

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2258

Wednesday, November 29, 2000 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Boyle	Carnes	Beach	Boulden, Legal
Harmon	Collins	Bruce	Counsel
Hill	Jackson	Dunlap	
Horner	Midget	Fernandez	
Ledford		Huntsinger	
Pace		Matthews	
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Wednesday, November 22, 2000 at 11:05 a.m., posted in the Office of the City Clerk at 10:56 a.m., as well as in the office of the County Clerk at 10:53 a.m.

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

REPORTS:

Chairman's Reports:

Mr. Westervelt reported that it is time for the Nominating Committee to contact members regarding new officers for 2001. In response, Mr. Horner stated that he would be ready by the next meeting.

Committee Reports:

Rules and Regulations Committee

Mr. Boyle reported that the committee had a good meeting last week and there will be a meeting immediately following the TMAPC meeting regarding rezoning the Woody Crest neighborhood.

Director's Report:

Mr. Dunlap reported that there are several items on the City Council agenda for Thursday, November 30th.

SUBDIVISIONS

VACATION OF PLAT:

Part Of Lot 1, Block 1, Southern Woods (1683) (PD-18) (CD-8)
Northwest corner of East 91st Street and South Yale Avenue

Staff Recommendation:

This vacation is to allow the platting of the property as Southern Woods Park. The TMAPC approved the final plat on October 4, 2000. This vacation must be complete before the plat may be recorded. The documents requiring the signature of the TMAPC Chairman are transmitted separately and not contained in this packet.

Staff recommends **APPROVAL** of the partial vacation.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **BOYLE** TMAPC voted **7-0-0** (Boyle, Harmon, Hill, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Collins, Jackson, Midget "absent") to **APPROVE** the partial vacation for part of Lot 1, Block 1, Southern Woods as recommended by staff.

FINAL PLAT:

Asbury United Methodist Church (PD-18) (CD-8)
66th and Mingo, Southeast Corner

Staff Recommendation:

This plat consists of one lot in one block on 34.97 acres. It will be developed as a church and church accessory uses.

All releases are in and the plat is in order. Staff recommends **APPROVAL** of the final plat.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 7 members present:

On **MOTION** of **HORNER** TMAPC voted **7-0-0** (Boyle, Harmon, Hill, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Collins, Jackson, Midget "absent") to **APPROVE** the final plat for Asbury United Methodist Church as recommended by staff.

PRELIMINARY PLAT:

Yorktown Villas (PUD 640) (0683)

(PD-18) (CD-9)

Northeast corner of East 63rd Street and South Yorktown Avenue

This plat consists of 17 lots in one block and one reserve on 2.75 acres. It will be developed for single-family residential uses under PUD 640 with a private street.

The following were discussed **October 19, 2000** at the Technical Advisory Committee (TAC) meeting:

1. Zoning:

- The PUD was recommended for approval by the TMAPC October 18, 2000 with densities and setbacks similar to RS-4 standards.

2. Streets/access:

- The PUD allows a 30' right-of-way with a 26'-wide street with the cul-de-sac dimensions to be determined during platting. This needs to be discussed in detail and a recommendation from TAC will go forward to TMAPC on November 1, 2000. The proposed cul-de-sac exceeds the maximum length of 500' and would need a modification of the Subdivision Regulations.
- Sack, applicant, stated that the cul-de-sac was discussed during an earlier pre-development conference. It will be 38' radius that leaves two feet between the curb and the reserve area line, consistent with the rest of the street.
- French, Traffic, agreed this is acceptable.

3. Sewer:

- The PUD concept package shows sanitary sewer connecting to a 30" main on the east side of Yorktown Avenue and running through the proposed street.
- There were no concerns or special requirements for this preliminary plat.

4. Water:

- The PUD concept package shows water connecting to a 6" main on the west side of Yorktown and looping through the project in the street.
- There were no concerns or special requirements for this preliminary plat.

5. Storm Drainage:

- The PUD concept package shows storm sewer in the street with a line running out the east end of the subdivision to Joe Creek.
- There were no concerns or special requirements for this preliminary plat.

6. Utilities:

- This plat shows multiple utility easements, both existing and proposed. The existing easements should have the book and page numbers identified.
- There were no representatives from the franchise utility companies and it was assumed that the easements shown would suffice.

7. Other:

- There were no other comments.

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

Modifications of Subdivision Regulations:

1. To allow the cul-de-sac to exceed the maximum length of 500 feet.

Special Conditions:

1. None needed.

Standard Conditions:

1. All conditions of PUD 640 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 Section 1100-1107 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. Boyle questioned the length of the cul-de-sac. In response, Mr. Beach stated that the cul-de-sac is less than 600 feet. Mr. Beach indicated that the cul-de-sac measures from Yorktown Avenue to the end of the paving where it is in access of 500 feet.

Mr. Boyle stated that he generally does not endorse lengthy cul-de-sacs; however, this one seems to be appropriate due to the topography.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 7 members present:

On **MOTION** of **BOYLE** TMAPC voted **7-0-0** (Boyle, Harmon, Hill, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Collins, Jackson, Midget "absent") to **APPROVE** the preliminary plat for Yorktown Villas subject to standard conditions as recommended by staff.

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Mr. Ledford announced that he would be abstaining on the following item.

After a discussion with Legal, Legal advised Mr. Westervelt that he had no conflict of interest regarding the following item.

SKETCH PLAT:

UNIVERSITY COURTYARDS (PD-16) (CD-6)
West of southwest corner of US Highway 169 and East Pine Street

The following information was provided at the TAC meeting of 11/02.

GENERAL:

The site is located on the south side of Pine Street. It is situated between the Mingo Valley Expressway and Mingo Creek. The site slopes from south to north and includes significant area of floodway. Braniff Air Park is to the east. The purpose of the development will be to provide housing for Spartan Aeronautics students. The apartment units will be for families, primarily in three-and four-bedroom configurations. There will be approximately 200 units in the first phase.

ZONING:

The site is in process to obtain RM-2 zoning. It is currently IL. IL zoning is to the east, south and west with RMH zoning further to the west.

STREETS:

Access will be taken off of Pine Street; two points of access are defined at this time.

SEWER:

An eight-inch sewer is present to the northeast.

WATER:

A twelve-inch water line is available on the south side of East Pine Street.

STORM DRAIN:

Drainage improvements are not included on the plat. The plat does address the area of the floodplain and indicates that a letter of map amendment is in progress.

UTILITIES:

Easements are not shown on the plat.

Staff provides the following information from TAC.**STREETS:**

- Somdecerff, Traffic: dedication will be required along Pine Street.
- French: Streets: two on-site approach lanes for each access are recommended. An LNA will be required. The western access should be moved as far to the east as is feasible.

SEWER:

- Bolding, PW: no comment.

WATER:

- Holdman, PW: a loop will be required off of the 12" line along Pine.

STORM DRAIN:

- McCormick, PW: none
- Ledford, Engineer: indicated that a letter of map amendment was being processed and that Phase II would not move forward until the letter was received. Phase I was out of the floodplain.

FIRE:

- Calkins. Fire: none

UTILITIES:

- ONG: An eight-inch line on the north side of Pine. On-site easements will be required.

Staff recommends APPROVAL of the Sketch Plat subject to the following:

WAIVER OF SUBDIVISION REGULATIONS:

1. None

SPECIAL CONDITIONS:

1. Right-of-way dedication along Pine Street.
2. Location of western access point as far to the east as is feasible.
3. Limits of No Access
4. Looped water system

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 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 Public Works Department.
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 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.)
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. 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.)
19. Applicant is advised to of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.

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

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

TMAPC Comments:

Mr. Boyle asked what the Planning Commission would be doing by acting on a sketch plat. In response, Mr. Bruce stated that there have been discussions at the Policy Committee meetings on the Subdivision Regulations, and his interpretation of these actions that the PC still has the ability to review the preliminary plat and TAC and has the ability to review the preliminary plat, at which time additional conditions could be placed at that time. Mr. Bruce further stated that the applicant would continue through the preliminary plat and the final platting process. Mr. Bruce commented that the plat is being called a sketch plat at this time in order to look for deal breakers. Mr. Bruce stated that at this time there are no major issues with this particular proposed development.

Mr. Boyle stated that actually the approval of the Planning Commission really doesn't mean anything with regard to this sketch plat. In response, Mr. Boulden affirmed Mr. Boyle's statement.

Mr. Boyle stated that he has a problem with the utility easements on the sketch plat. In response, Mr. Bruce stated that during the TAC meeting the consensus was that the utility easements would be dealt with during the platting process. Mr. Boyle stated that, this being the case, he has no problem with approving this sketch plat.

TMAPC Action; 7 members Present:

On **MOTION** of **BOYLE** the TMAPC voted **6-0-1** (Boyle, Harmon, Hill, Horner, Pace, Westervelt "aye"; no "nays"; Ledford "abstaining"; Carnes, Collins, Jackson, Midget "absent") to recommend **APPROVAL** of the sketch plat for University Courtyards, subject to conditions as recommended by staff.

PLAT WAIVER:

Z-6790 (1137)

(PD-18B) (CD-2)

North of northeast corner of 75th Street South and South Lewis

Staff Recommendation:

GENERAL

The site is non-wooded and includes a single-family dwelling and large accessory building. It is abutted on the north and east by a condominium complex, on the south by an office building and to the west by Lewis with offices beyond.

PURPOSE

The purpose of the request is to allow construction of 11,550 SF of office space.

ZONING

The site is zoned OL (OM requested) with RS-3 zoning and PUD to the north and east, OM with PUD on the south and OM to the west across Lewis.

STREETS

The site is bounded by Lewis to the west; two access points are indicated on the site plan. No dedications have been offered.

Note: In the period since the TAC meeting the applicant has worked with Public Works to accomplish appropriate dedication. A deed of dedication is available for filing should the Commission choose to approve the request.

SANITARY SEWER

Sanitary Sewer is present to the north and east.

WATER

Water is present to the north.

STORM DRAIN

Staff does not have drainage/detention information.

UTILITIES

Staff does not have information on easements.

Staff provides the following information from the TAC meeting of 10/05.

STREETS:

- Somdecerrf, Traffic: ROW dedication will be required along Lewis Avenue.
- French: Streets: A Limits of No Access will be required. The access points appear to be acceptable as shown.

SEWER:

- Bolding, PW: None

WATER:

- Holdman, PW: None.

STORM DRAIN:

- McCormick, PW: Connection to the existing system along Lewis will be required.

FIRE:

- Calkins, Fire: None

UTILITIES:

- None

Based on the TAC discussion and the following checklist, which reflects the policies of TMAPC. **Staff recommends approval of the request for plat waiver with the following conditions:**

1. Right-of-way Dedication
2. Limits of No Access
3. Connection to the existing storm sewer system.

Staff would note that this particular parcel, while not platted, is surrounded on three sides by platted properties and is bounded on the fourth by the Lewis right-of-way.

If, after consideration of the above criteria, a plat waiver is granted on *unplatted* properties, a current ALTA/ACSM/NSPS Land Title Survey (and as subsequently revised) shall be required. Said survey shall be prepared in a recordable format and filed at the County Clerk's office.

It shall be the policy of the Tulsa Metropolitan Area Planning Commission that all requests for plat waivers shall be evaluated by the staff and by the Technical Advisory Committee based on the following list. After such evaluation, TMAPC Staff shall make a recommendation to the TMAPC as to the merits of the plat waiver request accompanied by the answers to these questions:

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

	Y	N
1) Has property previously been platted?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) Are there restrictive covenants contained in a previously filed plat?	<input type="checkbox"/>	<input checked="" 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 P.U.D.? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| a) If yes, was plat recorded for the original P.U.D.? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 10) Is this a Major Amendment to a P.U.D.? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

*** Limits of No Access Required.**

There were no interested parties wishing to speak.

The applicant indicated his agreement.

TMAPC Action; 7 members Present:

On **MOTION** of **BOYLE** the TMAPC voted **6-1-0** (Boyle, Harmon, Hill, Horner, Pace, Westervelt "aye"; Ledford "nay"; none "abstaining"; Carnes, Collins, Jackson, Midget "absent") to recommend **APPROVAL** of the plat waiver for Z-6790 subject to conditions as recommended by staff.

ZONING PUBLIC HEARING

Application No.: PUD-431-4

MINOR AMENDMENT

Applicant: Rodney Edwards

(PD-26) (CD-8)

Location: West of southwest corner of East 101st Street and South Sheridan

Staff Recommendation:

The applicant is requesting approval of an amendment to the setback requirement from the centerline of 101st Street South from 175 feet to 125 feet in Development Area E in "The Orchard" Planned Unit Development.

Staff has reviewed the development standards for Development Area E in PUD 431 and can recommend **APPROVAL** of the change in setback as requested. The setback for the other development areas along 101st Street in this PUD is 100 feet from the centerline of the street. Staff sees no harm in the amendment requested or reason to maintain the 175-foot setback in Development Area E.

There were no interested parties wishing to speak.

The applicant indicated his agreement with the staff recommendation.

Having 7 TMAPC Members Present:

On **MOTION** of **BOYLE** the TMAPC voted **7-0-0** (Boyle, Harmon, Hill, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Collins, Jackson, Midget "absent") to **APPROVE** the minor amendment subject to conditions as recommended by staff.

Ms. Hill indicated that she would be abstaining from this item.

Application No.: Z-6467-SP-4a/PUD-628-1

MINOR CORRIDOR SITE PLAN

Applicant: Gary Larson

(PD-18) (CD-8)

Location: 9343 South Mingo Road

Staff Recommendation:

The applicant is requesting an amendment to allow a larger sign than is currently permitted for the offices located in Lot 5, Block 1, of Cedar Ridge Park. The sign proposed will face Mingo Valley Road and will be 25 feet high and have surface area of 176 square feet. The existing Corridor Site Plan/Planned Unit Development allows one ground sign not exceeding 12 feet in height and 32 square feet in display surface area for each lot.

The Planned Unit Development to the southwest (PUD-597) allows no ground sign greater than 50 square feet and no taller than six feet in height for lots facing the Mingo Valley Expressway. Another PUD (PUD-298) to the west of the subject site allows ground signs no greater than 150 square feet with a 20 foot maximum height.

Staff has concern about the size of sign proposed and the precedent this would set for the other five lots in the PUD. The existing Planned Unit Development allows a single ground sign per lot of an appropriate size for the office uses permitted on site. Staff recommends **DENIAL** of the sign as proposed because it is not consistent with the types of signs permitted in nearby Planned Unit Developments containing similar land uses.

Applicant's Comments:

Gary Larson, 5333 South Rockford, stated that the representative of the property owner was to be present; however, he is not present and requested that this item be continued to December 6, 2000.

There were no interested parties wishing to speak.

Having 7 TMAPC Members Present:

On **MOTION** of **BOYLE** the TMAPC voted **7-0-0** (Boyle, Harmon, Hill, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Collins, Jackson, Midget "absent") to **CONTINUE** Z-6467-SP-4a/PUD-628-1 to December 6, 2000 at 1:30 p.m.

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APPLICATION NO.: PUD-306-A-2

Applicant: Randy Bright

Location: 9222 South Harvard

MINOR AMENDMENT

(PD-18) (CD-2)

Staff Recommendation:

The applicant is requesting a minor amendment to allow three mobile unit classrooms for an existing church use. The trailers are already on site and are awaiting a minor amendment to facilitate building permits.

The trailers are beige in color and match part of the church structure. They appear to be placed where they will not affect surrounding properties at the present time.

Staff is generally not favorable to mobile classrooms of this type in Planned Unit Developments because of concerns about safety and aesthetics. Staff can recommend **APPROVAL** of the minor amendment proposed with the following conditions:

1. The classrooms be permitted for a specified period not to exceed a three-year time period;
2. The classrooms be skirted and anchored properly;
3. The classrooms remain the beige color compatible with the church;
4. The classrooms be in accordance with Fire and Safety Codes;
5. The classrooms be located only in the area shown on the site plan, which screens them from a residential area to the south with an existing building.

TMAPC Comments:

Mr. Westervelt announced that there are three letters opposing this application (Exhibit A-1).

Mr. Harmon asked if there is a mechanism in place to enforce the time limit set by the Planning Commission regarding mobile homes or mobile offices. In response, Mr. Dunlap stated that he assumes that the Neighborhood Inspections would enforce the time limit.

Mr. Boulden stated that the time limit would be complaint-driven by the neighboring property owners. Mr. Boulden further stated that he does not believe that there is a procedure to check on time limits placed by the boards.

Mr. Westervelt stated that there is usually not any difficulty getting complaints regarding issues such as this. He suggested that staff look into this issue and see if there is some clarification regarding the time limits and how they are enforced at the next Rules and Regulations Committee meeting.

Applicant's Presentation:

Randy Bright, architect representing the applicant, 4821 South Sheridan, Tulsa, Oklahoma 74135, stated that he has been retained by the church to develop a master plan for the project, and the mobile classrooms are not part of the long term plan. Some of the problems in the past have been the appearance of the building, and that will be addressed in the master plan also.

Mr. Bright stated that the three-year time limit for the mobile classrooms would be more than enough time. He indicated that he would be returning to submit the PUD amendment with the master plan once it is developed.

Mr. Bright stated that he is concerned with the condition regarding the beige color of the mobile homes. He explained that the mobile units are leased and he is not certain he could change the color. He indicated that none of the mobile units are visible from the south or west homes. There are no homes to the north or east of the church. He explained that the land to the north is a vacant lot and the land to the east is a cemetery.

TMAPC Comments:

Mr. Boyle stated that the three-year time period sounds excessive and he has not heard anything that would change his mind. Mr. Boyle asked the applicant why he needs three years. In response, Mr. Bright stated that he hopes that the mobile classrooms would not be needed more than one or two years. Mr. Bright explained that the master plan is under development now, but the mobile classrooms are needed due to an emergency. Mr. Bright stated that the three-year time limit is for safety.

Mr. Boyle stated that generally mobile units are granted for a much shorter period than three years. In response, Mr. Bright stated that if everything went right, it would be one and half years at very earliest.

Mr. Horner stated that he recalls approving mobile units for a one-year basis and at the end of that one-year, the applicant would have to come back for a renewal or negotiable addition of one year. Mr. Horner asked Mr. Bright what the length is of the mobile units. In response, Mr. Bright stated that the lengths are 42' and 48'.

Mr. Boyle stated that he is concerned that two of three mobile classrooms were installed onto the property before coming to the Planning Commission for approval. In response, Mr. Bright stated that the mobile units were moved onto the property before his knowledge, and the people who installed the mobile homes were not aware of the permits and zoning issues. Mr. Bright further stated that the church did not discover the problem until they tried to acquire a permit and then at that time the zoning issue was raised. In response, Mr. Boyle asked Mr. Bright what type of permit the church was trying to acquire. In response, Mr. Bright stated that the church tried to get a permit for the classrooms.

Mr. Westervelt stated that the mobile units would not be present if the building permit process was working properly. However, it is working somewhat since it did stop the permit processing when the zoning issue came forth.

Mr. Boyle stated that the mobile units being present concerns him because it puts the Planning Commission in a difficult situation in that the mobile units are already in place and the church is now asking for forgiveness. Mr. Boyle stated that he doesn't prefer to be in this type of situation where something is actually forced upon the Planning Commission.

Mr. Harmon asked what the term of the lease is on the mobile units. In response, Mr. Bright stated that the mobile homes are to be leased for two years.

Mr. Bright indicated that within one year he believes the church will be ready to amend the PUD and the concerns regarding the mobile units would be addressed in the master plan.

Interested Parties:

Robert Lawrence, 5372 East 81st Street, Tulsa, Oklahoma, representing Terry Barker, a homeowner in the Sycamore Hills Addition, stated that his objection is that the mobile buildings are eyesores. They do not comport with the rest of the neighborhood and they are not within keeping of the existing building on the PUD. The site plan did not provide for mobile units and the applicant should not be rewarded for ignoring the site plan.

Mr. Lawrence stated that the mobile units are visible from several houses in the subject area. He indicated that those homes are in the Sycamore Hills Addition, the Crown Pointe and the Hampton/Oaks Developments. Homeowners in the subject area have voiced concerns regarding the visibility of the mobile units.

Mr. Lawrence indicated that the mobile units are not uniform in color, size or style. The mobile units are visible from the intersection at 91st and Harvard. The South Tulsa Christian Church has existed on the subject property and knew that they were growing, which needed to be operated within the restrictions of the PUD. The overflow of church members didn't happen overnight. To allow the church this exception is not fair to the surrounding neighborhoods. Mr. Lawrence requested a show of hands of homeowners present and protesting the mobile units (approximately 15 homeowners).

TMAPC Comments:

Mr. Harmon asked Mr. Lawrence whether, the mobile home units were uniform and properly skirted, it would make any difference to him. In response, Mr. Lawrence stated that if the mobile units were all the same size, color and skirted properly, it would help, but they are still mobile buildings and they do not comport with the surrounding neighborhood.

Eugene Flute, 9149 South Florence, Tulsa, Oklahoma 74137, stated that several years ago he purchased his home and is directly west of the church. He explained that at the time of purchasing his home, a residential unit occupied the

land to east. He stated that when construction started, he was concerned to see an industrial type of building being built on the subject property.

Mr. Flute indicated that property values in the neighborhood are beginning to drop and the property taxes are going up. He stated that he could see one of the gray mobile units from his kitchen window. The industrial type of building is disruptive to the neighborhood and it is affecting the property values. He commented that neighborhoods should be protected from this type of activities.

Mr. Flute stated that in the past there have been some communication problems between the neighborhood and the church. He commented that the church has not been a good neighbor.

TMAPC Comments:

Mr. Horner asked Mr. Flute what he thought the church could do to take care of their increased enrollment and satisfy the neighbors. In response, Mr. Flute stated that if the church practiced "do unto others as you would have them do unto you", there would not be the unsightly situation that exists. Mr. Flute suggested planting large trees to screen the unsightly building. Mr. Flute stated that there are many churches in the City of Tulsa that do not disrupt neighborhoods with industrial-type buildings.

Mr. Westervelt asked staff if the existing building is within the PUD restrictions. In response, Mr. Dunlap answered affirmatively.

Don Walker, 9168 South Florence Place, Tulsa, Oklahoma 74137, stated that the westernmost point of the church is facing his living room. He commented that the 20'-high sidewall of the steel pre-engineered building injected into the subject neighborhood is the worst example of esthetic-negative intrusion anywhere in the City of Tulsa. The subject building is elevated in a dramatic fashion and now the church wants to add insult to injury by adding mobile units.

Mr. Walker stated that he could see the northeast end of the mobile unit classroom, which is gray in color. The visibility of the second mobile unit classroom is slightly visible from the property line separating his property and the property to the north. When the church installs the third classroom, it will be very visible.

Mr. Walker stated that everyone wants churches to grow and to prosper, but somehow the esthetic restrictions need to be in the Zoning Code to prevent industrial-type buildings from being built in residential areas.

Mr. Walker stated that he is an architect/builder and is usually all for development, but the esthetics issues need to be considered and there has to be a limit. Mr. Walker concluded by requesting that this application be denied.

TMAPC Comments:

Mr. Ledford asked Mr. Walker the distance between the west property line of the single-family development to the metal building. In response, Mr. Walker stated that the distance is probably 250 feet, and it is up in elevation.

Mr. Harmon asked Mr. Walker if there were any conditions that would make this project more palatable to the neighborhood for a short period of time. In response, Mr. Walker stated that one solution might be a heavy landscaped greenbelt. Mr. Walker commented that the heavily landscaped greenbelt would hide the mobile classrooms and the activity taking place on the subject property. Mr. Walker explained that due to the height of the subject property, he didn't think fencing would screen the mobile classrooms.

Ms. Hill asked Mr. Walker if he or any of the neighbors discussed these issues with the church or architect. In response, Mr. Walker stated that there was a lot of discussion with the church regarding the steel building. Ms. Hill asked Mr. Walker if he had any recent dialogue with the church regarding the mobile classrooms. In response, Mr. Walker answered negatively.

Mr. Walker informed the Planning Commission that he has his home up for sale and the realtors showing his home have commented that the church looks like a warehouse. He stated that the church building has deteriorated the value of his home. He indicated that the homeowners in the subject area appealed to the County Assessor for reassessments on their home values, which were downgraded eight to ten percent.

Mr. Westervelt asked Mr. Walker if the subdivision has restrictive covenants that have been enforced. In response, Mr. Walker answered affirmatively.

Ms. Pace asked if the existing building meets the PUD standards when it was developed. In response, Mr. Dunlap stated that Mr. Stump reviewed this PUD and Mr. Walker was involved in that review. Mr. Dunlap further stated that he understands that the review found that the existing building is compatible with the standards of the PUD. Mr. Walker stated that he did review the PUD after it was approved.

Mr. Ledford stated that typically when a PUD is submitted the elevations are given and the planning staff does not require the construction material to be detailed. Mr. Ledford explained that on the elevations one cannot see whether the proposed building will be a metal building or made of other materials. Unfortunately, it will probably be when a PUD is submitted that the exterior materials have to be stated.

Applicant's Rebuttal:

Mr. Bright reminded the Planning Commission that he was not the original architect for the church project. He explained that when he was retained it was very apparent from the church's instructions that they are very keenly aware of their neighbors. One of the issues to be addressed in the master plan is the metal building. He explained that the metal building is to be bricked or have a finish similar to the rest of the proposed project.

Mr. Bright stated that he was made aware that there was arbitration and discussion with the neighbors regarding tree planting and lights. He reminded the Planning Commission of the topography of the subject property, and due to the heavily wooded area to the north, it makes it impossible to see the church property.

Mr. Bright indicated that when the Master Plan is completed he would be happy to review it with the neighbors. He stated that he can create a drawing from a viewpoint of any of the homes in the subject area in order for the neighbors see what it will look like from their property.

TMAPC Comments:

Mr. Boyle asked Mr. Bright how he can make the statement that the church is keenly aware of its neighbors and their needs, yet the church moves two mobile units onto the subject property without authority and without consulting with the neighbors. In response, Mr. Bright stated that he is stating that the church is keenly aware of the neighbors' needs because of the instructions they have given him regarding the master plan. Mr. Bright further stated that the existing development and mobile classrooms were done before his involvement and he cannot answer to those issues. Mr. Bright indicated that he was hired several months ago and he was made aware of the church's concerns regarding the neighbors. Mr. Boyle asked Mr. Bright if the mobile units were in place when he was hired. In response, Mr. Bright answered negatively.

Applicant's Comments:

Paul Crosby, Pastor, stated that he realizes that growth causes trouble. He indicated that his background is building and he realizes that at times the church has not been a good neighbor. He is sorry about that.

Mr. Crosby stated that he does know what codes are and he respects the Planning Commission. He further stated that he would understand if the Planning Commission directed the church to remove the trailers. He commented that the church would do all they can to hide the mobile homes.

Mr. Crosby apologized several times for the past issues and indicated that the church will fully cooperate with the Planning Commission and the neighbors.

TMAPC Comments:

Mr. Horner asked Mr. Crosby what the church's plan would be if the Planning Commission denied the use of the mobile units. In response, Mr. Crosby stated that the church would do something else and perhaps use a local school. Mr. Crosby commented that there has been a rule broken and he understands codes, and the church will do whatever the Planning Commission recommends.

Mr. Boyle stated that he would not be in favor of a three-year limitation for the mobile classrooms. He indicated that he would be in favor of a one-year program accompanied by appropriate screening.

Mr. Westervelt stated that he viewed the location and was quite disappointed with what he viewed. He commented that he cannot support this application and requested the staff to produce a copy of this PUD for the Planning Commission to review.

Ms. Pace stated that this particular PUD has caused problems in the past. She indicated that she could support Mr. Boyle's suggestion.

Mr. Boyle stated that the Planning Commission could change the conditions to one-year limitation and an additional condition that the detail site plan return to the Planning Commission with the landscaping shown.

Mr. Ledford stated that he feels that the Planning Commission is missing an opportunity to send this issue back to the neighborhood and the church in order to work the issues out together. He commented that this type of issue would continue to happen if the esthetics are not part of the requirements. In this particular situation the Planning Commission and the community would be better served to give the church and the neighbors time to work these issues out together, then return to the Planning Commission.

Ms. Pace suggested a continuance and allow the neighbors and the church to work out an acceptable screening before granting the minor amendment.

Mr. Westervelt recognized Mr. Walker.

Mr. Walker stated that if a revision of the PUD is coming back with a landscaping plan he would suggest that the architect do his own study and then let the neighbors review it.

TMAPC Action; 7 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **7-0-0** (Boyle, Harmon, Hill, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Collins Jackson, Midget "absent") to **CONTINUE** the minor amendment for PUD-306-A-2 and return with a detail landscaping plan to December 20, 2000 at 1:30 p.m.

OTHER BUSINESS:

APPLICATION NO.: PUD-601

Applicant: John Hammons

Location: 6808 South 107th East Avenue

DETAIL SITE PLAN

(PD-18) (CD-8)

Mr. Ledford announced that he would be abstaining from this issue.

Staff Recommendation:

The applicant is requesting detail site plan approval of a new 300-room hotel. The use is in conformance with the requirements for Development Area A-2 in PUD-601.

The proposed new hotel has nine floors, and will be 144 feet high. The site plan details setbacks, lighting, general landscaping features, and parking to be in accordance with the approved Planned Unit Development.

The staff recommends **APPROVAL** of the detail site plan because it conforms with the standards and specifications of the PUD in which it is located, with the condition that Traffic Engineering approves of any access points onto 107th Street.

The applicant has supplied more than enough parking for the site based upon the square footage for the convention center of 38,067 square feet, the accessory facilities (such as a card shop) of 537 square feet, restaurant uses at 8,253 square feet, and 300 hotel rooms.

TMAPC Comments:

Mr. Horner stated that John Q. Hammons is a large company based in Springfield Missouri, which owns the Holiday Inn East. Mr. Horner further stated that he welcomes the John Q. Hammons Company to the City of Tulsa.

The applicant indicated his agreement with staff's recommendation.

Interested Parties Comments:

Ken Ellers, 6806 South 109th East Avenue, Tulsa, Oklahoma 74133, expressed concerns with traffic flow from the hotel going through the neighborhood on East 67th Street (Southbrook II).

TMAPC Comments:

Mr. Boyle stated that this application is for hotel use, and people staying hotels would be relatively unfamiliar with the Southbrook II neighborhood. He further stated that he has a hard time imagining people heading out to Garnett rather than 71st Street.

Mr. Westervelt stated that he remembers Mr. Eller being present during the PUD hearing. He further stated that he remembers the same concerns being voiced during the PUD hearing and the Planning Commission imposed all of the safeguards possible. Today the Planning Commission is reviewing the detail site plan.

Mr. Dunlap stated that Traffic Engineering was involved with the traffic concerns and options that were discussed to remedy the traffic concerns. One of the options mentioned was that the neighbors could petition the city to close the street.

Mr. Boyle asked what the other access points for the subject property. In response, Mr. Dunlap stated that 107th Street goes to 61st Street.

Mr. Westervelt asked Mr. Sack if he is familiar with the different access points and streets that are planned or in place. In response, Mr. Sack stated that he doesn't have any involvement with Tulsa Commons; however, he did work on the adjacent Eastside Market. Mr. Sack indicated that 109th Street is in place, which goes to the south from 71st Street up to the subject property. Mr. Sack stated that there is a plan for the street to run east and west, but he is not sure if it will build part as part of the hotel complex.

Mr. Ledford clarified that 107th Street currently exists and today the Planning Commission is seeing the detail site plan for the subject property. The construction documents have already been approved for all of the street systems and are currently under contract with a contractor, which will begin construction shortly. By the time the hotel is completed, the street system will be built to the north and to the east (out to Garnett) and then tie into 107th Street.

Mr. Boyle stated once again that with the two main access points to Garnett and 71st Street, he couldn't imagine visitors from the subject property going north into a neighborhood that is unfamiliar for access.

Mr. Ellers stated that there are numerous neighbors that would like East 67th Street closed in order to prevent any traffic flow from the hotel and convention center. Mr. Ellers commented that 71st Street is currently only a two-lane street and he fears that this would force visitors to look for other access points, which would be through the neighborhood.

Ms. Pace questioned if the infrastructure will be in place before the hotel is ready for occupancy. In response, Mr. Boyle stated that he does not think that this issue is to be considered during a detail site plan for the subject property. Mr. Boyle reminded Ms. Pace that the Planning Commission has already approved how the circulation should move through the subject property and today is to look at the placement of the building. Mr. Dunlap stated that the detail site plan does meet all of the conditions of the PUD. Mr. Harmon expressed concerns about

traffic backing up because there is no left turn on 109th Street. Mr. Dunlap stated that there is a condition on the detail site plan that Traffic Engineering would have to approve access points onto 107th Street. Mr. Dunlap concluded that the detail site plan recommendation is that it be approved because it does meet all of the conditions of the PUD with the additional condition that Traffic Engineering approves of any access points onto 107th Street.

Mr. Westervelt informed Mr. Ellers that the Planning Commission stated during the PUD application that they would not be opposed to any traffic-calming devices that the neighborhood is agreeable to. He encouraged Mr. Ellers to contact Traffic Engineering and discuss the traffic-calming devices that are available to the neighborhood.

Applicant's Rebuttal:

Mark Steele, representing Mr. Hammons, Springfield, Missouri, stated that he does not know if there is anything else to add. He was understood that the major arterial questions had already been addressed during the PUD process. He indicated that 71st Street would be widened and should be completed before the hotel is ready for occupancy.

Mr. Steele stated that he understood that his company had already fulfilled all of the requirements of the detail site plan and have tried to present a project that everyone would be proud of.

Ms. Pace recognized Mr. Sack.

Mr. Sack stated that 71st Street is scheduled to be widened in January. He indicated that there would be a traffic signal at 109th Street, which will accommodate right- and left-hand turns. He stated that 71st Street would be built to three lanes in each direction with a raised median all the way from U.S. 169 to Garnett Road. He commented that all of the infrastructure should be completed before the hotels are completed.

TMAPC Action; 7 members present:

On **MOTION** of **HORNER** TMAPC voted **6-0-1** (Boyle, Harmon, Hill, Horner, Pace, Westervelt "aye"; no "nays"; Ledford "abstaining"; Carnes, Collins, Jackson, Midget "absent") to **APPROVE** the detail site plan for PUD-601, subject to the condition as recommended by staff.

APPLICATION NO.: PUD-567-C

DETAIL SITE PLAN

Applicant: Dan Backstrom

(PD-18) (CD-8)

Location: Southeast corner of 71st Street and South 109th East Avenue

Staff Recommendation:

The applicant is requesting a detail site plan approval for a 5,782 square foot ARCO convenience store and gas station with a car wash.

Staff has examined the request and finds conformance to requirements for the use and to bulk and area specifications per PUD-567.

Staff can recommend **APPROVAL** of the detail site plan as submitted.

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

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **BOYLE** TMAPC voted **7-0-0** (Boyle, Harmon, Hill, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Collins, Jackson, Midget "absent") to **APPROVE** the detail site plan for PUD-567-C as recommended by staff.

* * * * *

Consider the addition of November 14, 2001 to the 2001 TMAPC Meeting Schedule.

Mr. Dunlap stated that originally the 2001 calendar did not have a November 14th meeting; however, to better serve the citizens of Tulsa and Tulsa County, staff recommends that November 14th is added to the TMAPC 2001 calendar.

TMAPC Action; 7 members present:

On **MOTION** of **PACE** TMAPC voted **7-0-0** (Boyle, Harmon, Hill, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Collins, Jackson, Midget "absent") to **APPROVE** the addition of November 14, 2001 to the TMAPC Meeting Schedule.

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There being no further business, the Chairman declared the meeting adjourned at 3:00 p.m.

Date approved: 01/03/01


Chairman

ATTEST: 
Secretary