD-8)
<b><u>L-18934 – Herb Weaver (2024)</u></b> 15331 North 113 <sup>th</sup> East Avenue	(PD-14) (County)
<b><u>L-18961 – Paula Derby (2484)</u></b> 19140 East 96 <sup>th</sup> Street	(PD-19) (County)
<b><u>L-18964 – Crestview II Housing Partners</u></b> South of southeast corner East 36 <sup>th</sup> Street North & Cincinnati	(PD-25) (CD-1)
<b><u>L-18973 – Carolyn Wagnon (2774)</u></b> 17099 South 157 <sup>th</sup> East Avenue	(PD-19) (County)
<b><u>L-18974 – Roy Johnsen (2283)</u></b> West of southwest corner East 91 <sup>st</sup> Street & Sheridan	(PD-18) (CD-8)

**STAFF RECOMMENDATION:**

Mr. Beach stated that these lot-splits are all in order and staff recommends approval.

**There were no interested parties wishing to speak.**

**TMAPC Action; 8 members present:**

On **MOTION** of **WESTERVELT**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Horner "absent") to **RATIFY** these lot-splits given Prior Approval, finding them in accordance with Subdivision Regulations.

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**FINAL PLAT:**

<b><u>Eagle Ridge II (690)</u></b> Southwest corner of Coyote Trail and 11 <sup>th</sup> Street	(PD-23) (County)
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**STAFF RECOMMENDATION:**

Mr. Stump stated that all release letters have been received and staff finds it to be appropriate for final approval.

**There were no interested parties wishing to speak.**

**TMAPC Action; 8 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Horner "absent") to **APPROVE** final plat for Eagle Ridge II as recommended by staff.

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Mr. Midget in at 1:36 p.m.

**Jim Norton Center II**

(PD-26) (CD-18)

South of southeast corner of 98<sup>th</sup> East Avenue and South Memorial Drive

**STAFF RECOMMENDATION:**

Mr. Stump stated that that this final plat was added to the agenda at the request of Mr. Ted Sack. He explained that the applicant indicated that he needed the final plat on today's agenda because the City Council will not have the usual number of meetings this month and it will delay his project.

Mr. Stump indicated that staff does not have a problem with the face of the plat; however, staff does have a problem with the second page, etc., which incorporates the PUD requirements. He explained that the PUD requirements have not been submitted in proper order and staff does not have the requirements in hand at this time. He stated that the staff does not normally bring a final plat before the TMAPC until the requirements are in hand, but the applicant requested the final plat be added to the agenda.

Mr. Stump reiterated that staff does not have the proper text to go with the plat and in staff's opinion it is not ready for final approval.

**APPLICANT'S COMMENTS:**

**Ted Sack.** 111 South Elgin Avenue, Tulsa, Oklahoma 74120, stated that staff added this final plat to the agenda at his request. He explained that all release letters have been received and the TMAPC recently approved a minor amendment on the PUD last week. He indicated that Mr. Johnsen is preparing the deed of dedication, which accompanies the plat.

Mr. Sack stated that the TMAPC has released a plat in the past subject to final legal review of the deed of dedication. He informed the TMAPC that the City Council would not be meeting November 11<sup>th</sup> and 25<sup>th</sup>. He indicated that he would like to be on the November 18<sup>th</sup> City Council meeting and to do so this final plat will need to be approved today.

**TMAPC COMMENTS:**

Mr. Boyle stated that normally the TMAPC approves final plats subject to legal review, but he does not recall the TMAPC approving a final plat subject to staff reviewing the plat. He explained that this would be asking the TMAPC to approve something that has not been seen by staff and the TMAPC.

Mr. Sack stated that staff has seen a draft for the deed of dedication; however, it needs to be modified to meet the conditions as to what was actually approved on the PUD recently. He commented that the amendment does not change the face of the plat.

Mr. Stump stated that when the staff states "...subject to Legal's approval as to form" it means that staff has reviewed all of the content portions of the plat and found them to be appropriate for the zoning and any other requirements imposed, and Legal is typically reviewing who is dedicating and who is signing, etc. In this case the content of the plat is not correct at this time. In response, Mr. Boyle stated that he does not remember the TMAPC ever approving a final plat subject to this type of review that Mr. Sack is requesting.

Mr. Ledford commented that if the final plat is subject to Legal's review; then it is still dependent upon Mr. Sack getting Mr. Johnsen to prepare the deed of dedication and submit it to staff, final legal review before filing the plat.

Mr. Boyle stated that the TMAPC understands the process of plats, but normally the process is to have staff review the content before the TMAPC approves the plat and before Legal gives final review. He further stated that since staff has not seen the content and cannot advise the TMAPC if the content is consistent, then he couldn't vote to approve something that has not been reviewed.

Mr. Sack stated that he is requesting that the TMAPC give staff the right to review the deed of dedication and release the plat to City Council.

Mr. Westervelt stated that he is not comfortable with the request and cannot support this request.

**TMAPC Action; 8 members present:**

**MOTION of WESTERVELT to DENY** the final plat. No second.

Motion failed.

Mr. Swiney stated that the TMAPC has the power to approve something subject to staff's review and approval. He commented that this would be a dangerous thing to do for this situation. He explained that essentially the TMAPC would be delegating its duty to staff and staff is supposed to be an arm of the TMAPC in reviewing the substance of this matter. Legal review is of the form of the matter and it is really a question of substance and form. He stated that the TMAPC has approved plats subject to the form being approved by Legal, but the TMAPC has never approved a plat before the substance is reviewed by staff.

In response to Mr. Midget, Mr. Stump stated that the subject plat is unusual because it contains two different PUD's. This complicated working out the standards for a recent minor amendment. The standards as were submitted when the plat was first processed were the wrong standards for the PUD and new standards have been adopted, but nothing has been submitted reflecting the new standards. Mr. Midget stated that basically the substance is at 0% at this time.

**TMAPC Action; 9 members present:**

On amended **MOTION** of **WESTERVELT**, the TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Hill, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Horner "absent") to **CONTINUE** the final plat for Jim Norton Center II to November 17, 1999 at 1:30 p.m.

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**PRELIMINARY PLAT:**

**Crown Colony (3314)**

(PD-15) (County)

East of southeast corner of East 76<sup>th</sup> Street and North 129<sup>th</sup> East Avenue

**STAFF RECOMMENDATION:**

This plat consists of 46 lots and one reserve in four blocks on 14.03 acres in unincorporated Tulsa County. The property is being developed for single-family residential use. The surrounding area consists of RE, RS and FD zoning with single-family residences. The FD zoning follows Elm Creek and abuts the subject property along its entire southeasterly boundary.

The following were discussed **September 16, 1999** at the Technical Advisory Committee meeting:

**1. Streets/access:**

- Beach, staff, noted that access limits need to be shown on the plat. Two of the proposed streets are shown stubbed to the southeast property line but the abutting property contains a creek. These streets should be reconfigured or eliminated.
- Rains, County Engineer, concurred on the redesign of the streets, stating that the County does not want the maintenance responsibility on stubbed streets that will not ever be extended because of the creek.
- Hodo, DLH Engineering, stated that the developer intends to develop the floodplain as parkland and the stub streets would serve as access to the park.
- Warlick, Owasso City Planner, requested 60 feet of right-of-way south of the centerline of 76<sup>th</sup> Street North to meet Owasso's Comprehensive Plan requirement for a primary arterial street.
- Hodo, DLH Engineering, indicated that 60 feet of total dedication on 76<sup>th</sup> Street would be acceptable.

**2. Sewer:**

- At the sketch plat review, it was revealed that sanitary sewer is available to the southeast of the property, in the creek.
- The preliminary plat application states that the lots would have individual septic systems. However ODEQ requirements are for minimum lot size of ½ acre. This proposal is for ¼ acre lots. Public sanitary sewer must be used.

**3. Water:**

- Staff has no information on the availability of water to the project. The applicant stated that the RWD #3 would be the provider.



- There was no representative from RWD #3.
- 4. Storm Drainage:**
  - Elm Creek is adjacent to the property to the southeast. This is a waterway regulated under Section 404 of the Clean Water Act. No dredged or fill material may be placed in this waterway without Army Corps of Engineers approval.
  - Rains, County Engineer, stated that the limits of the floodplain must be shown on the plat including off-site.
- 5. Other:**
  - Pierce, PSO, commented by email. He stated this property is not served by PSO unless it is annexed into Owasso. However, there is a 138Kv circuit crossing the property in the 100-foot easement shown on the plat. He listed several requirements:
    1. No permanent buildings or other structures within the easement.
    2. No swimming pools within the easement.
    3. No trees or other vegetation within the easement.
    4. Utility easements on the easterly and westerly bounds of the easement should not be more than ten feet wide inside the easement.
    5. All utilities, including water and sanitary sewer within the bounds of the 100-foot easement should be within the ten-foot utility easements, not in the street right-of-way. No utilities should cross the 100-foot easement.
    6. All conflicts with required clearances (both NESC and OSHA) will be resolved at the developer's expense.
    7. No grade changes will be allowed within 30 feet of PSO structures.
    - Electric service by REC Okmulgee
    - Phone by Bixby Telephone
    - No gas or TV utilities will be provided.

**Staff recommends approval** of the preliminary plat subject to the conditions listed below.

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

1. Letter of release from PSO stating that their requirements regarding the 100-foot easement described above have been satisfied.
2. Letter of release indicating satisfactory compliance with Army Corps of Engineers' requirements related to the adjacent floodway.

**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. 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).
3. Paving and/or drainage plans shall be approved by the County Engineer including storm drainage, detention design, and Watershed Development Permit.
4. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
5. Street names shall be approved by the County Engineer and shown on plat.
6. All curve data, including corner radii, shall be shown on final plat as applicable.
7. Bearings, or true N/S, etc. shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
8. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
9. Limits of Access or LNA, as applicable, shall be shown on plat as approved by the County Engineer. Include applicable language in covenants.
10. It is recommended that the developer coordinate with the County Engineer during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
11. It is recommended that the applicant and/or his engineer or developer coordinate with the Department of Environmental Quality for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
12. The method of sewage disposal and plans therefor shall be approved by the Department of Environmental Quality. (Percolation tests required prior to approval of plat.)
13. Privately operated, on-site sewage disposal systems type, size and general location shall be identified and the information regarding their regulation shall be contained in the restrictive covenants.
14. The method of water supply and plans therefor shall be approved by the City/County Health Department.
15. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
16. The key or location map shall be complete.

17. 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.)
18. 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.)
19. 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.)
20. Applicant is advised to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
21. All other Subdivision Regulations shall be met prior to release of final plat.

**TMAPC COMMENTS:**

Mr. Boyle expressed concerns regarding the single access for the project. In response, Mr. Beach stated that it did cause concern and it was discussed with the County Engineer. Mr. Beach indicated that because of the location of the easement and some topography in the area, it didn't appear that there would be any other solution to one access. Mr. Beach stated that based on the intensity of the development and the surrounding areas the County Engineer felt comfortable with leaving the proposal with one point of access.

Mr. Ledford commented that he finds the comments made by PSO during the TAC meeting offensive. He stated that the TMAPC has never given PSO that much leverage on plats. He commented that he does not agree with the PSO comments. Mr. Ledford concluded that there is standard language for PSO in the plats and he is against the language PSO used.

Mr. Beach explained that PSO made the comments after reviewing the plat and seeing the effect it would have on PSO's easement. Staff gave a more general requirement in the recommendation and will leave the issue to be worked out between the applicant and PSO. Once staff receives a letter of release from PSO stating that they are satisfied, then staff will be satisfied.

Mr. Westervelt stated that when the vote does come on this issue, it would be appropriate that the motion include that some of the statements be stricken. He commented that he is not ready to endorse PSO's requirements in the TMAPC language for plats.

**APPLICANT'S COMMENTS:**

**Dennis Hodo**, 8555 North 117 East Avenue, Owasso, Oklahoma 74055, stated that he had a problem with PSO not allowing other utilities to cross their easement, which would landlock a portion of the subject property. He indicated that he has had some discussion with PSO, but he does not have a letter at this time indicating that they will retract that statement. He commented that the other requirements he can live with if there are no compromises. He stated that he appreciates the concerns expressed by the TMAPC regarding the PSO requirements.

He indicated that he is in the process of obtaining a Corps. and FEMA-approved map revision on the floodzone to make sure that the cul-de-sac is outside of it.

**TMAPC COMMENTS:**

Mr. Boyle asked the applicant why there could not be two points of access. In response, Mr. Hodo stated that he doesn't know why there couldn't be two points of access. Mr. Hodo explained that this is the first time it has been mentioned to his knowledge.

Mr. Hodo stated that the original plan with the street that stubbed east in the central portion of this plat, which was converted to a reserve area, was to continue a street to the east. He explained that the same company owns the property to the east and there is a creek between the two properties. He stated that there are concerns regarding the expense of building a bridge across the creek that would meet County standards. He indicated that it is his intent to have the reserve as a public or private road in the future. He stated that he would not object to having another access point to 76<sup>th</sup> Street if it is a requirement.

Mr. Carnes stated that he would feel more comfortable if the motion included another point of access.

Ms. Hill stated that she agrees with Mr. Carnes and expressed concerns with there being a safety issue due to one point of access.

Ms. Pace stated that at the minimum there would have to be a crash gate, but if the applicant is willing to build a street, then she could support a street.

Mr. Stump stated that the TMAPC is approving a preliminary plat as to design, and the final plat is supposed to be the same as the preliminary plat. He suggested that the preliminary plat go back to TAC and be brought back before TMAPC at a later date.

Mr. Swiney stated that the point of access was not the only issue discussed today regarding this plat. In response, Mr. Boyle stated that the PSO issues need to be addressed as well.

**TMAPC Action; 9 members present:**

On amended **MOTION** of **WESTERVELT** to **CONTINUE** the preliminary plat for Crown Colony to December 1, 1999 and with the anticipation that the PSO items 3, 5, 6 and 7 be removed from the plat.

**TMAPC COMMENTS:**

Mr. Boyle stated that he couldn't support the motion because there are extremely good reasons why several of PSO's items need to be on the plat.

**TMAPC Action; 9 members present:**

On amended **MOTION** of **WESTERVELT**, the TMAPC voted **8-1-0** (Carnes, Harmon, Hill, Jackson, Ledford, Midget, Pace, Westervelt "aye"; Boyle "nay"; none "abstaining"; Dick, Horner "absent") to **CONTINUE** the preliminary plat for Crown Colony to December 1, 1999 and with the anticipation that the PSO items 3, 5, 6 and 7 be removed from the plat.

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**Carbondale Assembly of God Church (2792)**

(PD-9) (CD-2)

Northwest corner of West 51<sup>st</sup> Street South and South Yukon Avenue

**STAFF RECOMMENDATION:**

This plat consists of one lot in one block on 10.248 acres. The property contains an existing church that was heavily damaged by tornadoes in the spring of 1999. In order to rebuild they needed approval from the Board of Adjustment. This action triggered the platting requirement. A plat waiver request was reviewed by TAC and denied by TMAPC.

The following were discussed **October 21, 1999** at the Technical Advisory Committee (TAC) meeting:

**6. Streets/access:**

- Beach, staff, noted the tract has frontage on West 51<sup>st</sup> Street. Right-of-way is being dedicated to meet the Major Street and Highway Plan standards.
- Somdecerrf, Transportation, stated that the standard street dedication language is needed in the covenants. The legal description is vague whether Reserve A is included in this plat or not. The right-of-way note and stormwater detention note do not point to the boundaries of these areas.

**7. Sewer:**

- There were no comments.

**8. Water:**

- Beach, staff, noted that plat waiver review revealed that an additional waterline would be needed with fire hydrants and easements.
- Vaverka, Water, and Calkins, Fire Dept., are content pending final construction plans.

**9. Storm Drainage:**

- Beach, staff, noted that plat waiver review revealed that an onsite detention would be required with a PFPI to tie into existing storm sewer. Easement is shown in southeast corner of property.

**10. Other:**

- Weisz, applicant, indicated Reserve A is not a reserve in this plat. It is a reserve area from Hill Haven Addition, which abuts to the north. This church acquired the property some time ago.
- Nelson, SWB, noted Section 1, Paragraph I, Paving and Landscaping within Easements, should read "...necessary placement or maintenance..."
- Pierce, PSO, wants an eleven-foot perimeter easement.

**Staff recommends approval** of the preliminary plat subject to the conditions listed below.

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

1. None required.

**Standard Conditions:**

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

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

**There were no interested parties wishing to speak.**

**TMAPC Action; 9 members present:**

On **MOTION** of **HARMON**, the TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Hill, Jackson, Ledford, Pace, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Horner "absent") to **APPROVE** the preliminary plat for Carbondale Assembly of God Church, subject to the standard conditions as recommended by staff.

\* \* \* \* \*

**Midget out at 2:05 p.m.**

**Foxfire Estates (0783)**

(PD-18) (CD-2)

South of the southeast corner of South Wheeling & East 73<sup>rd</sup> Street South

**STAFF RECOMMENDATION:**

This plat consists of 74 lots in two blocks and two reserves on 9.21 acres. It will be developed as single-family, zero lot line, attached homes on 24-foot wide lots.

The following were discussed **October 21, 1999** at the Technical Advisory Committee (TAC) meeting:

**1. Streets/access:**

- Beach, staff, noted the tract has its primary access from South Wheeling Avenue. Reserve A is for a private drive serving all 74 lots.
- Jones, applicant: stated that there will be private entry gates and that there will be a PFPI to rearrange the medians on Wheeling to accommodate the entry to this project.
- Eshelman, Traffic, had no concerns.
- Calkins, Fire, wants larger turning radii in the access easement.

**2. Sewer:**

- There were no comments.

**3. Water:**

- Vaverka, Water, wants perimeter water line in restricted 20-foot water line easement with hydrants in 10'x10' easements.

**4. Storm Drainage:**

- Reserve B is for stormwater detention.

**5. Other:**

- Jones, applicant, noted that gas, electric, and telephone will be in a 9 ½-foot landscape and utility easement around the perimeter of the property.
- Pierce, PSO, wants emergency access to the property.

**Staff recommends approval** of the preliminary plat subject to the conditions listed below.

**Waivers of Subdivision Regulations:**

1. None requested.



**Special Conditions:**

1. None needed.

**Standard Conditions:**

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A 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 Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc. shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.

14. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. The method of water supply and plans therefor shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
18. The key or location map shall be complete.
19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final plat.

**TMAPC COMMENTS:**

Mr. Boyle expressed concerns with what appears to be one access point for the entire development. In response, Mr. Stump stated that the south and north boundaries have private drives that provide access.

Mr. Ledford asked if the points of access would be gated. In response, Mr. Tanner, 2202 East 49<sup>th</sup> Street, Tulsa, Oklahoma 74105, stated that the development does have three points of access and they are all gated. Mr. Tanner explained that there is a primary access down the middle of the street and then there will be rear garages on the north and south perimeters.

Mr. Ledford asked if the points of access allow ingress/egress or outgoing only. In response, Mr. Tanner stated that the three points of access would have full movement.

**There were no interested parties wishing to speak.**

**TMAPC Action; 8 members present:**

On **MOTION** of **WESTERVELT**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Horner Midget "absent") to **APPROVE** the preliminary plat for Foxfire Estates subject to standard conditions as recommended by staff.

\* \* \* \* \*

**Kallay Park Center (PUD 621) (1693)**

(PD-6) (CD-7)

Southeast corner of East 27<sup>th</sup> Street South and South Harvard Avenue

**STAFF RECOMMENDATION:**

This plat consists of one lot in one block on 2.55 acres. It will be developed under PUD 621 with proposed possible uses including parking, offices, restaurants (including drive-ins), convenience goods and services, shopping goods and services, and car wash. The east 150 feet would be limited only to parking or office uses.

The following were discussed **October 21, 1999** at the Technical Advisory Committee (TAC) meeting:

**1. Streets/access:**

- Beach, staff, noted the tract has frontage on Harvard, 27<sup>th</sup> Street (one way) and 27<sup>th</sup> place. Right-of-way is being dedicated along Harvard.
- There were no other comments.

**2. Sewer:**

- There were no comments.

**3. Water:**

- There were no comments.

**4. Storm Drainage:**

- Haye, Stormwater, stated since there was no site plan to review, detention will be required if there is an increase in impervious area.

**5. Other:**

- Pierce, PSO, wants an eleven-foot perimeter easement on the north, south and west sides and the easement should follow the curved property lines at the northwest and southwest corners of the property. He also wants the existing easements vacated.

**Staff recommends approval** of the preliminary plat subject to the conditions listed below.

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

1. None needed.

**Standard Conditions:**

1. All conditions of PUD-621 shall be met prior to release of the final plat, including any applicable provisions in the covenants or on the face of the plat. Include PUD approval date and references to applicable sections of the Zoning Code in the covenants.
2. 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.
3. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
4. 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).
5. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
6. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
7. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
8. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
9. Street names shall be approved by the Public Works Department and shown on plat.
10. All curve data, including corner radii, shall be shown on final plat as applicable.
11. Bearings, or true N/S, etc. shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
12. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
13. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
14. 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.

15. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
16. 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.)
17. The method of water supply and plans therefor shall be approved by the City/County Health Department.
18. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
19. The key or location map shall be complete.
20. 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.)
21. 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.)
22. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
23. All other Subdivision Regulations shall be met prior to release of final plat.

**STAFF COMMENTS:**

Mr. Stump stated that the PUD related to this plat is going before the City Council Thursday, November 4, 1999 and has not received first reading approval that this time. He suggested that the Planning Commission approve the preliminary plat subject to the City Council approving the related PUD.

**There were no interested parties wishing to speak.**

**The applicant indicated his agreement with staff's recommendation.**

**TMAPC Action; 8 members present:**

On **MOTION** of **WESTERVELT**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Horner, Midget "absent") to **APPROVE** preliminary plat for Kallay Park Center subject to PUD-621 being approved by the City Council and subject to standard conditions as recommended by staff.

\* \* \* \* \*

**Leadership Office Park (1683)**

(PD-18) (CD-8)

Northwest corner of East 89<sup>th</sup> Street South and South Yale Avenue**STAFF RECOMMENDATION:**

This plat consists of three lots in one block on 0.616 acres and will be developed for office uses. The TMAPC recommended approval of a change to OL zoning on October 6, 1999. The first reading of the zoning ordinance was by the City Council was October 21, 1999.

The following were discussed **October 21, 1999** at the Technical Advisory Committee (TAC) meeting:

**1. Streets/access:**

- Beach, staff, noted that there are limits of no access along the entire Yale Avenue frontage and ten feet is being dedicated for right-of-way.
- Somdecerff, Transportation, stated that the west 25' of the property, as well as the 25-foot radius, must be dedicated for Winston Avenue right-of-way.

**2. Sewer:**

- Metzger, Wastewater, stated the property could be served from East 89<sup>th</sup> Street.

**3. Water:**

- There were no comments.

**4. Storm Drainage:**

- Jones, applicant, asked for fees in lieu of detention.
- Haye, Stormwater, stated that he would check on the need for detention.

**5. Other:**

- Nelson, SWB, Section 1, 2<sup>nd</sup> Paragraph, should read "...as a result of water or sewer line or other utility repairs, placement or maintenance..."

**Staff recommends approval** of the preliminary plat subject to the conditions listed below.

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

1. None needed.

**Standard Conditions:**

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)

3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A 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 Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc, shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. (Percolation tests (if applicable) are required prior to preliminary approval of plat.)
15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. The method of water supply and plans therefor shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc. shall be completely dimensioned.

18. The key or location map shall be complete.
19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final plat.

**TMAPC COMMENTS:**

Mr. Ledford stated that he would like to have an LNA along Winston Avenue.

**There were no interested parties wishing to speak.**

**TMAPC Action; 8 members present:**

On **MOTION** of **WESTERVELT**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Horner, Midget "absent") to **APPROVE** preliminary plat for Leadership Office Park subject to a LNA being required along Winston Avenue and subject to standard conditions as recommended by the TMAPC.

\* \* \* \* \*

**Meadowbrook Center (PUD 522) (1383)**

(PD-18) (CD-8)

Southwest corner East 81<sup>st</sup> Street South and South Mingo Road

**STAFF RECOMMENDATION:**

This plat consists of three lots in one block on 2.7153 acres and will be developed under PUD 522 which was approved for all uses allowed by right under CS zoning and Use Unit 18, drive-in restaurants.

The following were discussed **October 21, 1999** at the Technical Advisory Committee (TAC) meeting:

**1. Streets/access:**

- Beach, staff, noted there are two points of access being proposed on Mingo and two on 81<sup>st</sup> Street. Fifty feet of right-of-way is being dedicated on both streets.



- Eshelman, Traffic, wants the southernmost access on Mingo moved farther south and the westernmost access on 81<sup>st</sup> moved farther west to provide more spacing between driveways.
2. **Sewer:**
    - There were no comments.
  3. **Water:**
    - There were no comments.
  4. **Storm Drainage:**
    - Haye, Stormwater, stated that on-site detention would be required..
  5. **Other:**
    - Pierce, PSO, wants a 17.5-foot perimeter easement.
    - Varner, GTE, wants a five-foot easement along the line between Lots 1 & 2.

**Staff recommends approval** of the preliminary plat subject to the conditions listed below.

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

1. None needed.

**Standard Conditions:**

1. All conditions of PUD-522 shall be met prior to release of the final plat, including any applicable provisions in the covenants or on the face of the plat. Include PUD approval date and references to applicable sections of the Zoning Code in the covenants.
2. 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.
3. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
4. 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).
5. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
6. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.

7. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
8. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
9. Street names shall be approved by the Public Works Department and shown on plat.
10. All curve data, including corner radii, shall be shown on final plat as applicable.
11. Bearings, or true N/S, etc, shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
12. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
13. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
14. 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.
15. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
16. 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.)
17. The method of water supply and plans therefor shall be approved by the City/County Health Department.
18. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
19. The key or location map shall be complete.
20. 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.)

21. 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.)

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

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

**There were no interested parties wishing to speak.**

**TMAPC Action; 8 members present:**

On **MOTION** of **WESTERVELT**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Horner, Midget "absent") to **APPROVE** preliminary plat for Meadowbrook Center subject to the standard conditions as recommended by staff.

\* \* \* \* \*

**Nordam Cherokee West (3313)**

(PD-15) (County)

7100 North Yale Avenue, west side

**STAFF RECOMMENDATION:**

This plat consists of two lots in one block on 56.30 acres and will be developed for medium intensity industrial uses. The TMAPC recommended approval of a zoning change from AG to IM on October 6, 1999. The preliminary plat will be presented to the Planning Commission after the Board of County Commissioners adopts a resolution to change the zoning.

The following were discussed **October 21, 1999** at the Technical Advisory Committee (TAC) meeting:

**1. Streets/access:**

- Beach, staff, noted that access limits need to be shown on Yale Avenue.

**2. Sewer:**

- There were no comments.

**3. Water:**

- There were no comments.

**4. Storm Drainage:**

- There were no comments.

**5. Other:**

- There were no other comments.

**Staff recommends approval** of the preliminary plat subject to the conditions listed below.

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

1. None needed.

**Standard Conditions:**

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A 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 Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc, shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)

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

**There were no interested parties wishing to speak.**

**TMAPC Action; 8 members present:**

On **MOTION** of **WESTERVELT**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Horner "absent") to **APPROVE** preliminary plat for Nordam Cherokee West subject to zoning change approval by the County Commission and subject to standard conditions as recommended by staff.

\* \* \* \* \*

**Walden Pond (PUD 587-A) (1683)**

(PD-18) (CD-8)

Southwest of East 81<sup>st</sup> Street and South Yale Avenue at the terminus of East 83<sup>rd</sup> Street  
South and South Urbana Avenue

**STAFF RECOMMENDATION:**

This plat consists of one lot in one block and two reserves on 3.78 acres and will be developed for one single-family residence under PUD 587-A. The property is Development Area C of the original PUD and was approved for up to 12 single-family residences.

The following were discussed **October 21, 1999** at the Technical Advisory Committee (TAC) meeting:

**1. Streets/access:**

- Beach, staff, noted that the original PUD required that Urbana and 83<sup>rd</sup> Street be connected. That requirement was modified by this major amendment to allow the streets not to be connected and to have a cul-de-sac at the end of each street. He asked for discussion about the geometry of the cul-de-sacs shown.
- Sack, applicant, explained that 83<sup>rd</sup> Street is only one lot deep so any traffic that would need to turn around in a cul-de-sac would be minimal.
- Eshelman, Traffic, stated that the 20'x70' turn-around at 83<sup>rd</sup> Street would be adequate but the cul-de-sac at Urbana should be full size and meet City standards.
- Payne, Development Services, A PFPI will be required for the cul-de-sacs.

**2. Sewer:**

- There were no comments.

**3. Water:**

- There were no comments.

**4. Storm Drainage:**

- Haye, Stormwater, stated that fees in lieu of detention would be allowed.

**5. Other:**

- Nelson, SWB, indicated Paragraph F should read, "...responsible for the repair of damage to landscaping and paving occasioned by the installation or necessary maintenance..."
- Pierce, PSO, wants to review grading plans within the existing 100-foot easements at the west side of this property. There may be no grading within 30 feet of any structures.

**Staff recommends approval** of the preliminary plat subject to the conditions listed below.

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

1. None needed.

**Standard Conditions:**

1. All conditions of PUD 587-A shall be met prior to release of the final plat, including any applicable provisions in the covenants or on the face of the plat. Include PUD approval date and references to applicable sections of the Zoning Code in the covenants.
2. 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.
3. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
4. 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).
5. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
6. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
7. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
8. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
9. Street names shall be approved by the Public Works Department and shown on plat.
10. All curve data, including corner radii, shall be shown on final plat as applicable.
11. Bearings, or true N/S, etc, shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
12. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
13. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
14. 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.

15. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
16. 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.)
17. The method of water supply and plans therefor shall be approved by the City/County Health Department.
18. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
19. The key or location map shall be complete.
20. 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.)
21. 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.)
22. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
23. All other Subdivision Regulations shall be met prior to release of final plat.

**TMAPC COMMENTS:**

Mr. Westervelt asked for the minutes from the PUD related to the subject plat. He questioned if the minutes reflect that a hammerhead or cul-de-sac would be required.

Mr. Beach indicated that the motion to approve the related PUD was subject to cul-de-sacs at the end of each of the two streets indicated on the plat. Mr. Beach stated that the issue is how one defines cul-de-sacs. In response, Mr. Westervelt stated that when he made the motion for the related PUD he had not seen a square cul-de-sac. Mr. Westervelt further stated that his intent was for a round cul-de-sac being required.

**APPLICANT'S COMMENTS:**

**Ted Sack**, 111 South Elgin Avenue, Tulsa, Oklahoma 74120, stated that since the entrance on the east side will be the entrance into the lot with a gated-type entrance, a detail site plan will probably be required. He explained that vehicles would need a place to turn around since it is a gated area and vehicles will not have access. He commented that during detail site plan review it may be possible to have a round cul-de-sac or it may need to remain a hammerhead.



**TMAPC COMMENTS:**

Mr. Westervelt stated that after listening to Mr. Sack and discovering that it will be a gated entrance into the lot, it may be better effected with a T-shaped turnaround rather than a cul-de-sac.

Mr. Ledford stated that the language should be added that the cul-de-sac or T-shaped turn around must be approved by Traffic Engineer.

**TMAPC Action; 8 members present:**

On **MOTION** of **LEDFORD**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Horner, Midget "absent") to **APPROVE** preliminary plat for Walden Pond subject to standard conditions as recommended by staff and subject to a detail site plan being submitted to the Planning Commission, noting the cul-de-sac size change on South Urbana Avenue as recommended by TMAPC.

\* \* \* \* \*

**Mr. Midget in at 2:20 p.m.**

**PLAT WAIVER:**

**Z-6682 (0193)**

(PD-5) (CD-3)

Northeast corner of East 11<sup>th</sup> Street and South 83<sup>rd</sup> East Avenue

**STAFF RECOMMENDATION:**

Approval of a change of zoning from RS-1 to CS triggered the platting requirement. The Board of Adjustment approved a special exception to allow an RV sales lot on March 23, 1999. The platting requirement must be met before a building or occupancy permit may be issued.

This is the second time this item has come before the TAC and TMAPC. The plat waiver was denied in April 1999. The applicant contends that conditions have changed and anticipates different responses to the checklist that could justify waiving the plat. TAC was asked to review the previous checklist and determine if any of the conditions have changed. The minutes from the 4/7/99 TMAPC hearing are included at the end of this report. The current version of checklist from the October 21, 1999 TAC meeting follows:

**Staff Comments and Recommendation:**

Considering that the purposes of the Subdivision Regulations would not be served by requiring this property to be platted, **staff recommends approval** of the plat waiver subject to the dedication of right-of-way.

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

- |  | YES                                 | NO                       |
|--|-------------------------------------|--------------------------|
| 1) Has property previously been platted?   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2) Are there restrictive covenants contained in a previously filed plat?             | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3) Is property adequately described by surrounding platted properties or street R/W? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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

- |   |                                       |   |
|---|---------------------------------------|---|
| 4) Is right-of-way dedication required to comply with major street and highway plan?        | <input checked="" type="checkbox"/> * | <input type="checkbox"/>                |
| 5) Will restrictive covenants be filed by separate instrument?                              | <input type="checkbox"/>              | <input checked="" type="checkbox"/>     |
| 6) Infrastructure requirements  |                                       |   |
| a) Water  |                                       |   |
| i) Is a main line water extension required?   | <input type="checkbox"/>              | <input checked="" type="checkbox"/>     |
| ii) Is an internal system or fire line required?  | <input type="checkbox"/>              | <input checked="" type="checkbox"/>     |
| iii) Are additional easements required?   | <input type="checkbox"/>              | <input checked="" type="checkbox"/>     |
| b) Sanitary Sewer   |                                       |   |
| i) Is a main line extension required?   | <input type="checkbox"/>              | <input checked="" type="checkbox"/>     |
| ii) Is an internal system required?   | <input type="checkbox"/>              | <input checked="" type="checkbox"/>     |
| iii) Are additional easements required?   | <input type="checkbox"/>              | <input checked="" type="checkbox"/>     |
| c) Storm Sewer  |                                       |   |
| i) Is a P.F.P.I. required?  | <input type="checkbox"/>              | <input checked="" type="checkbox"/> **  |
| ii) Is an Overland Drainage Easement required?  | <input type="checkbox"/>              | <input checked="" type="checkbox"/> **  |
| iii) Is on-site detention required?   | <input type="checkbox"/>              | <input checked="" type="checkbox"/>     |
| iv) Are additional easements required?  | <input type="checkbox"/>              | <input checked="" type="checkbox"/>     |
| 7) Floodplain   |                                       |   |
| a) Does the property contain a City of Tulsa (Regulatory) Floodplain?                       | <input type="checkbox"/>              | <input checked="" type="checkbox"/> *** |
| b) Does the property contain a F.E.M.A. (Federal) Floodplain?                               | <input type="checkbox"/>              | <input checked="" type="checkbox"/> *** |
| 8) Change of Access   |                                       |   |
| a) Are revisions to existing access locations necessary?                                    | <input type="checkbox"/>              | <input checked="" type="checkbox"/>     |
| 9) Is the property in a PUD?  | <input type="checkbox"/>              | <input checked="" type="checkbox"/>     |
| a) If yes, was plat recorded for the original PUD?  | N/A                                   |   |
| 10) Is this a Major Amendment to a PUD?   | <input type="checkbox"/>              | <input checked="" type="checkbox"/>     |
| a) If yes, does the amendment make changes to the proposed physical development of the PUD? | N/A                                   |   |

- \* Right-of-way dedications required – 30' radius at southwest corner.
- \*\* Development Services stated that all previous drainage issues have been resolved to their satisfaction.
- \*\*\* The previous checklist indicated the property contained floodplain. However, it was removed from the floodplain prior to the last plat waiver review but the maps had not been amended. Floodplain is not an issue at this time.

#### **TMAPC Minutes from 4/7/99:**

#### **Staff Comments and Recommendation:**

Several concerns are identified on the checklist below. Item 4 requires dedication of right-of-way to form a 30' radius at the corner of 11<sup>th</sup> Street and 83<sup>rd</sup> East Avenue. Item 6 states that a PFPI and drainage easements are required. Item 7 identifies floodplain at the southwest corner of the property that is no longer there because the FEMA maps have not been amended since storm drainage improvements were made in the area. Staff is unclear as to the exact nature of the PFPI.

Based on the checklist below, which reflects the policies of TMAPC, staff recommends **DENIAL** of the plat waiver. However, if the Commission were inclined to approve, it should be on the condition that right-of-way be dedicated to form a 30' radius at the corner of 11<sup>th</sup> Street and 83<sup>rd</sup> East Avenue and a letter of release be provided to TMAPC staff stating that all requirements of the Public Works Department related to stormwater management have been met.

A survey in lieu of plat would not be required because the property is already platted.

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

- |   | YES | NO                       |
|---|-----|--------------------------|
| 1.) Has property previously been platted?   | ✓   | <input type="checkbox"/> |
| 2.) Are there restrictive covenants contained in a previously filed plat?             | ✓   | <input type="checkbox"/> |
| 3.) Is property adequately described by surrounding platted properties or street R/W? | ✓   | <input type="checkbox"/> |

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

- |   |                          |                          |
|---|--------------------------|--------------------------|
| 4.) Is right-of-way dedication required to comply with major street and highway plan? | ✓                        | <input type="checkbox"/> |
| 5.) Will restrictive covenants be filed by separate instrument?                       | ✓                        | <input type="checkbox"/> |
| 6.) Infrastructure requirements   |                          |                          |
| a) Water  |                          |                          |
| i) Is a main line water extension required?   | <input type="checkbox"/> | ✓                        |
| ii) Is an internal system or fire line required?                                      | <input type="checkbox"/> | ✓                        |
| iii) Are additional easements required?   | <input type="checkbox"/> | ✓                        |

- |   |                          |                          |
|---|--------------------------|--------------------------|
| b) Sanitary Sewer   |                          |                          |
| i) Is a main line extension required?   | <input type="checkbox"/> | ✓                        |
| ii) Is an internal system required?   | <input type="checkbox"/> | ✓                        |
| iii) Are additional easements required?   | <input type="checkbox"/> | ✓                        |
| c) Storm Sewer  |                          |                          |
| i) Is a P.F.P.I. required?  | ✓                        | <input type="checkbox"/> |
| ii) Is an Overland Drainage Easement required?  | ✓                        | <input type="checkbox"/> |
| iii) Is on-site detention required?   | <input type="checkbox"/> | ✓                        |
| iv) Are additional easements required?  | <input type="checkbox"/> | ✓                        |
| 7.) Floodplain  |                          |                          |
| a) Does the property contain a City of Tulsa (Regulatory) Floodplain?                       | ✓                        | <input type="checkbox"/> |
| b) Does the property contain a F.E.M.A. (Federal) Floodplain?                               | ✓                        | <input type="checkbox"/> |
| 8.) Change of Access  |                          |                          |
| a) Are revisions to existing access locations necessary?                                    | <input type="checkbox"/> | ✓                        |
| 9.) Is the property in a PUD?   | <input type="checkbox"/> | ✓                        |
| a) If yes, was plat recorded for the original PUD?  | <b>N/A</b>               |                          |
| 10.) Is this a Major Amendment to a PUD?  | <input type="checkbox"/> | ✓                        |
| b) If yes, does the amendment make changes to the proposed physical development of the PUD? | <b>N/A</b>               |                          |

**There were no interested parties wishing to speak.**

**TMAPC Action; 9 members present:**

On **MOTION** of **LEDFOORD**, the TMAPC voted **9-0-0** (Boyle, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick "absent") to **DENY** the Plat Waiver for Z-6682 finding that this case does not meet TMAPC policies for a plat waiver.

**TMAPC COMMENTS:**

Mr. Boyle asked why there will not be any restrictive covenants filed for this plat waiver. In response, Mr. Stump explained that since it is a rezoning and not a PUD there would not be any restrictive covenants.

Mr. Sack stated that the majority of problems from the previous plat waiver have been taken care of and that is why it is before the Planning Commission again.

**There were no interested parties wishing to speak.**

**TMAPC Action; 9 members present:**

On **MOTION** of **WESTERVELT**, the TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Hill, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Horner "absent") to **APPROVE** the plat waiver for Z-6682 subject to the dedication of right-of-way as recommended by staff.

\*\*\*\*\*

**Ms. Pace out at 2:25 p.m.**

**CONTINUED ZONING PUBLIC HEARING**

**Application No.: Z-6717/PUD-617**

**RS-3 to OL/PUD**

**Applicant:** Charles Norman

**(PD-6) (CD-9)**

**Location:** South side of East 21<sup>st</sup> Street South at South Atlanta Place

**STAFF RECOMMENDATION Z-6717:**

Relationship to the Comprehensive Plan:

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:** The District 6 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Low Intensity-Residential.

According to the Zoning Matrix the requested OL zoning **is not** in accordance with the Plan Map. (Staff would note that the requested OL zoning would be a "may-be-found" if the tract had been designated Low Intensity-No Specific Land Use.)

Staff Comments:

**Site Analysis:** The subject property is approximately 3.08 acres in size and is located on the south side of East 21<sup>st</sup> Street South at South Atlanta Place. The property is gently sloping, partially wooded, contains six single-family homes and is zoned RS-3.

**Surrounding Area Analysis:** The subject property is abutted on the south by single-family dwellings, zoned RS-2; to the west, by offices, zoned OL and OM; to the north, across East 21<sup>st</sup> Street South by offices, zoned OL; to the northeast by an office, zoned OL, to the east by a nursing home, zoned RM-2 and single-family dwelling, zoned RS-2.

**Zoning and BOA Historical Summary:** The most recent rezoning activity in this area, rezoned the lot that abuts the subject tract on the northeast east and fronts East 21<sup>st</sup> Street South. This lot was rezoned from RS-3 to OL for office use.

**Conclusion:** The subject tract is within an area that is designated Low Intensity – Residential by the Comprehensive Plan; however, based on the surrounding land uses, existing zoning and development in this area, staff can recommend **APPROVAL** of OL zoning if the Planning Commission finds the accompanying PUD-617 to be satisfactory. Should TMAPC concur with staff's recommendation, TMAPC should direct staff to prepare appropriate amendments to the District 6 Plan.

**AND**

**STAFF RECOMMENDATION PUD-617:**

The PUD proposes office uses on a 3.338-acre tract located on both sides of South Atlanta Place, on the south side of East 21<sup>st</sup> Street. The tract is currently zoned RS-3. Concurrently, an application has been filed (Z-6717) to rezone the tract to office light. There are office uses zoned OL to the north of the tract, across 21<sup>st</sup> Street. The tract is abutted on the west by office uses zoned OL and on the east by an office use zoned OL and a nursing home zoned RM-2. The tract has no access to the south and is separated from the rear yards of residential lots (zoned RS-2) fronting onto 22<sup>nd</sup> Street by a wooded floodplain and drainage area.

The Comprehensive Plan designates the subject tract as Low Intensity-Residential. According to the Zoning Matrix the requested zoning is not in accordance with the Comprehensive plan. However, based on the surrounding land uses, existing zoning and development in this area, staff recommends the Comprehensive Plan be amended to designate the tract as Low Intensity-No Specific Land Use.

The subject tract consists of seven single-family lots. The PUD proposes that the existing residences be removed and the property be developed as an office park with office buildings designed for separate ownership as indicated on Exhibit A.

The PUD also proposes that an elevated slab be constructed over a part of the floodplain area to provide off-street parking and stormwater detention as indicated on Exhibit B. The concept of constructing the parking slab over part of the floodplain area and preserving the stormwater storage capacity has been approved by Stormwater Management.

The applicant proposes one entrance to the PUD from East 21<sup>st</sup> Street at the present location of South Atlanta Place. The applicant also proposes that upon vacation of the existing plat and the replatting of the property, circulation within the PUD would be over a private street and driveways and isles within parking areas, which would be maintained by an owner's association.

If Z-6717 is approved as recommended by staff, staff finds the uses and intensities of development proposed and as modified by staff to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds PUD-617 to be, as modified by staff: (1) consistent with the Comprehensive Plan (if amended as recommended by staff); (2) in harmony with the existing and expected development of

surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD-617 subject to the following conditions:

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

Land Area (Gross)	3.338 AC	145,421 SF
(Net)	3.097 AC	134,901 SF

Permitted Uses:

Principal and accessory uses permitted as a matter of right in the OL-office light-zoning district.

Maximum Building Floor Area: 43,500 SF

Maximum Building Height: Two-story not exceeding 40 FT

Maximum Number of Lots with Frontage on East 21<sup>st</sup> Street South: 2

Minimum Building Setbacks:

From the centerline of East 21 <sup>st</sup> Street:	80 FT
From the east and west property lines:	10 FT
From the southern property line of Lots 6 and 7, Block 1, Oaklane Addition:	70 FT
From the interior lot lines:	5 FT

Parking Setback from South Boundary of PUD: 50 FT

Off-Street Parking: As required by the Tulsa Zoning Code.

Minimum Width of Private Street Right-of-Way: 30 FT

Maximum Access Points onto East 21<sup>st</sup> Street South: 1\*

Maximum Number of Lots: 7

\* Access points shall be approved by Traffic Engineering.

Minimum Internal Landscaped Open Space:

A minimum of 10% of the net lot area and 25% of the net land area within the PUD shall be improved as internal landscaped open space in accord with the provisions of the Landscape Chapter of the Tulsa Zoning Code.

Signs:

One ground sign is permitted in the PUD, not exceeding 12 feet in height and 32 square feet in display surface area, erected on the East 21<sup>st</sup> frontage. Building directories and tenant identification signs may be attached to building walls if not visible from a public street.

Lighting:

Exterior light standards and building mounted lights shall be hooded and the light directed downward and away from the southerly boundaries of the property. No light standards shall be located within the south 70 feet of the PUD. Light standards shall not exceed 12 feet in height within the south 150 feet of the PUD.

3. There shall be no structures other than parking in the regulatory floodplain.\*\*
4. No Zoning Clearance Permit shall be issued for a lot within the PUD until a Detail Site Plan for the lot, which includes all buildings, parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
5. A Detail Landscape Plan for each lot shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved Landscape Plan for the lot, prior to issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continuing condition of the granting of an Occupancy Permit. Landscape materials in the south 50 feet of the PUD shall remain essentially in their current state.
6. No sign permits shall be issued for erection of a sign on a lot within the PUD until a Detail Sign Plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
7. All trash, mechanical and equipment areas shall be screened from public view by persons standing at ground level.

\*\*Any parking in the floodplain shall be approved by Public Works Department.



8. The Department 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.
9. An owners association shall be created and vested with sufficient authority and financial resources to properly maintain all private streets and common areas, including any stormwater detention areas, or other commonly owned structures within the PUD.
10. All private roadways shall be a minimum of 26' in width for two-way 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 10 percent. Turn-arounds shall be built to standards approved by the Tulsa Traffic Engineer and Fire Marshall.
11. The City shall inspect all private streets and certify that they meet City standards prior to any building permits being issued on lots accessed by those streets or if the City will not inspect, then a registered professional engineer shall certify that the streets have been built to City standards.
12. No building permit shall be issued until the requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.
13. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
14. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during Detail Site Plan review or the subdivision platting process.
15. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, nor shall trucks or truck trailers be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers shall not be used for storage.

**APPLICANT'S COMMENTS:**

**Charles Norman**, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, stated that the irregular boundaries of the zoning line follows the floodplain drainage area, which starts near Columbia Avenue and exits near the corner of 21<sup>st</sup> and Lewis.

Mr. Norman stated that there are seven residential lots that have been acquired by the developer and the proposal is to remove the seven homes in order to construct a small two-story office structure designed for individual ownership with a private street.

Mr. Norman stated that the transition along 21<sup>st</sup> Street has been successful in permitting office uses away from the corner and intersection of 21<sup>st</sup> and the Mingo Valley Expressway.

Mr. Norman indicated that the development standards that were proposed by the applicant has been modified in several respects by the staff recommendation. He stated that the staff recommendation is acceptable to the applicant. Mr. Norman submitted a concept illustration (Exhibit A-1).

Mr. Norman stated that one of the neighbors have expressed concerns with the proposed two-story development. He commented that the intensity of development has not changed from the OL base standard of a 30% floor area maximum. He explained that he is not seeking to increase the floor area through the PUD process to 40%, which would be permitted. A large portion of the subject property is within the 100-year floodplain and cannot be developed. In order to use the 30% floor area permitted in the OL it will be necessary to have the two-story construction.

Mr. Norman stated that there are plans to construct an elevated parking slab on the columns that will be above the 100-year floodplain and allow for one level of parking. He explained that the elevated parking slab will allow the one level of parking and preserve the capacity of the floodplain. He indicated that this concept has been approved by the Department of Public Works.

Mr. Norman indicated that the subject area for the elevated parking is farther away from the single-family area to the south. Staff has recommended a minimal building setback of 70 feet from the south boundary of the PUD.

Mr. Norman stated that the floodplain area of the subject property is densely wooded and staff is requiring that the subject area be maintained substantially in its current form. He commented that he interprets this requirement to mean that some undergrowth clearance maybe done for maintenance purposes, but anything else is to be maintained as a part of the detail site plan. He indicated that the detail site plan has to be submitted and approved by the Planning Commission prior to commencement of construction.

Mr. Norman stated that he proposed a landscaping requirement of 20% of the area and the staff is requiring at least 10% of the landscaping be provided within each lot. The overall requirement will be reduced to 15%. This is done to prevent the applicant from over-developing each of the lots and claiming the floodplain in satisfaction of all of the landscaping requirements. Staff has also prohibited any outside lighting within the south 70' of the subject property in recognition of the transition area to the south. The parking lot lighting in the south 150' is limited to twelve feet in height. Mr. Norman

commented that the standards imposed by the staff are intended to establish an acceptable relationship with the single-family residences to the south.

Mr. Norman stated that an interested party was concerned with the proposed maximum building height of 40 feet. He explained that the 40 feet was proposed to allow some flexibility in the roof peak height, and if this is a matter of concern to the Planning Commission, his client can design the buildings to meet the 35-foot maximum building height, which would be the same maximum building permitted for single-family residences. He concluded that he hopes that this application is responsive to legitimate concerns of the members of the Planning Commission and staff has done a good job in developing their recommendations.

**TMAPC COMMENTS:**

Mr. Harmon stated that the residents seem to be concerned that the proposal intrudes farther into the community than surrounding businesses. Mr. Harmon asked Mr. Norman if this is in fact true. In response, Mr. Norman stated that the proposal does not intrude farther into the community with reference to the property to the west. Mr. Harmon stated that there is no business development this far into the neighborhood. Mr. Norman explained that the use transition has followed the path of the floodplain, which is an irregular, natural floodplain area. Mr. Norman stated that the properties on the north were separated many years ago by the tributary of Crow Creek. Mr. Norman commented that technically that two of the proposed buildings are farther south than the other buildings, but they are still separated by the same physical boundary of the creek or tributary. He explained that the subject residential area has never had access to the south because it is not possible to cross the floodplain area.

**INTERESTED PARTIES COMMENTS:**

**Paul McCulloch**, 2465 East 22<sup>nd</sup>, Tulsa, Oklahoma 74114, stated that he does object to the encroachment into the neighborhood. He explained that there has been no development into the neighborhood previously and he would like to maintain that. He stated that Mr. Norman's proposal is to flank the buildings with elevated parking and it seems to squeeze the space available for reasonable development by stacking it out on top of a pier. He commented that this proposal does not fit well with existing developments.

Mr. McCulloch expressed concerns with traffic increasing on 22<sup>nd</sup> Street and impacting his neighborhood.

**TMAPC COMMENTS:**

Mr. Boyle asked Mr. McCulloch if he is saying that the proposed development will increase traffic on 22<sup>nd</sup> Street. In response, Mr. McCulloch said that people trying to avoid the traffic on 21<sup>st</sup> Street would cut across 22<sup>nd</sup> to get to Columbia to go down to 21<sup>st</sup> Street and then onto the Broken Arrow Expressway.

Mr. Boyle asked Mr. McCulloch if he thought seven lots would alter someone's travel plans down 21<sup>st</sup> Street. In response, Mr. McCulloch stated that the increased congestion would alter several people's plans to travel 21<sup>st</sup> Street.

**THE FOLLOWING INTERESTED PARTIES EXPRESSED SIMILAR CONCERNS:**

**Larry Johnson**, 2535 East 21<sup>st</sup>, Tulsa, Oklahoma 74114; **Kirby Bourgeu**, 2537 East 22<sup>nd</sup>, Tulsa, Oklahoma 74114; **Carolyn Ridgeway**, 2475 East 22<sup>nd</sup>, Tulsa, Oklahoma 74114; Petition submitted (Exhibit A-2).

**CONCERNS EXPRESSED BY THE ABOVE-MENTIONED INTERESTED PARTIES:**

Encroachment into the neighborhood; two-story office buildings not being compatible with the neighborhood; increased traffic and noise; concerned with lighting from the parking lots being intrusive; proposal will impact the neighborhood; proposal will reduce the neighborhood's quality of life; concerned that the maintenance requirement will not be followed; changing a sedate neighborhood into an appointment-driven medical facility; parking lot will be in residents' back yards; security concerns.

**Councilor Brady Pringle**, District 9, stated that he has no problem with the concept of the office building proposal. However, he is concerned with the development intruding farther south between the office and residential. He explained that if a straight line is drawn from the existing developments, it appears that the proposal is intruding the neighborhood, but the development is actually following the floodplain.

Mr. Pringle stated that he met with Ms. Ridgeway and viewed the subject area. He requested that if the two buildings farthest south are necessary, he would prefer that the buildings be one-story rather than two-story. He explained that the neighbors' concerns are that currently they see a one-story home and now there would be a 35' building in their view. He stated that if it is not possible to require a one-story building, then he would prefer that there be some sort of substantial landscaping required. He further stated that if the two-story buildings are allowed, they should be held at 35' in height.

**TMAPC COMMENTS:**

Mr. Westervelt stated that the 35' building height could be allowed in a renovation in the abutting neighborhood at anytime, even in the context of the existing single-family neighborhood. Mr. Westervelt commented that this would be germane to the argument that they are building a residentially-pitched structures and keeping that look. Indeed what they are not building is another Texaco building or some higher intensity building that would be more intrusive than this type of residential-looking construction. In response, Councilor Pringle stated that in a sense he agrees with Mr. Westervelt and understands that a single-family home could be 35' in height and it would be the same thing as the proposal.

Councilor Pringle asked if the proposal would be setting a precedent. In response, Mr. Stump stated that the area to the west of the proposal is outside the floodplain and a three-story office building could be built there without any additional approvals except for sufficient parking. Mr. Stump stated that the property to the west would require a 50'

setback from the southern boundary and it would be closer to the residential neighborhood. Mr. Stump explained that the property to the west is zoned for multi-story offices.

**APPLICANT'S REBUTTAL:**

Mr. Norman stated that the subject property and the properties along 21<sup>st</sup> on the south side have never been a part of the neighborhood to the south because of the tributary that established the natural separation between them. The proposal does not represent any type of encroachment or change of conditions with respect to the properties to the south.

Mr. Norman stated that he recalls that in 1960 there was a concern that the Texaco building would permanently change the nature of the residential area to the south. He commented that 22<sup>nd</sup> Street has maintained its quality and in fact has been substantially upgraded and improved in the 35 years that the Texaco Building has existed. The quality of the homes that abut the existing office development to the north is exceptional and is as good as the homes to the south. He reiterated that the proposal is a low-density project and the buildings are not as large as one might expect. He stated that the maximum floor area is 42,000 SF divided into seven buildings, which would be a maximum of 6,000 SF per building.

Mr. Norman stated that the changes that have occurred on 21<sup>st</sup> Street have been fully recognized. He indicated that this type of development is not going to substantially increase the traffic load in the subject area. He commented that to suggest that there should be an east/west line drawn somewhere other than the natural boundary would be to leave the south part of the subject property in single-family development. He explained that if this were to happen, then the single-family residents would have to go through an office area to get to 21<sup>st</sup> Street. He reiterated that the floodplain represents the natural boundary. The OM zoning is currently in place and could be further developed subject to only to the building codes and required parking spaces. He indicated that his client is not asking for this type of development. He stated that the development does not represent 300 parking spaces, but more like 150 parking spaces to meet the Code requirements. Only a small portion of the parking spaces are projected for the one-level parking slab well above the 100-year floodplain elevation. He indicated that the slab parking would provide some measure of onsite detention. Mr. Norman stated that the only precedent being set is that a substantially greater building setback is being required for a two-story building than has been required in any other area of the City.

Mr. Norman concluded that the proposal represents the best opportunity to develop an unusual-configured property that was designed because of the natural floodplain. He stated that the floodplain was not recognized when the existing homes were built and the floodplain has been accepted as a boundary between changes of development along 21<sup>st</sup> Street in this subject area. He requested the Planning Commission to approve the proposal, which provides development standards in excess of what has

been commonly accepted by the Planning Commission as appropriate in the transitional areas.

**TMAPC COMMENTS:**

Mr. Boyle asked Mr. Norman to respond to the interested parties' concerns with the Comprehensive Plan changing. Mr. Boyle explained that the interested parties stated that they purchased their homes with the expectation that the existing Comprehensive Plan would remain in effect. Mr. Boyle stated that the proposal before the Planning Commission would require either ignoring the Comprehensive Plan or changing the plan. In response, Mr. Norman stated that the Comprehensive Plan was established for the subject area many years ago and if there have been any violations it would be the rezoning of all of the property on the north side of 21<sup>st</sup> Street and the south side in the past 25 years. Mr. Norman explained that the Comprehensive Plan was never adopted with reference to the subject three acres, but adopted with reference to all of the property along 21<sup>st</sup> Street or it was adopted only in recognition of the existing use of the property at the time of the last amendment. Mr. Norman stated that he couldn't see how the Comprehensive Plan could be used as a basis to hold this single three acres in this entire 2/3rds of a mile to a use that is no longer compatible with its neighbors to the north, east or west.

Mr. Stump stated that the staff's interpretation of the Comprehensive Plan is that the subject area was singled out for low intensity residential because it had some existing residential all fronting on a cul-de-sac street rather than onto 21<sup>st</sup> Street. The idea was to protect the small enclave of residential. The reason staff can support the proposal is that not just one or two lots are proposed to be transformed into light office, but the entire area will be transitional and there will no longer a single-family residential enclave. Light office has always been a very compatible transitional use between single-family to the south and office to the north.

Mr. Norman stated that the proposal was not submitted until all of the properties were under contract for acquisition. Without continuity of development, it would not meet the development concepts required by this Commission, nor would it have been the kind of project that his client would have wanted to do.

Mr. Harmon stated that he could support this application after having the natural division of the floodplain issue brought to his attention.

**TMAPC Action; 8 members present:**

**MOTION** of **HARMON** to recommend **APPROVAL** of Z-6717/PUD-617 subject to conditions as recommended by staff.

**TMAPC COMMENTS:**

Mr. Carnes asked Mr. Harmon if his motion included the 35' building height that was offered by the developer. In response, Mr. Harmon stated that the 35' building height was included in the motion.

Mr. Boyle stated that he supports the motion because the OM zoning does in fact go to the same depth as the proposed zoning. He commented that he does not think that the proposal is an additional encroachment into the neighborhood since the line is already in place. Staff has cleared up the Comprehensive Plan issue and when one views this property in conjunction with the properties bordering it on the north and west there is no basis to deny the application. Mr. Boyle concluded that the proposal is a responsible PUD with some innovative features to try to deal with the challenges that the topography and floodplain present.

Mr. Westervelt stated that it is important to point out that Stormwater Management will do a thorough job of ensuring that this does not create further difficulties for those along the drainageway. The alternative of the OM zoning would give the applicant a chance to greatly increase the intensity. Mr. Westervelt concluded that the developer should be complimented for working with the natural contours of the land and keeping a residential feel and scale.

Mr. Harmon stated that he would like to amend his motion to include the 35' building height limitation and direct staff to amend the Comprehensive Plan for the subject district.

**TMAPC Action; 8 members present:**

On **MOTION** of **HARMON**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Hill, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Horner, Pace "absent") to recommend **APPROVAL** of the OL zoning for Z-6717 and to recommend **APPROVAL** of PUD-617 subject to a 35' building height limitation and subject to conditions as recommended by staff, and direct staff to prepare appropriate amendments to the District 6 Plan as recommended by the TMAPC.

**From : RS-3 (Residential Single-family High Density District)**

**To: OL/PUD (Office Low Intensity District/Planned Unit Development) for office development.**

**Legal Description for Z-6717/PUD-617:**

Lots 1 through 7, Oaklane Addition, a resubdivision of parts of Tracts 19, 20, 29, and 30, Harter's Second Resubdivision to the City of Tulsa, County of Tulsa, State of Oklahoma, according to the recorded Plat thereof, less and except that part of said Lot 7 described as follows: beginning at a point 143' West of the southeast corner of said Lot 7; thence South a distance of 42'; thence West a distance of 142' to a point; thence North a distance of 42' to a point; thence East a distance of 142' to the Point of Beginning, and located on the south side of East 21<sup>st</sup> Street South at South Atlanta Place, Tulsa, Oklahoma,

\* \* \* \* \*



**Application No.: PUD-355-4**

**Applicant:** Charles Norman

(PD-18) (CD-8)

**Location:** Southwest corner East 89<sup>th</sup> Street and South Yale Avenue  
(Minor Amendment)

**STAFF RECOMMENDATION:**

The applicant is requesting Minor Amendment approval to increase the maximum building floor area allowed within the 4.03 acres of "Phase I" from 54,455 SF to 57,610 SF, to reduce the minimum landscaped open space from 30 % to 20% and to reduce the minimum building setback from the south boundary of the PUD along East 91<sup>st</sup> Street from 100 feet to 50 feet. The applicant is proposing the addition of ground level floor area to the northeastern-southeastern face of an existing 54,445 SF 3-story building as well as planning the provision of drive-through banking in as yet an undetermined location in the southern portion of the Phase I Development Area.

Staff has examined both the PUD specifications as amended and the Amended Deed of Dedication for Southern Woods approved by landowners and TMAPC in 1986. The 1996 Amended Deed of Dedication and a 1998 Floor Area Allocation Agreement allocated floor area to Phase I and Phase II, granted mutual access easements within the entire PUD, and made provisions for maintenance of landscaping and internal access drives. A 54,455 SF Commercial Office Building was constructed in the northern portion of the Phase I Area. The Phase II Area has remained vacant with an allocation of 110,100 SF of building floor area.

Staff has met with the applicant and conveyed the necessity of amending the Floor Area Allocation by agreement between the owners of the Phase II Area to allow an increase in total building floor area in the Phase I Development Area. This can be accomplished by decreasing the allowable building floor area in Phase II.

The applicant has also been advised that mutual access easements given by the 1986 TMAPC approval and access points indicated on the recorded plat must be recognized or modified to accommodate the drive-up teller building. Finally, the applicant was advised that a revised Detail Site Plan and revised Landscape Plan must be approved by TMAPC before issuance of a building permit.

Staff has also examined the request to modify minimum landscaped open space from 30% to 20% and finds the modification is reasonable in that it is well in excess of the 15% required for office uses in a PUD. Likewise, the reduction in

building setback from 100 feet to 50 feet along the southern boundary of the PUD along East 91<sup>st</sup> reflects the setbacks for CS uses existing and anticipated to the east and south. Staff is of the opinion that residential multifamily development across East 91<sup>st</sup> opposite the southwestern corner of the PUD has been built with additional setback and would not be negatively impacted by a reduction in building setback along the southern boundary of PUD-355.



Staff, therefore, finding the increase in floor area and the decrease in the required landscaped area and southern boundary building setback minor in nature and not adversely effecting the intent or character of the original approval or, negatively impacting the existing or anticipated development of the surrounding area, recommends **APPROVAL** of PUD-355-4 subject to the following condition:

Submission and approval of an amended Owner Agreement transferring 3,155 SF of building floor area from the Phase II Development Area to the Phase I Development Area and recording of the same with the Tulsa County Clerk.

In summary, the transfer and reallocation of maximum building floor area and modification to the Phase I PUD-355\* development specifications will be as follows:

<u>Development Area</u>	<u>Maximum Allowed Floor Area</u>
Phase I	57,610 SF
Phase II	102,490 SF
Phase I Minimum Building Setback from the southern PUD boundary (E. 91 <sup>st</sup> )	50 FT
Phase I Minimum Landscaped Open Space	20%

\*Phase II Development Standards are currently being addressed as part of a Major Amendment to the PUD currently being reviewed by staff (PUD-355-A).

**NOTE:** Minor Amendment approval does not constitute Revised Site or Landscape Plan approval.

**AND**

**Application No.: PUD-355**

**Applicant:** Dan Alaback

(PD-18) (CD-8)

**Location:** Northwest corner East 91<sup>st</sup> Street South and South Yale Avenue  
(Revised Site Plan)

**STAFF RECOMMENDATION:**

The applicant is revised Detail Site Plan approval to add a 2,140 SF ground level addition to an existing 54,445 SF three-story office building. The revisions include the addition of parking and a revision of internal landscaped areas to accommodate the building expansion.

In a separate agenda item the applicant is requesting a transfer of building floor area from the Phase II Development Area to allow the increase in building floor area of the existing building.

Staff has examined the Revised Detail Site Plan and finds the additional ground level floor area and associated parking meets building setback, parking and total landscaped area provisions of the Zoning Code and PUD-355 if Minor Amendment 355-4 is approved. Existing trees meet the internal parking lot tree requirements of Chapter 10.

Staff, therefore, recommends **APPROVAL** of the Revised Detail Site and Landscape Plans for PUD-355, Phase I Development Area subject to the following condition:

Approval of Minor Amendment PUD-355-4 transferring 3,155 SF of building floor area from the Phase II Development Area to the Phase I Development Area.

**STAFF COMMENTS:**

Mr. Stump stated that a letter from the owner of Phase II approving the transfer of floor area out of his development area into the subject development area has been submitted.

**There were no interested parties wishing to speak.**

**APPLICANT'S COMMENTS:**

Mr. Norman, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74104, stated that this type of transaction required a formal agreement in recordable form between the Phase I and Phase II property owners agreeing to the transfer of the permitted floor area. He indicated that the form has been provided to staff and will be recorded of record.

**TMAPC Action; 8 members present:**

On **MOTION** of **WESTERVELT**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Hill, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Horner, Pace "absent") to recommend **APPROVAL** the minor amendment for PUD-355-4 subject to conditions as recommended by staff and to **APPROVE** the Revised Site Plan for PUD-355 subject to conditions as recommended by staff.

\* \* \* \* \*

**ZONING PUBLIC HEARING**

**Application No.: Z-6724**

**RS-3 to OL**

**Applicant:** Thomas Shepard

**(PD-4) (CD-4)**

**Location:** East of northeast corner East 12<sup>th</sup> Place and South Gillette Avenue

**STAFF RECOMMENDATION:**

Ms. Matthews stated that the subject area is located in a fragile neighborhood and has experienced some bad zoning in the past. The applicant is asking for OL zoning and plans to locate parking on the subject property. She indicated that if this application is approved it will leave one residential lot left on the block and the proposed parking will be facing into residentially-zoned and occupied single-family lots.

### Relationship to the Comprehensive Plan:

The District 4 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Low Intensity – Residential.

According to the Zoning Matrix the requested OL zoning **is not** in accordance with the Plan Map.

### Staff Comments:

**Site Analysis:** The subject property is approximately 50' x 138.9' in size and is located east of the northeast corner of East 12<sup>th</sup> Place South and South Gillette Avenue. The property is flat, non-wooded, contains a single-family dwelling, and is zoned RS-3.

**Surrounding Area Analysis:** The subject tract is abutted on the north by an industrial building and railroad right-of-way, zoned IL; to the south and west by single-family dwellings, zoned RS-3 and to the east by an office and associated parking, zoned OM.

**Zoning and BOA Historical Summary:** The subject tract was included in a rezoning application in 1998 requesting IL zoning but the application was withdrawn prior to public hearing. The abutting IL property on the north was rezoned from RM-1 to IL in 1978. That approval was primarily based on the adjoining IL zoning farther to the north and due to the nonconforming use of the existing commercial building.

**Conclusion:** The Comprehensive Plan does not support OL zoning or a lesser intense PK zoning. Therefore, staff recommends **DENIAL** of the requested OL zoning for Z-6724.

Carnes out at 3:35 p.m.

### APPLICANT'S COMMENTS:

**Tom Shepard**, 1222 South Lewis, Tulsa, Oklahoma 74104, stated that he has been in business at the same location for fourteen years. He indicated that he has an interest in the neighborhood and feels that he has been a good neighbor. He explained that he sells business forms and his wife has a business selling cookie jars primarily via the internet.

Mr. Shepard stated that he will need to employ one to three more people and this will require additional parking. He explained that on 12<sup>th</sup> Place, on the south side of the street, there are "No Parking" zones and therefore his employees cannot park on the south side of the street. He indicated that there are three parking spaces on the north side of 12<sup>th</sup> Place and all three are in front of his property.

Mr. Shepard stated that he does not have the adequate parking for the employees he will have to employ and it is not in the best interest for the employees or the neighborhood to park on the street. He indicated that the north side of the property

abuts an IL property, the east side abuts an OM property and the railroad is 125' away from the east property line. The subject property is not conducive to residential use because of noise and traffic. He stated that the current house on the subject property is in need of repair and he hopes to move one or two of his offices into the building eventually.

Mr. Shepard stated that the off-street parking request would be a positive proposal for the neighborhood and his business. He requested the Planning Commission to approve this application. He stated that he has letters from surrounding property owners stating that they do not oppose the off-street parking proposal.

Mr. Shepard stated that in the past he tried to have a car lot, but since has let his license expire and he has no interest in doing this type of business. He commented that the zoning he is requesting would not allow car sales. He requested the Planning Commission to approve the OL zoning.

**TMAPC COMMENTS:**

Mr. Midget asked Mr. Shepard if he is moving part of his business to the subject property. In response, Mr. Shepard stated that he purchased the subject property; however, he gave the previous owner a Life Estate. Mr. Shepard indicated that when the subject dwelling becomes available he would decide if he would be moving his business onto the subject property. Mr. Shepard stated that at this time he does not know what will end up on the subject property when it becomes available.

Mr. Midget asked Mr. Shepard where he would locate the parking. In response, Mr. Shepard stated that the parking would be in front of the dwelling. Mr. Shepard indicated that there is approximately 100 feet in front of the dwelling.

**INTERESTED PARTIES COMMENTS:**

**Judy Garrelts**, 2240 East 12<sup>th</sup> Place, Tulsa, Oklahoma 74104, submitted a petition (Exhibit B-1) and stated that she objects to this request. She requested staff to explain what type of uses could be in an OL district.

Mr. Stump informed her of the uses allowed in an OL district from the Zoning Code. He explained that the Zoning Code has a PK zoning for strictly parking.

Ms. Garrelts stated that she is concerned that the traffic will increase in the neighborhood. She explained that the subject neighborhood is considered part of the Renaissance Neighborhood. She stated that the proposal would devalue the homes in the neighborhood. She expressed concerns with landscaping and screening.

Ms. Garrelts concluded that if one business were allowed in the neighborhood it would start a domino affect.

**TMAPC COMMENTS:**

Mr. Midget stated that he understands the concerns with the OL zoning. He asked Ms. Garrelts how she feels about rezoning for strictly parking. In response, Ms. Garrelts stated that at this point she does not know how many employees Mr. Shepard will have. Ms. Garrelts commented that the applicant has enough parking in the rear of his existing business for eight or ten cars. Ms. Garrelts stated that the neighbors are concerned with the reason for zoning OL.

**INTERESTED PARTIES COMMENTS:**

**Trish Spurgin**, 2225 East 12<sup>th</sup> Place, Tulsa, Oklahoma 74104, stated that the neighborhood has narrow streets and with the business expanding, it will generate more traffic. She expressed concerns for the neighborhood children's safety due to increased traffic. Ms. Spurgin concluded that the existing streets couldn't handle parking on the street. She requested that the Planning Commission deny this request.

**Tay Clare**, 2225 East 12<sup>th</sup> Place, Tulsa, Oklahoma 74104, expressed the same concerns as the previous interested parties. She stated that she fears that the business will bring more crime into the neighborhood.

Ms. Clare stated that she fears this proposal will ruin the value of her home. She concluded by requesting the Planning Commission to deny this application.

**APPLICANT'S REBUTTAL:**

Mr. Shepard stated that he owns several properties in the subject area. He commented that he has an investment in the neighborhood and would not do anything to jeopardize his investments.

Mr. Shepard explained that the Cookie Jar is liquidating and will sell cookie jars on the internet only. He stated that he would have more employees working for the Cookie Jar store than he currently has when the internet business commences.

Mr. Shepard stated that he currently has room for four or five cars to park on his property. He explained that he has two employees and a delivery truck. He indicated that his parking lot is full to capacity. He stated that he does not like for his employees to park on the street. He indicated that when the Cookie Jar business starts selling on the internet there would be less traffic.

Mr. Shepard stated that he met with the president of the homeowner's association and all the members were invited for the meeting. He requested that the Planning Commission to approve his application because he feels that it is best for the neighborhood and his business.

**TMAPC COMMENTS:**

Mr. Midget stated that he understands the neighborhood's concerns. He commented that he is not sure what type of use would be wanted in the future. He stated that he is opposed to the OL zoning, but could accept parking on the subject property.

Mr. Boyle stated that he thinks that the staff is correct on their recommendation for denial on this application.

**TMAPC Action; 7 members present:**

On **MOTION** of **WESTERVELT**, the TMAPC voted **7-0-0** (Boyle, Harmon, Hill, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Horner, Pace "absent") to recommend **DENIAL** of the OL zoning for Z-6724 as recommended by staff.

**Legal Description for Z-6724:**

Lot 3, Block 7, of the Subdivision of Blocks 2, 3, & 7, Terrace Drive Addition, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, and located east of the northeast corner of East 12<sup>th</sup> Place South and South Gillette Avenue, (2307 East 12<sup>th</sup> Place), Tulsa, Oklahoma. **From: RS-3 (Residential Single-family High Density District)**  
**To: OL (Office Light District) for: proposed off-street parking lot.**

\* \* \* \* \*

Mr. Midget out at 4:00 p.m.

**Application No.: CZ-258**

**Applicant:** Raymond Powers

**Location:** East of northeast corner West 57<sup>th</sup> Street and South I-44

**RS to IL**

(PD-8) (County)

**STAFF RECOMMENDATION:**

Relationship to the Comprehensive Plan:

The District 8 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Special District C – High Intensity Commercial. Plan provisions specify that the area fronting Skelly Drive be developed for commercial uses, especially highway-oriented uses, and that the remainder of the Special District be developed for light industrial uses requiring proximity to rail or highway transport (Item 3.2.1.3).

According to the Zoning Matrix the requested IL zoning **may be found** in accordance with the Plan Map by virtue of its location within a Special District.

Staff Comments:

**Site Analysis:** The subject property is approximately 50' x 136' in size and is located east of the northeast corner of West 57<sup>th</sup> Street South and South I-44 in the County. The property is flat, non-wooded, vacant, and zoned RS.

**Surrounding Area Analysis:** The subject tract is abutted on the north by I-44 and vacant land, zoned CH; on the west by I-44 and vacant land, zoned CH; on the east by what appears to be a trucking and heavy equipment concern, zoned IL; and on the south by a truck tire company, zoned CG; a single-family residential unit with a great deal of household trash and debris in the yard, zoned RS; a lot with old cars in the yard, zoned RS; and two commercial enterprises, zoned IL. Farther to the east on the same block on both north and south sides are isolated single-family residential units.

**Zoning and BOA Historical Summary:** The most recent rezoning activity in this area approved IL zoning on two small lots located east of the subject tract on the east side of South 45<sup>th</sup> West Avenue between West 56<sup>th</sup> Place and West 57<sup>th</sup> Street.

**Conclusion:** The District plan recognizes that this area is in transition to industrial and related uses. From its appearance and from the mix of uses in the area, it appears that transition is occurring slowly. Based on the District 8 Plan, adjacent and surrounding land uses and existing zoning patterns staff recommends **APPROVAL** of CZ-258 for IL zoning as requested.

**TMAPC COMMENTS:**

Mr. Ledford asked Ms. Matthews if there was a large truck stop south of the subject property. In response, Ms. Matthews stated that there is a tire business to the southwest.

**The applicant indicated his agreement with staff's recommendation.**

**There were no interested parties wishing to speak.**

**TMAPC Action; 6 members present:**

On **MOTION** of **WESTERVELT**, the TMAPC voted **6-0-0** (Boyle, Harmon, Hill, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Horner, Midget, Pace "absent") to recommend **APPROVAL** of the IL zoning for CZ-258 as recommended by staff.

**Legal Description for CZ-258:**

Lot 15, Block 1, Bozarth Acres Addition, Tulsa County, State of Oklahoma, and located east of the northeast corner of West 57<sup>th</sup> Street South and South I-44 Expressway, Tulsa, Oklahoma. **From: RS (Residential Single-family District ) To: IL (Industrial Light District), For Light manufacturing use.**

\* \* \* \* \*

**Application No.: Z-6725**

**Applicant:** William B. Jones

**Location:** Southeast corner East 66<sup>th</sup> Street and South Mingo Road

**CO to AG**

(PD-18) (CD-8)

**STAFF RECOMMENDATION:**

**Relationship to the Comprehensive Plan:**

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Low Intensity – Corridor.

According to the Zoning Matrix the requested AG zoning **is** in accordance with the Plan Map.

**Staff Comments:**

**Site Analysis:** The subject property is approximately 34.7 acres in size and is located on the southeast corner of East 66<sup>th</sup> Street South and South Mingo Road. The property is flat, non-wooded, vacant, and zoned CO.

**Surrounding Area Analysis:** The subject tract is abutted on the north by single-family dwellings, zoned CO; to the west by a public high school, zoned AG; to the south by a shopping center, zoned CO/PUD-489 and to the east by the construction of a new furniture store and warehouse, zoned CO/PUD-595-A.

**Zoning and BOA Historical Summary:** The surrounding properties on the north, south and east have recently been rezoned to CO and CO with a Planned Unit Development overlay. The property to the west has been developed as a public high school, sports facility and parking, and the subject property was rezoned from AG to CO in 1983.

**Conclusion:** The Comprehensive Plan indicates that AG zoning is in accordance with the Plan Map and based on the existing zoning and development in this area, the church and church uses would be compatible with the surrounding uses. Staff, therefore, recommends **APPROVAL** of AG zoning for Z-6725.

**The applicant indicated his agreement with staff's recommendation.**

**There were no interested parties wishing to speak.**

**TMAPC Action; 6 members present:**

On **MOTION** of **WESTERVELT**, the TMAPC voted **6-0-0** (Boyle, Harmon, Hill, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Horner, Midget, Pace "absent") to recommend **APPROVAL** of the AG zoning for Z-6725 as recommended by staff.



**Legal Description for Z-6725:**

A tract of land that is part of Government Lot 6, in Section 6, T-18-N, R-14-E, of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof being more particularly described as follows, to-wit: starting at the Northwest corner of said Government Lot 6; thence S 89°42'50" E along the Northerly line of Government Lot 6 for 140.00' to the Point of Beginning of said tract of land; thence continuing S 89°42'50" E along said Northerly line for 1,055.24'; thence S 00°00'19" W and parallel with as measured 30.00' perpendicular from the Easterly line of Government Lot 6 for 1,065.69' to a point of curve; thence Southeasterly along a curve to the left with a central angle of 17°20'29" and a radius of 360.00' for 108.96' to a point of reverse curve; thence Southerly along a curve to the right with a central angle of 17°20'29" and a radius of 300.00' for 90.80' to a point of tangency, said point also being on the Easterly line of Government Lot 6 and the Westerly right-of-way line of South 101<sup>st</sup> East Avenue; thence S 00°00'19" W along said tangency for 58.05' to the Southeast corner of Government Lot 6, said point also being the Northeast corner of 71<sup>st</sup> Mingo Center, a subdivision in the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof; thence N 89°42'09" W along the Southerly line of Government Lot 6 and the Northerly line of 71<sup>st</sup> Mingo Center for 1,177.42' to the Northwest corner of 71<sup>st</sup> Mingo Center; thence N 00°06'00" E and parallel with as measured 50.00' perpendicular from the Westerly line of Section 6 for 1,290.08'; thence S 89°42'50" E and parallel with the Northerly line of Government Lot 6 for 90.00'; thence N 00°06'00" E and parallel with the Westerly line of Section 6 for 30.00' to the Point of Beginning of said tract of land.

\* \* \* \* \*

**Application No.: Z-6726/PUD-623**

**Applicant:** Paul Vakilzaden

**Location:** Southeast corner East 5<sup>th</sup> Street and South 129<sup>th</sup> East Avenue

**RS-2 to CG/PUD**

(PD-17) (CD-6)

**STAFF RECOMMENDATION Z-6726:**

**Relationship to the Comprehensive Plan:**

The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as a Medium Intensity – Linear Development Area. Plan provisions call for medium intensity development within this area under a Planned Unit Development, taking into account, among other factors, avoidance of strip commercial development, techniques to discourage through traffic into adjacent neighborhoods and screening of parking areas from abutting residential uses. The plan also specifically excludes industrial uses from this area. (Item 3.6.1.4)

According to the District 17 Plan the requested CG zoning **is not** in accordance with the Comprehensive Plan unless accompanied by an acceptable PUD.

Staff Comments:

**Site Analysis:** The subject property is approximately 112' x 130' in size and is located on the southeast corner of East 5<sup>th</sup> Street South and South 129<sup>th</sup> East Avenue. The property is flat, non-wooded, vacant, and is zoned RS-2.

**Surrounding Area Analysis:** The subject tract is abutted on the north by vacant property, zoned CG/PUD-537; to the northeast by a single-family dwelling, zoned RS-2/PUD-537; to the east by a vacant lot, zoned RS-2/PUD-509; to the south by an outdoor landscape ornament sales, zoned CG/PUD-509; and to the west across S. 129<sup>th</sup> East Avenue by a single-family dwelling, zoned CO.

**Zoning and BOA Historical Summary:** A request for rezoning of the subject tract, from RS-2 to CG with an accompanying PUD for retail shopping development, was recommended for approval subject to conditions as recommended by staff. The zoning request and the PUD were denied by the City Council in May, 1999.

In October 1999, a request for zoning and Planned Unit Development for office and warehouse development with IL zoning was approved on a two-acre tract located west of the subject tract on the west side of S. 129<sup>th</sup> East Avenue.

**Conclusion:** The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates this area along S. 129<sup>th</sup> East Avenue as Medium Intensity Linear Development Area and recommends that a PUD accompany any zoning changes for medium intensity uses.

The requested CG zoning may be found in accordance with the Plan if the accompanying PUD provides adequate protection to the surrounding residential areas. Staff can support the requested CG zoning because of the existing zoning and development in the area and would recommend **APPROVAL** of CG zoning, subject to approval of the accompanying PUD-623 as modified by staff.

**AND**

**STAFF RECOMMENDATION PUD-623:**

The PUD proposes Use Units 11, Office, Studios and Support Services; 13, Convenience Goods and Services; 14, Shopping Goods and Services; and 15, Other Trades and Services on .34 acres located at the southeast corner of East 5<sup>th</sup> Street and South 129<sup>th</sup> East Avenue. The subject tract has 130 feet of frontage on 5<sup>th</sup> Street and 112.5 feet on 129<sup>th</sup> East Avenue. Concurrently, an application has been filed (Z-6726) to rezone the subject tract from RS-2 to CG.

The subject tract is abutted on the east and south by PUD-509, which allows office, retail and warehouse uses; to the north, across East 5<sup>th</sup> Street South by Tract 2 of PUD-537, which is approved for a mini-storage and to the east across South 129<sup>th</sup> East Avenue by CO-zoned property.

In May 1999 the applicant requested CG zoning (Z-6691) and a PUD (PUD-609) that proposed Use Units 14, Shopping Goods and Services; 15, Other Trades and Services; and 17, Automotive and Allied Activities. Staff could not support the request for Use Unit 15 uses in the PUD-609 proposal and only some of the Use Unit 17 uses, i.e., no Vehicular Repair and Service, Auto Body Repair and Painting, Recreational Vehicle Sales or Truck Sales were recommended for approval. There were additional conditions recommended by staff. TMAPC recommended that the City Council approve Z-6601 and PUD-609 as modified by staff and recommended by staff. The City Council at their May 20, 1999 meeting voted to deny Z-6691 and PUD-609.

The applicant is again requesting CG zoning (Z-6726) and a PUD (PUD-623). PUD-623 does not propose Use Unit 17 uses (Automotive and Allied Activities) but does propose Use Unit 15 uses (Other Trades and Services). Staff cannot support the Use Unit 15 uses on this tract.

If Z-6727 is approved as recommended by staff, staff finds the uses and intensities of development proposed and as modified by staff to be in harmony with the spirit and intent of the Code based on the following conditions. Staff finds PUD-623, as modified by staff, to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD-623 subject to the following conditions:

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

**2. Development Standards:**

Land Area (Gross):	14,625 SF
Permitted Uses:	Use Units 11, Office, Studios and Support Services; 13, Convenience Goods and Services; and 14, Shopping Goods and Services.
Maximum Building Floor Area:	3200 SF
Maximum Floor Area Ratio:	0.22
Maximum Building Height:	One story not to exceed 18 FT.

Minimum Building Setbacks:

From Centerline of South 129 <sup>th</sup> East Avenue	100 FT
From Centerline of East 5 <sup>th</sup> Street South	50 FT
From East Boundary of PUD	25 FT
From South Boundary of PUD	5 FT

Minimum Parking Setbacks:

From Centerline of South 129 <sup>th</sup> East Avenue	55 FT
From Centerline of East 5 <sup>th</sup> Street South	30 FT
From East Boundary of PUD	30 FT
From South Boundary of PUD	5 FT

Minimum Off-Street Parking

As required for the applicable use by the Tulsa Zoning Code.

Minimum Frontage:

The PUD shall not contain more than one lot.

Access:

There shall be one access point onto South 129<sup>th</sup> East Avenue that shall be approved by City of Tulsa Traffic Engineering. There shall be no access onto East 5<sup>th</sup> Street South.

Signs:

One ground sign shall be permitted, which shall be located on South 129<sup>th</sup> East Avenue. It shall not exceed 25 feet in height nor 100 SF of display surface area. Wall signs shall not exceed 1.0 SF of display surface area per each lineal foot of the building to which the sign or signs are affixed. No wall signs are permitted on east-facing walls.

Minimum Landscaped Area:

Retail Uses	10% of net lot area
Office Uses	15% of net lot area

Screening Fences:

No screening fences are required on the east boundary of the PUD where it abuts RS-2 zoning.

3. No Zoning Clearance Permit shall be issued within the PUD until a Detail Site Plan, which includes all buildings, parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.

4. A Detail Landscape Plan shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved Landscape Plan, prior to issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continuing condition of the granting of an Occupancy Permit.
5. No sign permits shall be issued for erection of a sign within the PUD until a Detail Sign Plan has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
6. All trash, mechanical and equipment areas shall be screened from public view by persons standing at ground level.
7. All parking lot lighting shall be hooded and directed downward and away from adjacent residential areas. No light standard nor building-mounted light shall exceed 25 feet in height.
8. The Department 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 the PUD have been installed in accordance with the approved plans prior to issuance of an Occupancy Permit.
9. No building permit shall be issued until the requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.
10. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
11. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during Detail Site Plan review or the subdivision platting process.
12. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, nor shall trucks or truck trailers be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers shall not be used for storage.

**The applicant indicated his agreement with staff's recommendation.**

**There were no interested parties wishing to speak.**

**TMAPC COMMENTS:**

Ms. Hill asked the applicant what type of business he will be having on the subject property. In response, Mr. Vakilzaden stated that he would rent the space for whatever type of uses is allowed.

Mr. Boyle asked the applicant if he understands he cannot have any Use Unit 17 or Use Unit 15 uses on the subject property. In response, Mr. Vakilzaden stated that he understands that he cannot have the Use Unit 17 or 15 uses.

**TMAPC Action; 6 members present:**

On **MOTION** of **WESTERVELT**, the TMAPC voted **6-0-0** (Boyle, Harmon, Hill, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Horner, Midget, Pace "absent") to recommend **APPROVAL** of CG zoning for Z-6726 as recommended by staff and recommend **APPROVAL** of PUD-623 subject to conditions as recommended by staff.

**From : RS-2 (Residential Single-family Medium Density District) To: CG/PUD-623 (Commercial General District/Planned Unit Development) for mixed use development ( Use Units 11, 13 and 14).**

**Legal Description for Z-6726/PUD-623:**

Lot 14, Block 4, Meadowbrook Heights Addition, an addition to the City of Tulsa, County of Tulsa, State of Oklahoma, according to the recorded Plat thereof, and located on the southeast corner of East 5<sup>th</sup> Street South and South 129<sup>th</sup> East Avenue, Tulsa, Oklahoma.

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**Mr. Midget in at 4:12 p.m.**

**Application No.: PUD-411-C-8/Z-5842-SP-5**

**Applicant:** Roy D. Johnsen

(PD-26) (CD-8)

**Location:** East of northeast corner East 101<sup>st</sup> Street South and South Memorial  
(Minor Amendment)

Mr. Dunlap stated that after meeting with the applicant during the meeting, he has a slightly revised recommendation.

**STAFF RECOMMENDATION:**

The applicant is requesting Minor Amendment/Amended Corridor Site Plan approval for Development Area 6-A by proposing an alternative to the residential character and intensity of the residential uses approved in 1993. The minor amendment proposes that multifamily uses in Development Area 6-A continue to be allowed (Alternative I) but that a single-family private street system development with a maximum of 50 units on individual lots also be allowed as Alternative II.

Staff finds PUD-411-C-8 as modified by staff, to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Staff, therefore, recommends **APPROVAL** of PUD-411-C-8 subject to the following conditions:

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

**2. Standards for Development Alternative II:**

As a mutually exclusive alternative use to the approved (1993) multifamily use shall be permitted subject to the following development standards:

Permitted Uses:	Use Unit 6, detached single-family dwellings and customary accessory uses.
Land Area (Gross):	12.78 AC
(Net):	11.30 AC*
*Net Land Area Includes:	
Reserve A – Private Streets	1.19 AC
Reserve B – Entry Facilities	.08 AC
Reserve C – Entry Facilities	.08 AC
Reserve D – Common Parking	.08 AC
Reserve E – Stormwater Detention	3.19 AC
Maximum Number of Residential Lots	50
Minimum Lot Width:	45 FT
Minimum Lot Size:	5,000 SF
Minimum Required Yards**	
Front Yard abutting private street rights-of-way	
Dwelling	15 FT
Garage accessing the private street	20 FT
Rear Yard	20 FT
Interior Side Yard	5 FT

Exterior Side Yard

From Dwelling	10 FT
From Garage access abutting private street	20 FT

Minimum Building Setback:

From abutting public street or exterior boundary of Development Area	20 FT
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Other Bulk and Area Requirements	<del>As provided in an RS-4 district.</del> <u>2000 SF</u>
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Minimum Private Street Right-of-Way Width:	30 FT
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\*\*All yards abutting a public street shall be rear or exterior side yards.

3. The Department 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 building permit for individual lots.
4. A homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain all private streets and common areas, including any stormwater detention areas, security gates, guard houses or other commonly owned structures within the PUD. An ~~decorative~~ alternative screening wall or fence at least six feet in height shall be provided where the residential lots abut 85<sup>th</sup> East Avenue or 98<sup>th</sup> Place South.
5. All private roadways shall be a minimum of 26' in width for two-way roads and 18' for "T" cul-de-sacs, 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 10 percent. No lot shall have direct access to/from 85<sup>th</sup> East Avenue nor 98<sup>th</sup> Place South.
6. The City shall inspect all private streets and certify that they meet City standards prior to any building permits being issued on lots accessed by those streets or if the City will not inspect, then a registered professional engineer shall certify that the streets have been built to City standards.
7. No building permit shall be issued until the requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.



8. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
9. Entry gates or guardhouses, if proposed, and required screening walls or fences shall receive Detail Site Plan approval from TMAPC prior to issuance of a building permit or their construction.
10. A detail landscape plan for gated entryways if proposed, shall be approved by TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping has been installed in accordance with the approved landscape plan. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as required by the Tulsa Zoning Code.
11. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during Detail Site Plan review or the subdivision platting process.

**APPLICANT'S COMMENTS:**

**Roy D. Johnsen**, 201 West 5<sup>th</sup>, Suite 501, Tulsa, Oklahoma 74103, stated that he submitted this application as an alternative use. He indicated that he understands that the approval will be for either single-family use or multifamily use and not both uses combined. He commented that he feels this is an appropriate limitation and agrees with staff.

Mr. Johnsen stated that staff has written their recommendation for RS-4 standards regarding the livability/open space requirement. He explained that the trend today is to build a large home on a small lot. He explained that the required 2500 SF may be difficult to meet and requested that 2,000 SF be required.

Mr. Johnsen stated that he would like to change the wording on development standard number four. He disagreed with the decorative screening wall or fence at least six feet in height. He commented that his client does plan to install a decorative fence along the street frontages, but the staff's recommendation is putting an affirmative requirement that a single-family developer build a screening wall or fence, which means opaque. He stated that there are a lot of alternatives in residential development for the street frontage and landscaping.

Mr. Boyle asked Mr. Johnsen if the word "screening" what he is objecting to. In response, Mr. Johnsen stated the word "screening" and the six-foot height requirement are problems. Mr. Johnsen stated that usually commercial is required to buffer the residential and he would like some flexibility on this.

Mr. Stump stated that the reason for the requirement is because the subject project was originally planned for a more intensively-developed area. It is beside some busy roads that will have commercial traffic on them. If the intensity of use is reduced, then staff felt that additional protection was needed from the heavily-traveled streets and the commercial immediately to the west.

Mr. Johnsen stated that he questions that this is a reasonable request, imposing an affirmative requirement on a single-family development. If the development chooses to do berming and a combination of landscaping and fencing, then it may be appropriate.

Mr. Stump stated that in the past when a development transitioned from a planned multifamily into a single-family use then the single-family residents feel inadequately protected from the commercial. He explained that staff couldn't impose additional requirements on the commercial use. The developer of the single-family use recognizes that this will be a busy area and some protection is needed. Mr. Stump stated that he would not object to stating "...or an alternative buffering approved by the Planning Commission...".

Mr. Johnsen stated that he has mixed feelings regarding the screening issue and feels that the commercial development has some obligation. He reiterated that he is concerned with the wording "...decorative screening wall or fence...". He stated that if the Planning Commission were going to require the screening fence, he would like the word "decorative" deleted from the requirement. He requested that the language include "...alternative landscaping buffering may be approved pursuant to site plan review". He explained that with this language he would only have to file a minor amendment if a better alternative is identified.

#### **INTERESTED PARTIES COMMENTS:**

**Chris Bumgarner** 2411 South Owasso Place, Tulsa, Oklahoma 74114, stated that there is a set of covenants that travels with the subject property, which requires that a screening fence be installed if it is developed multifamily. He explained that he never anticipated that the subject property would be anything less than multifamily and so multifamily and commercial were addressed in the covenants. Now that this is proposed as a single-family use, there could be a problem regarding the screening.

Mr. Bumgarner stated that the developer has known all along that the screening has been a concern. He informed the Planning Commission that the developer indicated that he plans to install a screening fence. He commented that he would prefer that the screening fence be left as a requirement.

#### **TMAPC COMMENTS:**

Mr. Boyle explained that the Planning Commission is giving the applicant the ability to propose an alternative screening at site plan, but it does not guarantee that he would be approved for the alternative.

Mr. Bumgarner stated that he is concerned with the covenants being violated. In response, Mr. Boyle stated that the covenants would be a private contract and suggested that he discuss the issue with Mr. Johnsen privately.

Mr. Bumgarner stated that he has no problem with the proposed development, but he sees a problem in the future. He explained that when he comes to the Planning Commission with a site plan proposal he would be required to provide the buffer on his property rather than where it was originally intended (subject property).

**TMAPC Action; 7 members present:**

On **MOTION** of **WESTERVELT**, the TMAPC voted **7-0-0** (Boyle, Harmon, Hill, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Horner, Pace "absent") to recommend **APPROVAL** of the minor amendment and amended corridor site plan for PUD-411-C-8/Z-5842-SP-5, subject to the development being either multifamily or single-family use only; subject to conditions and development standards as recommended by staff and as modified by the Planning Commission. (Language in the staff recommendation that was deleted by TMAPC is shown as ~~strikeout~~; language added or substituted by TMAPC is underlined.)

\* \* \* \* \*

**OTHER BUSINESS:**

**Mr. Johnsen** stated that he would like an opportunity to address the Planning Commission before it is adjourned. He requested that the Planning Commission reconsider the Final Plat for Jim Norton Center II, which was previously acted on by the Planning Commission.

Mr. Johnsen stated that everything is in order except that the covenants have not been modified to show the most recent action of two amendments.

Mr. Boyle asked Mr. Johnsen if he would like the Planning Commission to reconsider the continuance of the final plat for two weeks. Mr. Boyle informed the Planning Commission that a motion would need to be made to reconsider the final plat.

**TMAPC Action; 7 members present:**

On **MOTION** of **WESTERVELT**, the TMAPC voted **7-0-0** (Boyle, Harmon, Hill, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Horner, Pace "absent") to **RECONSIDER** final plat for Jim Norton Center II as requested by Mr. Roy Johnsen.

**FINAL PLAT:**

**Jim Norton Center II**

(PD-26) (CD-18)

South of southeast corner of 98<sup>th</sup> East Avenue and South Memorial Drive

**APPLICANT'S COMMENTS:**

**Mr. Johnsen**, 201 West 5<sup>th</sup> Street, Suite 501, Tulsa, Oklahoma 74103, stated that he was to prepare the final version of the covenants and that has not been accomplished at this time. He reminded the Planning Commission that the final release action is subject to the final review of Legal regarding the covenants.

Mr. Boyle explained that the problem with the final plat is that there has not been a final content review, not that there has been a legal review. He stated that the content review and the final legal review are two different issues. Staff reviews for content and Legal reviews to form. He explained that the reason the Planning Commission did not want to approve the final plat is because staff has not reviewed the content at this time.

Mr. Johnsen stated that content and legal are basically the same thing. He explained that the developer is trying to set out the covenants in legal form that implement the content of the approved PUD. He commented that Legal has the final say on the review of the covenants and that is the way the Planning Commission has approved final plats in the past. He stated that staff would still have an opportunity to tell Legal that there is a content problem.

Mr. Stump stated that the Legal Department has informed staff that Legal will be reviewing the final plat as to legal form, but Planning Commission staff will review covenants for content. He explained that in the past the staff and Legal were double reviewing the covenants and it was holding up the process. Staff now reviews as to content and Legal reviews as to form.

Mr. Swiney agreed with Mr. Stump regarding the process between staff and Legal review. He explained that lawyers are not engineers or surveyors and have nothing to do with the substance of the design. He stated that Legal only approves the legalities and allow the substance to be decided by staff who are experts in that area.

Mr. Johnsen stated that the substance has been decided by the action of the Planning Commission.

Mr. Boyle stated that he does not think that the Planning Commission is prepared to delegate its responsibilities to staff for approval of plats. He explained that the Planning Commission receives recommendations from staff that details whether the plat has what the Planning Commission approved.

Mr. Johnsen stated that if the final plat was approved subject to staff review of content and there is a problem, then the condition has not been met and it is back on the agenda.

Discussion ensued regarding the process and policies of the review of final plats.

**Mr. Harmon out at 4:30 p.m.**

Mr. Westervelt stated that he does not disagree with how important the process is, but the Planning Commission has done unusual things from time to time based on many things, including the credibility and the professionalism of the people the Commission is dealing with.

Mr. Boyle appointed Mr. Westervelt and Mr. Ledford as a temporary committee to study the platting process issue and find a way to streamline this process. Mr. Boyle stated that he would like this study done immediately, if possible. He further stated that he wants a full plan on how to streamline the process. Mr. Boyle concluded that Mr. Johnsen would be an excellent volunteer for the temporary committee.

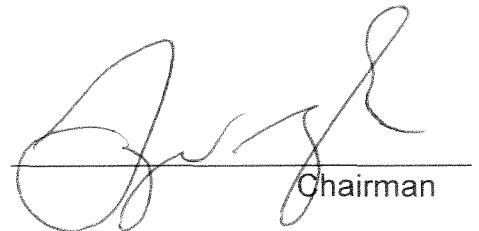
**TMAPC Action; 6 members present:**

On **MOTION** of **WESTERVELT**, the TMAPC voted **5-1-0** (Hill, Jackson, Ledford, Midget, Westervelt "aye"; Boyle "nays"; none "abstaining"; Carnes, Dick, Horner, Pace "absent") to **APPROVE** the final plat for Jim Norton Center II subject to Legal review.

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There being no further business, the Chairman declared the meeting adjourned at 4:45 p.m.

Date approved: 12-1-99

  
Chairman

ATTEST: Brandon J. Jackson  
Secretary

