

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2344

Wednesday, May 21, 2003, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Bayles	Collins	Chronister	Romig, Legal
Carnes		Dunlap	
Coutant		Fernandez	
Harmon		Huntsinger	
Hill		Matthews	
Horner		Stump	
Jackson			
Ledford			
Midget			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, May, 19, 2003 at 8:40 a.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

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

Corrected Minutes:

Approval of the corrected minutes of April 4, 2001, Meeting No. 2270

On **MOTION** of **WESTERVELT** the TMAPC voted 8-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Collins, Midget "absent") to **APPROVE** the corrected minutes of the meeting of April 4, 2001, Meeting No. 2270.

Minutes:

Approval of the minutes of April 23, 2003, Meeting No. 2342

On **MOTION** of **HORNER** the TMAPC voted 8-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Collins, Midget "absent") to **APPROVE** the minutes of the meeting of April 23, 2003, Meeting No. 2342.

Minutes:

Approval of the minutes of May 7, 2003, Meeting No. 2343

On **MOTION** of **HORNER** the TMAPC voted 6-0-2 (Carnes, Horner, Hill, Jackson, Ledford, Westervelt "aye"; no "nays"; Coutant, Harmon "abstaining"; Bayles, Collins, Midget "absent") to **APPROVE** the minutes of the meeting of May 7, 2003, Meeting No. 2342.

REPORTS:

Chairman's Report:

Reported that there are a few housekeeping issues to be addressed. Staff has requested a continuance for Items No. 6 & 8 to June 4, 2003.

Plat: Fleming Addition Amended

Preliminary Plat

Location: 12716 East Pine

(PD-16) (CD-6)

TMAPC Action; 8 members present:

On **MOTION** of **HILL**, TMAPC voted 8-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Collins, Midget "absent") to **CONTINUE** the preliminary plat for Fleming Addition Amended to June 4, 2003 at 1:30 p.m.

Plat: Cornerstone Village

Minor Subdivision Plat

Location: 1045 North Yale

(PD-3) (CD-3)

TMAPC Action; 8 members present:

On **MOTION** of **COUTANT**, TMAPC voted 8-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Collins, Midget "absent") to **CONTINUE** the minor subdivision plat for Cornerstone Village to June 4, 2003 at 1:30 p.m.

Application No.: PUD-650-1

MINOR AMENDMENT

Applicant: Charles Norman

(PD-18) (CD-7)

Location: South side of East Skelly Drive, north of East 46th Street

Chairman Jackson stated that Councilor Sullivan has requested a continuance and that Mr. Norman has agreed to the continuance to May 28, 2003.

Applicant's Comments:

Charles Norman, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, stated that he has discussed the continuance request with Councilor Sullivan and he agreed as a courtesy to him. He understands that staff received the request Wednesday morning before today's hearing. He indicated that he has no objections to the continuance, but regrets the inconvenience to the interested parties, as he was unable to give any notice about the request for the continuance.

TMAPC COMMENTS:

Mr. Jackson stated that in order to be fair to everyone involved, the TMAPC should give Councilor Sullivan an opportunity to address this project.

Mr. Norman stated that he would be willing to meet with anyone present today in the lobby for a few minutes regarding this issue.

TMAPC Action; 8 members present:

On **MOTION** of **WESTERVELT**, TMAPC voted 8-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Collins, Midget "absent") to **CONTINUE** PUD-650-1 to May 28, 2003, at 1:30 p.m.

Director's Report:

Mr. Stump reported that the TMAPC receipts for April are the largest ever received, but the volume is down. The increase in the fees is the reason for the record-breaking total for April. Activity has picked up, but it is not back to the level it was two years ago.

Mr. Stump stated that Public Works and staff have been working with the City Council regarding their concerns about enforcement of PUD conditions. Jack Page submitted a report at the committee meetings. City Council requested that a report be submitted with three different alternatives for staffing and other

procedures that would improve enforcement of PUD conditions. The report is supposed to be ready in approximately six weeks.

* * * * *

SUBDIVISIONS:

LOT-SPLITS FOR WAIVER OF SUBDIVISION REGULATIONS:

L-19517 – James Baker (1313) (PD 15) (County)

8908 East 106th Street North

STAFF RECOMMENDATION:

An existing FAA radar tower is located on two lots, and the owner has applied to divide the leased tower site out to be contained on its own separate tract (Tract C). The applicant is seeking a waiver of the Subdivision Regulations because Tracts A and B would have more than three side lot lines.

The applicant is also seeking a waiver of Subdivision Regulations Section 6.5.2 for Tract C requiring each tract have water and sanitary sewer/septic service.

Proposed Tracts A and B would meet the RE zoning bulk and area requirements, and all three tracts have adequate street access.

The Technical Advisory Committee had no concerns regarding this lot-split. Staff believes this lot-split would not have an adverse effect on the surrounding properties and recommends **APPROVAL** of the two waivers of the Subdivision Regulations and of the lot-split.

TMAPC COMMENTS:

Mr. Harmon asked for clarification regarding Tract C. He commented that he had trouble understanding and following the staff recommendation. In response, Ms. Chronister stated that Tract C is located on the north boundary and it takes a part of the common boundary line of Tracts A and B on the north part of it.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HORNER**, TMAPC voted 8-0-0 (Carnes, Coutant, Harmon Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Collins, Midget "absent") to **APPROVE** the two waivers of the Subdivision Regulations and of the lot-split for L-19517.

LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

- L-19525 – Larry Johnson** (0329) (PD 3) (CD 3)
1507 North College
- L-19526 – White Surveying Co.** (9317) (PD 6) (CD 9)
2431 East 29th Street
- L-19527 – Don Wood** (9319) (PD 6) (CD 9)
3132 South Victor
- L-19529 – Evergreen Development Inc.** (1305) (PD 12) (County)
East 123rd Street North and Lewis
- L-19532 – City of Tulsa** (8202) (PD 8) (CD 2)
West 81st Street and Elwood
- L-19536 – City of Tulsa** (8310) (PD 18) (CD 8)
7215 South Yale
- L-19545 – Tulsa Development Authority** (0225) (PD 2) (CD 1)
1606 North Detroit
- L-19546 – Tulsa Development Authority** (0225) (PD 2) (CD 1)
531 East Reading
- L-19547 – Tulsa Development Authority** (0225) (PD 2) (CD 1)
1632 North Greenwood Place
- L-19548 – Tulsa Development Authority** (0225) (PD 2) (CD 1)
1731 North Frankfort
- L-19549 – Tulsa Development Authority** (9306) (PD 4) (CD 4)
Southwest corner East 5th Street & Lewis Avenue

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HARMON**, the TMAPC voted **8-0-0** (Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Collins, Midget "absent") to **RATIFY** these lot-splits given prior approval, finding them in accordance with Subdivision Regulations as recommended by staff.

Ms. Bayles in at 1:40 p.m.

The Tudors – PUD 639-A (1392)

(PD-7) (PD-9)

Southeast of East 21st Street South and South Main Street

STAFF RECOMMENDATION:

This plat consists of 11 lots, one block, on 2.58 acres.

The following issues were discussed May 1, 2003 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned under PUD-639-A. This is the previous "Portofino" project site that has recently been rezoned with a major amendment. Show the type of easement to be released on the plat. A detail site plan will be required for security gates. Define the alleyway width and whether it is one-way or two-way traffic. Show garage setbacks/building envelopes on the plat. The PUD conditions need to be restated exactly in the covenants. The mutual access easement should be extended near the ramp area between lots. There needs to be legal review and approval of the "Unit Ownership Estates" sections in the covenants to assure that a proper homeowner association is established.
2. **Streets:** Extend the mutual access easement or move the curb near the ramp area. If it is the owners' desire to go to 18 feet in width for the alleyway, then this will need to be a one-way street. If it is to be a two-way street, then the recommended width is 20 feet. Use a 50-foot width easement on 21st Street access. Radius needs to be 30 feet on arterials. Use standard covenant language. Show East 22nd Street. Show flow-line elevation on plans. Limits of no access needs to be consistent in covenants and on plat.
3. **Sewer:** There will need to be a sewer extension per the concept plan.
4. **Water:** Water is existing.
5. **Storm Drainage:** Collect drainage onsite. Drainage to 22nd Street needs to be collected. There needs to be an extension of storm sewer to the north. Lines need to be verified. The covenants may need new language. Additional easements may be needed.
6. **Utilities: ONG:** An additional easement is needed. (A 7.5 foot u/e is acceptable within the ten-foot building line.) **Cox:** The plat as proposed is acceptable.

7. **Other:** The Fire Department is concerned about parking (no parking in the alleyway) and about clearance (no lower than 14 feet for any overhang) for the alleyway.

Staff recommends **APPROVAL** of the preliminary plat subject to the special and standard conditions below.

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

1. The concerns of the Public Works Department staff must be taken care of to their satisfaction.
2. The Fire Department concerns need to be addressed and approved by the Fire Marshal or his representative.

Standard Conditions:

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

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

21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final plat.
23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.
24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HORNER**, TMAPC voted 9-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Midget "absent") to **APPROVE** the preliminary plat for The Tudors; subject to the special conditions and standard conditions per staff recommendation.

PRELIMINARY PLAT:

Crystal Creek – PUD 221-F-1 (2894) (PD-17) (CD-6)

South of East 41st Street South and East of South 129th East Avenue

STAFF RECOMMENDATION:

This plat consists of 242 lots, eight blocks, on 81 acres.

The following issues were discussed May 1, 2003 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned PUD 221. Basically, RS-3 zoning standards must be followed for the plat. Sketch plats were reviewed by TAC previously on August 15, 2002, and a revised sketch plat on October 3, 2002. The Planning Commission approved a sketch plat at their October 16, 2002 meeting with conditions. Two additional meetings were held with Traffic Engineering, planning staff and residents of the existing Quail Ridge neighborhood (south of the proposed plat) on December 16, 2002 in City Hall, and on January 8, 2003 in the Fountain Plaza office building. The centerline of 41st Street needs to be shown properly. Any lots with more than three side lot lines will need waivers. Lot lines need to be shown clearly (for example Lots 30/31 of Block 6). The developer has stated that there will only be one phase of development and that the 41st Street access will be built with the subdivision. All lots must meet the minimum lot size and there are several that appear to be less than the minimum 6900 square feet. Typographical errors in the covenants need to be corrected. Curved street corners must be shown.
2. **Streets:** Clarify covenants especially in Sections A and D. Show sidewalks on both sides in plans. The consulting engineer for the project stated that the builder will build the sidewalks in the common areas as agreed to and that for each residential lot the builder will build the sidewalk. The legal description needs to be checked. Limits of No Access provisions need to be added to the covenants. Street addresses are needed. Show where right-of-way is dedicated along 41st Street. Show book and pages numbers. The concept plan needs flow line elevations shown correctly. References to private streets must be deleted.
3. **Sewer:** Additional manholes need to be added to the conceptual plans. Additional easements will be needed and the easements need to be clarified and separated.
4. **Water:** The conceptual plans need to be clarified. Additional easements are needed. Easements should be separated.
5. **Storm Drainage:** The concept plan needs to be clarified. No utilities should be in the reserves. Access to elevations is needed (15-foot). Compensatory storage may be required. Sediment outlets will not be allowed in the detention ponds. These should be outside the floodplain. Covenants need to add storm sewer and sanitary sewage services. Standard language needs to be put in the covenants and especially for overland drainage. Define floodplain on plats. Use the name "stormwater detention facility". Show all reserve limits and bearings. Clarify outline easement for detention ponds. On the concept plans show sediment outlets with ponds used for sediment control and then dug out for detention. The current version of the flow ordinance must be followed. Show sizes of lines and pipes.

6. **Utilities: ONG:** Easements are needed along streets. Covenants need to use standard language. **PSO:** Additional easements are needed. **Cox:** Plat is acceptable.
7. **Other:** The Fire Department had no comment.

Charles Norman, attorney for the project, spoke briefly to the TAC about some of the history of the property.

Staff recommends **APPROVAL** of the preliminary plat subject to the special and standard conditions below.

Waivers of Subdivision Regulations:

1. A waiver of the collector street requirement was granted with conditions for the sketch plat on the property. The waiver as granted did not have the cul-de-sac as proposed with the preliminary plat.
2. A waiver to cul-de-sac lengths is necessary.

Special Conditions:

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

Standard Conditions:

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

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

19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final plat.
23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.
24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

Applicant's Comments:

Charles Norman, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, stated that Mrs. Fernandez described this item very adequately. Mr. Norman cited the past history regarding the access points. He explained that after meeting with Public Works, Councilor Justis, TMAPC staff and the representatives of the neighborhood, it was decided to stop 46th Street as a collector and build two cul-de-sacs.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **WESTERVELT**, TMAPC voted 9-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Midget "absent") to **APPROVE** the preliminary plat for Crystal Creek, subject to the special conditions and standard conditions per staff recommendation.

* * * * *

South of the southeast corner of East 71st and Riverside Parkway

STAFF RECOMMENDATION:

This plat consists of one lot, one block, on 4.9 acres.

The following issues were discussed May 1, 2003 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned RS-2 and RS-4.
2. **Streets:** An existing cul-de-sac infringes on the property and this should be clarified. Limits of No Access needs to be shown on the plat and in the covenants properly. A PFPI may be necessary. To the south, a left-hand turn lane will be needed and to the north, a deceleration lane may be necessary. Change the 84 foot access to 40 feet. The covenants need to contain standard language especially for right-of-ways. Add "Riverside Parkway" to section G. Legals must match and be correct. Sidewalks are needed along Riverside Parkway.
3. **Sewer:** Extend sewer per conceptual plans and use ductile iron.
4. **Water:** Water line extension may be required.
5. **Storm Drainage:** Conceptual plans need to be clarified. Overland drainage easements need to be shown. Covenants need standard language. Book and page for temporary and permanent easements need to be shown. Separate easements.
6. **Utilities: PSO:** Overhead is needed on Quincy. **ONG:** Easements must be separated.
7. **Other:** The Fire Department states that dead-end streets of more than 150 feet would require a proper means of turnaround.

Staff recommends **APPROVAL** of the preliminary plat subject to the special and standard conditions below.

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

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

Standard Conditions:

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

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

24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **LEDFORD**, TMAPC voted 9-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Midget "absent") to **APPROVE** the preliminary plat for Tulsa Retirement Residence, subject to special conditions and standard conditions per staff recommendation.

PLAT WAIVER:

CBOA – 2041

(PD-15) (County)

South and east of the southeast corner of East 76th Street
North and Highway 169

STAFF RECOMMENDATION:

The applicant is seeking approval from the County Board of Adjustment for a special exception for a fireworks stand in an IL zoning district. Mr. Dunlap explained that the County Board of Adjustment was not able to take action on this item on May 20th due to the lack of a quorum.

It is the policy of TMAPC to waive the platting requirement for open air activities (Use Unit 2.Subsection 1202.B) such as fireworks stands. Therefore, staff recommends **APPROVAL** of the requested plat waiver for CBOA-2041, subject to CBOA approval of the special exception.

Mr. Dunlap explained that the timing for this is very critical. The next County Board of Adjustment meeting is two days after the planned opening of the fireworks stand.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HARMON**, TMAPC voted 9-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Midget "absent") to **APPROVE** the plat waiver for CBOA-2041, subject to the CBOA approval of the special exception allowing a fireworks stand in an IL zoned district.

Z-6876 – (2103)

(PD-2) (CD-3)

4702 East Apache

STAFF RECOMMENDATION:

The platting requirement was triggered by Z-6876 which rezoned the property to CS.

Staff provides the following information from TAC at their April 17, 2003 meeting:

ZONING:

TMAPC staff: Lots 1-7, Block 2, of the Smithdale Addition were rezoned to CS for the subject site, and the Board of Adjustment approved BOA-19525 to allow vehicle repair and use and a setback variance from Zion Street no closer than ten feet from the property line on the south. Screening fences are required to be constructed along the west and south property lines.

STREETS:

Limits of no access need to be shown. Curve radius on the existing subdivision does not meet the current subdivision regulation requirements. Easements should be shown separately.

SEWER:

Public Works, Wastewater: No Comment.

WATER:

Public Works, Water: No Comment.

STORM DRAIN:

Public Works, Stormwater: Site needs to be connected to existing storm sewer. (Maps were provided by staff.)

FIRE:

Public Works, Fire: No Comment.

UTILITIES:

Franchise Utilities: No Comment.

This request was continued from the last Planning Commission meeting so that the issues relating to mutual access easements and roadway medians could be further reviewed for the site. These issues are to be considered for all new plat waiver requests. The Traffic Engineer has recommended Limits of No Access along Apache Street to allow two 40-foot access points for the seven existing platted lots. If Lots 1, 4, or 7 were to be sold under the existing platted conditions with the Traffic Engineer's required Limits of No Access as a plat waiver requirement, then mutual access easements would be required in order to assure a point of access for these lots. (The Limits of No Access is shown on the attached map). Staff has no concern about roadway medians as, per the Traffic Engineer, there may have been a median that has been removed in this area, and otherwise he would not have had a problem with a median being removed. The only traffic circulation problem is to be handled by the Limits of No Access agreement. Another factor to consider for this plat waiver is that originally the existing plat was to accommodate residential types of uses. The rezoning to CS uses requires that the lots meet the bulk and area requirements of the CS zone, including the 150-foot frontage requirement. Staff recommends that the property be replatted to assure conformance with the frontage requirements of the CS zoning for the property, and to assure proper access for all lots in the subdivision.

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

- | | Yes | NO |
|--|------------|-----------|
| 1. Has property previously been platted? | X | |
| 2. Are there restrictive covenants contained in a previously filed plat? | X | |
| 3. Is property adequately described by surrounding platted properties or street R/W? | O | X |

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? | X |
| 5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived? | X |
| 6. Infrastructure requirements: | |
| a) Water | |
| i. Is a main line water extension required? | X |
| ii. Is an internal system or fire line required? | X |
| iii. Are additional easements required? | X |

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

*Limits of No Access by separate instrument are requested by the Traffic Engineer.

Applicant's Comments:

Stephen Schuller, 100 West Fifth, Suite 500, Tulsa, Oklahoma 74103; stated that this is a small project and his client is trying to move his business in order to improve it. It does not justify the costs and time delays that a subdivision on the subject property would require. The Limits of No Access agreement has been prepared and is ready to file per record if this plat waiver is granted. The turning radius can be handled with a deed of dedication and the mutual access agreement is unnecessary in this instance because the applicant has no intention of selling the lots separately. If the Planning Commission would like to control how the lots are sold separately, then his client would be willing to sign a tie agreement.

Mr. Schuller assured the Planning Commission that the sewer easements are in place and street rights-of-way are in place. The subject property is a part of a subdivision plat and in this instance a plat waiver is exactly what this process is for and intended for.

TMAPC COMMENTS:

Mr. Westervelt asked Mr. Schuller if his client would agree to a tie agreement on all of the lots so that if they try to sell one lot, they would have to request a lot-split and then the Planning Commission could require a mutual access. In response, Mr. Schuller answered affirmatively.

Mr. Harmon asked staff if the tie agreement would satisfy their concerns. In response, Mr. Stump stated that staff was concerned about creating nonconforming lots and the subsequent need for better access or agreed upon access. Mr. Stump further stated that staff understood that the applicant was considering selling some of the lots, but if the plan is to keep the lots as a single unit and would commit to it unless given approval by the Planning Commission, then it would solve a lot of staff's concerns.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **LEDFORD**, TMAPC voted 9-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Midget "absent") to **APPROVE** the plat waiver, subject to a tie agreement between the lots.

Mr. Midget in at 2:00 p.m.

CONTINUED ZONING PUBLIC HEARING:

Application No.: PUD-678

RS-3 TO PUD

Applicant: Jack Cox

(PD-26) (CD-8)

Location: West of northwest corner of East 98th Street and South Memorial Drive.

STAFF RECOMMENDATION:

The PUD proposes single-family residential uses on approximately 9.63 acres located west of the northwest corner of East 98th Street (a private street) and South Memorial Drive. The proposal is for private streets with one point of access. Also, the tract does not have access to a public street.

In January 2003 the City Council rezoned the subject tract from RS-1 to RS-3. The applicant had requested RS-4 zoning. The tract is abutted on the north by

the Creek Turnpike right-of-way; on the east by a drainageway zoned RS-1 and CO/PUD-581 and beyond the drainageway is an apartment complex zoned CO/PUD-581; and on the west are single-family dwellings zoned RS-1. There is a single-family dwelling to the south of the tract, across East 98th Street, which is a private street, zoned RS-1.

Staff cannot support the proposed circulation system which does not comply with the Subdivision Regulations or the draft guidelines for private streets (enclosed). Also the tract does not have access to a public street. One point of access is proposed which would be to a private street outside the PUD (98th Street).

If two points of access, which connect to a public street, are provided and if the streets are public and meet the Subdivision Regulations staff could support the request with some modification.

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-678 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-678 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:

Permitted Principal Uses:

Those uses included within Use Unit 6, Single-Family Dwelling.

Maximum Number of Dwelling Units: 33

Minimum Livability Space per Dwelling Unit Per Lot: 2,500 SF

Minimum Livability Space within the PUD:

Within the PUD, livability space shall be provided in an aggregate amount of not less than the amount of livability space required by the RS-3 zoning district (Subsection 403.A, of the Zoning Code) for conventional development of a comparable number of dwelling units. Required livability space shall be provided on the lot containing the dwelling unit or units on which computed, or in common areas.

Common livability space shall be designed and located so as to be accessible to the dwelling units it is intended to serve. The location and size of this common livability space shall be shown on the subdivision plat and provisions for the ownership and maintenance of common livability space as will insure its continuity and conservation shall be incorporated in the subdivision plat, in compliance with the provisions of Subsection 1107.F. of the Zoning Code.

Minimum Required Yards:

Front yard and any yard abutting a street	20 FT
Rear Yards	20 FT
Side Yards	5 FT

Other Bulk and Area Requirements:

As established within the RS-3 district.

Access:

There shall be a minimum of two access points from a public street to the PUD. All streets within the PUD must be public and meet the Subdivision Regulations. Prior to the filing of final plat, East 98th Street South must be a public street from South Memorial Drive to the west boundary of the PUD. All access must be approved by Traffic Engineering and the Tulsa Fire Department.

3. There shall be no development in the regulatory flood plain.
4. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.
5. 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.
6. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process, which are approved by TMAPC.
7. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during the subdivision platting process.

Applicant's Comments:

John Moody, 1924 South Utica, Suite 700, Tulsa, Oklahoma 74104, representing the owners of subject property, stated that his client has owned the subject property for a number of years. He further stated that all of the property owners along East 98th Street have agreed to dedicate the right-of-way and the City of Tulsa/Public Works Department has agreed to accept the dedication and to maintain East 98th Street as a public street. Mr. Moody stated that there is a City of Tulsa stormwater detention facility located South 98th Street and the dedication of East 98th Street would benefit the City of Tulsa.

Mr. Moody stated that the proposal is a good solution for problems that have existed for a number of years and enables his client to have a public street from Memorial serving several properties.

Mr. Moody stated that his client has provided a fire lane, which would be hard-surface and meeting the standards and requirements of the City of Tulsa Fire Marshal. The Fire Marshal and Public Works has agreed to the proposal.

Mr. Moody indicated that all of the lots would be maintained by the homeowners association (mowing, etc), which would be part of the restrictive covenants. This would eliminate having more than one lawn mowing company on the streets. He explained that there is one lot on the corner next to a hammerhead (Lot 15), which the Fire Marshal indicated would not be a problem.

Mr. Moody stated that he is in agreement with the staff recommendation except for the areas outlined today. He further stated that he is in agreement with a ten-foot separation of the buildings, but he would like to have the ability to have a zero side yard on one side with a minimum ten-foot side yard on the other side.

Mr. Moody submitted letters from interested parties in support of the proposal (Exhibit A-1).

There were no interested parties wishing to speak.

TMAPC COMMENTS:

Mr. Ledford asked if Public Works had an opportunity to review the PUD as suggested by the Planning Commission in order to prevent approving a PUD that Public Works would have problems with when it reaches permitting. In response, Mr. Stump stated that he is not sure if Public Works has had the chance to review this proposal regarding their policies for private streets. Mr. Stump suggested that the Planning Commission could take action today if they are inclined to approve it to add that the private streets have a right-of-way of at least 30 feet and paving width at 26 feet, all roadways be built to City standards and the cul-de-sac to the east be built to the City standards. Mr. Stump commented that the stub street to the northwest corner may be short enough for the fire truck

to back out, but staff has not received any feedback from the Fire Department or Public Works' regarding this. Mr. Ledford stated that Public Work's concern was that the developer would go around to different entities within Public Works Department and not actually get the whole group consensus for the design of the PUD. Mr. Ledford expressed concerns that if this proposal has not been through the full Public Works staff, then there may be problems.

Discussion ensued regarding the new procedure for reviewing PUDs with the Public Works Department. It was determined that the Planning Commission would prefer that this proposal be taken back to TAC on 6/5/03 before approving this PUD.

TMAPC Action; 10 members present:

On **MOTION** of **WESTERVELT**, TMAPC voted 10-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Collins "absent") to **CONTINUE** PUD-678 to June 18, 2003 at 1:30 p.m. in order to allow review of the sketch plat at the June 5, 2003 TAC meeting.

* * * * *

ZONING PUBLIC HEARING

Application No.: Z-6892

RM-2 TO CH

Applicant: Greg A. Farrar

(PD-4) (CD-4)

Location: 1712 East 2nd Street

STAFF RECOMMENDATION:

Z-6855 July 2002: A request was filed to rezone three lots located on the southwest corner of East 4th Place and South Trenton from RM-1 to CH zoning for a machine shop. Staff recommended approval of CH zoning for the north 50' of the two lots fronting Utica and CG zoning for the remaining lot on the west. City Council approved CG zoning on all three lots.

Z-6841 August 2001: TMAPC recommended denial of both CH and IL zoning for a 50' x 140' lot located east of the southeast corner of East 1st Street and South Quincy. The applicant appealed the request to City Council where the Council also concurred in denial of the request.

Z-6820 May 2001: All concurred in approval of a request to rezone a lot located on the southwest corner of East 1st Street and South Rockford Avenue from RM-2 to II for a heating and air conditioning business.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is flat, non-wooded, presently used for an automotive repair business and zoned RM-2.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
East 2 nd Street South	Local street	50'	2 lanes
South Victor Avenue	Local street	50'	2 lanes

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA: The property is abutted on the north by a printing company, zoned CS; on the west by a parking lot and vacant land, zoned CS; on the east by vacant land, zoned RM-2; and on the northeast by single-story apartments, zoned RM-2.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 4 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the property as Medium Intensity – Residential land use.

According to the Zoning Matrix the requested CH is **not** in accord with the Plan.

STAFF RECOMMENDATION:

The surrounding land uses and redevelopment efforts in the Kendall-Whittier area would not support rezoning to CH. The property is on the edge of a largely single-family neighborhood that has some mixed uses within it. It is probably unrealistic to expect this property to redevelop as multifamily residential, but uses and standards for CH zoning are inappropriate for this area. Based on the Comprehensive Plan, surrounding land uses and trends in the area, staff, therefore, recommends **DENIAL** of CH zoning for Z-6892 and **APPROVAL** of CS zoning in the alternative.

If the TMAPC deems it appropriate to recommend approval of commercial zoning for this site, staff should be directed to prepare Plan Map amendments to reflect that change.

TMAPC COMMENTS:

Mr. Jackson asked Ms. Matthews if the applicant would be able to have auto repair with CS zoning. In response, Ms. Matthews stated that the applicant would have to go before the Board of Adjustment for a special exception and then the BOA could impose conditions that would make it more compatible with the neighborhood.

In response to Mr. Harmon, Ms. Matthews explained that the CH-zoned property across the street from the subject property was zoned many years ago. Ms. Matthews reminded the Planning Commission that staff very rarely recommends rezoning to CH, particularly when it is located on the fringe of the neighborhood or has the ability of negatively impacting the uses in the area. There are single-story apartments to the east that this could impact.

Applicant's Comments:

Greg A. Farrar, 717 South Houston, Tulsa, Oklahoma 74101, representing Joe Ceto, tenant of the subject property, which is owned by Mrs. Marva Trickett, stated that the owner has rented the subject property to Mr. Ceto for the last nine years. Mr. Ceto has operated his automotive repair service on the subject property. The subject property is a completely-fenced lot and there would be no off-street parking nor increased traffic in the subject area. The subject property is surrounded on three sides by commercially-zoned structures and it is located at the end of the residential area.

Mr. Farrar indicated that there are other automotive-related businesses in the subject area. Mr. Farrar submitted a plat (Exhibit B-1) and cited the various uses in the subject area.

Mr. Farrar stated that Mrs. Trickett would like to sell the subject property to Mr. Ceto and the contract is contingent on the approval for the rezoning to allow him to continue his automotive business he has operated for nine years.

TMAPC COMMENTS:

Mr. Jackson stated that the Planning Commission doesn't have a problem with rezoning to a commercial zoning, but it would be a CS district rather than a CH. In response, Mr. Farrar stated that he was advised to request a CG district in order to prevent having to go before the BOA.

Mr. Jackson asked Mr. Stump for a brief rebuttal to the CG request. In response, Mr. Stump stated that CG zoning would allow the requested use by right, but the down side is that the BOA wouldn't be able to review the proposed use, which appears to have been illegal established for nine years. The BOA may impose conditions that would make this more compatible with the area to the east and the south.

Mr. Midget asked what was between the Citgo and the subject property. In response, Mr. Farrar submitted a photograph of the subject area (Exhibit B-2) and stated that there is a vacant lot between the Citgo property and subject property. Mr. Midget asked what the buildings were to the south of the subject building. In response, Mr. Farrar stated that there are three houses located between the used car lot and Mr. Ceto's business.

TMAPC Action; 10 members present:

On **MOTION** of **WESTERVELT**, TMAPC voted 10-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Collins "absent") to **CONTINUE** Z-6893 to August 6, 2003 at 1:30 p.m.

Application No.: Z-6894

AG to RS-1

Applicant: Ricky Jones

(PD-26) (CD-8)

Location: South and east of South Louisville and East 111th Street

STAFF RECOMMENDATION:

Z-6867/PUD-667 October 2002: All concurred in approval, subject to conditions, of a request to rezone a 46-acre tract located west of and abutting the subject tract on the southwest from AG to RS-1 and PUD for residential development.

Z-6829/PUD-655 September 2001: A request to rezone the 46-acre tract located west of the subject tract, from AG to RS-1 and RS-3. Staff and TMAPC recommended approval of the proposed RS-1 and RS-3 zoning for single-family development with private gated entry and private streets. City Council concurred in RS-1 and RS-3 zoning as submitted with the PUD-655. The applicant withdrew the application and no ordinance was published.

Z-6595 July 1997: All concurred in approval of a request to rezone a five-acre tract located west of the southwest corner of East 111th Street South and South Yale Avenue, from AG to RS-2.

Z-6534 May 1996: A request to rezone a 20-acre tract located north of the northwest corner of East 121st Street and South Yale from AG to RS-2. All concurred in denial RS-2 and approved RS-1 zoning.

Z-6369 October 1992: A request to rezone a 30-acre tract located south of the southwest corner of East 111th Street South and South Yale from AG to RS-2 was recommended for denial by staff. City Council approved RS-1 zoning for the tract.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is heavily wooded with steep slopes, vacant and zoned AG.

STREETS: There is no existing access except a narrow private road. Provisions in the legal documents of the adjacent Waterstone development to the west require that access be provided into this development.

UTILITIES: Water and sewer are available to the subject tract.

SURROUNDING AREA: The site is abutted on the northwest, north and east by vacant wooded land, zoned AG; to the south by a single-family dwelling, zoned AG; and to the west by a residential development (Waterstone, currently under construction) zoned RS-1/PUD-667.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The District 26 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates this area Low Intensity-Residential land use. According to the Zoning Matrix, the proposed rezoning to RS-1 is in accord with the Plan Map.

STAFF RECOMMENDATION: Based on the Comprehensive Plan and existing (albeit under construction) development, staff can support the requested rezoning and therefore recommends **APPROVAL** of RS-1 zoning for Z-6894, with the provisions that an acceptable PUD be recommended for approval by the TMAPC, and that official provisions be made for access through Waterstone.

Related Item:

Application No.: PUD-681

AG to RS-1/PUD

Applicant: Ricky Jones

(PD-26) (CD-8)

Location: South and east of South Louisville and East 111th Street

STAFF RECOMMENDATION:

The PUD proposes a maximum of 15 single-family lots on 15 acres located south of the southeast corner of South Louisville Avenue and East 111th Street. Private, gated streets are proposed. Access to the PUD would be from the east through PUD-667 with a stub street provided to the undeveloped property to the north.

The subject tract is abutted on the north, east, south and a portion of the west boundary by AG zoned property. The remainder of the west boundary is abutted by property zoned RS-1/PUD-667. The subject tract is zoned AG. Concurrently, an application (Z-6894) has been filed to rezone the tract to RS-1.

If Z-6894 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-681 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-681 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): 15 Acres

Permitted Principal Uses:

Those uses included within Use Unit 6, single-family dwelling.

Maximum Number of Dwelling Units: 15

Minimum Lot Width 90 FT*

Minimum Lot Area: 13,500 SF

Maximum Building Height: 35 FT

Minimum Livability Space per Dwelling Unit Per Lot: 7,500 SF

Minimum Land Area per Dwelling Unit: 16,000 SF

Minimum Off-Street Parking:

Two (2) enclosed off-street parking spaces per dwelling unit and at least two (2) additional off-street parking spaces per dwelling unit.

Minimum Required Yards:

From the perimeter of the PUD 25 FT

From private street right-of-way

Front 35 FT

Side	
Residences	15 FT
Garages with side street entry	20 FT
Interior side yards	10 FT
Interior rear yard	25 FT

*Lot width on a cul-de-sac shall be measured at the building setback line.

Signs:

One entry identification sign shall be permitted at the principal entrance from PUD-667. The sign shall not exceed a maximum display surface area of 32 SF and a maximum height of four feet.

Access and Circulation:

There shall be a minimum of two access points into the PUD. Provisions shall be made within PUD-667 that ensure continued access to the subject tract through PUD-667 and proper maintenance of the streets within PUD-667. This provision shall be approved by the City of Tulsa Legal Department. All access shall be approved by Public Works and the Tulsa Fire Department.

Other Bulk and Area Requirements:

As established within the RS-1 district.

3. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.
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 and to force proper maintenance of private streets within PUD-667 needed to access PUD-681.

5. All private roadways shall have a minimum right-of-way of 30' and be a minimum of 26' in width for two-way roads and 18' for one-way loop roads, measured face-to-face of curb. All curbs, gutters, base and paving materials used shall be of a quality and thickness which meets the City of Tulsa standards for a minor residential public street. The maximum vertical grade of private streets shall be 10 percent. Circular turnarounds shall be provided at the end of all cul-de-sacs and shall comply with the City's standards for public streets.
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 including those within PUD-667. The developer shall pay all inspection fees required by the City.
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, must receive detail site plan approval from TMAPC, traffic engineering and Tulsa Fire Department, prior to issuance of a building permit for the gates or guard houses.
10. 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.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **10-0-0** (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Collins "absent") to recommend **APPROVAL RS-1** zoning for Z-6894, with the provisions that an acceptable PUD be recommended for approval by the TMAPC, and that official provisions be made for access through Waterstone per staff recommendation.

TMAPC Action; 10 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **10-0-0** (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Collins "absent") to recommend **APPROVAL** PUD-681 per staff recommendation.

Legal Description for Z-6894PUD-681:

A tract of land in the NW/4 of Section 33, T-18-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, more particularly described as follows, to-wit: beginning at the Northeast corner of the S/2, SW/4, NE/4, NW/4, thence West 660' to a point; thence South 990' to a point; thence East 660' to a point thence North 990' to the Point of Beginning; otherwise described as the S/2, SW/4, NE/4, NW/4 and the NW/4 SE/4 NW/4 of Section 33, T-18-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, and located south and east of South Louisville Avenue and East 111th Street South, Tulsa, Oklahoma, **From AG (Agriculture District) To RS-1/PUD (Residential Single-family Low Density District/Planned Unit Development [PUD-681])**.

* * * * *

Mr. Westervelt announced that he would be abstaining/out at 2:43 p.m.

Application No.: Z-6895

CS to CG

Applicant: R.L. Reynolds

(PD-17) (CD-6)

Location: West of southwest corner of East Admiral and South 165th East Avenue

STAFF RECOMMENDATION:

BOA-19540 March 2003: The Board of Adjustment approved a special exception to allow Use Unit 17, a truck and car wash in a CS-zoned district on the subject tract and the adjoining lot to the east.

Z-6823 July 2001: All concurred in approval of a request to rezone a two-acre tract located west of the northwest corner of East Admiral Place and South 161st East Avenue from RS-3 to IL.

Z-6647 August 1998: A request to rezone the lot located on the southeast corner of East Admiral Place and South 161st East Avenue and abutting the subject property on the west, from CS to IL. Staff recommended denial of IL zoning as the Comprehensive Plan did not support IL zoning on the south side of Admiral Place; however, TMAPC approved a revision to the Plan designating the

area as Medium Intensity-Industrial. Based on the revision of the Plan, all concurred in approval of IL zoning for the property.

Z-6587/PUD-560 June 1997: All concurred in approval, per TMAPC and staff recommendation, to rezone a 17-acre tract from AG to IL/PUD for industrial development. The property is located west of the southwest corner of East Admiral Place and South 161st East Avenue.

Z-6585/PUD-556 April 1997: A request to rezone a five-acre tract located west of the southwest corner of East Admiral Place and South 161st East Avenue from SR to IL, CS and PUD for RV and vehicle storage. All concurred in approval of IL underlying zoning on the north 350' with the remaining southern portion of the tract remaining SR. All concurred in approval of the proposed PUD.

Z-6297 April 1991: All concurred in approval of a request to rezone a 2.5-acre tract located west of the northwest corner of East Admiral Place and South 161st East Avenue and west of the subject tract from RS-3 to IL.

Z-6007 December 1984: A request to rezone a 1.4-acre tract located west of the northwest corner of East Admiral Place and South 161st East Avenue from AG to CS, IL, and SR to IL. All concurred in approval of IL zoning.

Z-5887 December 1983: A request to rezone a 20-acre tract located west of the southwest corner of East Admiral Place and South 161st East Avenue from IR and AG to IL. All concurred in approval of CS on the east 350' x 350' tract located on the southwest corner of East Admiral Place and South 161st East Avenue, IL on the western portion fronting Admiral Place to a depth of 350' and SR on the balance.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is gently sloping, cleared, under construction and zoned CS.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
East Admiral Place	Secondary arterial street	100'	2 lanes

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA: The site is abutted on the north by industrial uses, zoned IL; on the south by single-family residential uses, zoned RM-2 and RS-3; on the east by vacant land currently being used to stage the construction, zoned CS; farther east across South 165th East Avenue by a fast-food restaurant and a motel, zoned CS; and on the west by vacant land, zoned IL.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates this area Medium Intensity – Linear Development Area. According to the Zoning Matrix, the proposed rezoning to CG **may be found** in accord with the Plan.

STAFF RECOMMENDATION: Staff is concerned about the proposal to locate a truck wash facility adjacent to single-family residential uses, since it appears the primary access will be from the cul-de-sac at South 165th East Avenue. Therefore, staff recommends **DENIAL** of CG zoning for Z-6895.

RELATED ITEM:

Application No.: PUD-682

CS to CS/CG/PUD

Applicant: R.L. Reynolds

(PD-17) (CD-6)

Location: West of southwest corner of East Admiral and South 165th East Avenue

STAFF RECOMMENDATION:

The applicant is proposing an auto wash, truck wash and mini-storage on approximately 4.4 acres (gross) located on the south side of East Admiral Place between South 161st East Avenue and South 165th East Avenue. The tract has access to East Admiral Place and South 161st East Avenue.

The subject tract is zoned CS and RM-2. Concurrently, an application (Z-6895) has been made to rezone a portion of the CS-zoned area to CG. The subject tract is abutted on the east by vacant property zoned CS; on the south by a single-family subdivision zoned RS-3; and on the west by a detention facility zoned RM-2, a church zoned RS-3 and vacant property zoned IL. To the north of the subject tract, across East Admiral Place is an auto auction zoned IL and an auto/truck warehouse zoned CS.

The proposed automobile wash would be a Use Unit 17 use, which could be permitted by exception in a CS-zoned district and therefore, could be a permitted use on the subject tract with a PUD. Also the proposed mini-storage could be permitted by special exception in the CS and the RM-2 zoned districts. The proposed truck wash is not permitted by right or exception by the underlying zoning.

The applicant is requesting rezoning (Z-6895) on a portion of the tract from CS to CG. According to the zoning matrix the requested CG zoning with a PUD may be found in accord with the plan by virtue of its location within a linear development area. The applicant is proposing to access the proposed truck wash from South 165th East Avenue, which would bring all the truck traffic along

the backyards of existing single-family dwellings. Based on the adjacent residential uses to the south, staff cannot support the requested zoning nor can the staff support the concept plan which would bring all the truck traffic along the back yards of an existing single-family neighborhood. Therefore, staff recommends **DENIAL** of the request.

TMAPC COMMENTS:

Mr. Jackson asked if staff would have still had a problem with this application if the truck wash were relocated. In response, Mr. Stump stated that staff discussed this alternative with having the entire access being from Admiral and the applicant indicated that he would not have the room to change the access. Mr. Stump indicated that staff still considers the truck wash inappropriate with the proposed access.

Applicant's Comments:

R. L. Reynolds, 2727 East 21st Street, Tulsa, Oklahoma 74114, stated that the application covers three lots, which is called QuikTrip Commercial Center. Mr. Reynolds cited the zoning for the subject property and its surrounding properties. He explained that the purpose of the PUD is to have a truck and car wash. He stated that due to the shape of the property, it is not possible to get the trucks lined up into the truck wash facility without having to back up a good distance and the goal is to allow the trucks to drive straight into the facility and then drive out. South 165th Street is a cul-de-sac and it provides access to three lots in QuikTrip Commercial Center. The commercial traffic does not mix with any of the residential traffic and the street does not tie into the residential neighborhood. The distance from the proposed turn in to the nearest house is approximately 200 feet. Since the applicant would be using 165th Street for its ingress/egress, he met with Mark Brown and Darrell French from Traffic Engineering to make sure that they were happy with how his client proposed to access and exit for the mini-storage circulation. During this meeting he found that the City of Tulsa and the State of Oklahoma, and the Federal Government consider the subject area to be a heavy transportation corridor. He explained that Mr. Brown indicated that when the subject property was platted, it was required to have a 98-foot turnaround radius and to build the street to City corridor standards for truck traffic because they expected trucks to use the street. He stated that it was the City's preference that the site be accessed through 165th Street and that the trucks come straight across Admiral to the south and into the cul-de-sac to access. He commented that that the City felt this would be a safer route to come straight across. He indicated that the Oklahoma Department of Transportation has the funding to signalize the subject intersection in accordance with the five-year Federal Highway Plan.

Mr. Reynolds stated that he met with the neighbors regarding this project and all twelve homeowners who would back up to the subject property signed a letter showing their support. He indicated that currently there is truck traffic present in the subject area and this proposal would not further impact it. He commented

that it is very rare that twelve out of twelve neighbors would support a project. There are currently 70 to 80 trucks parked on another lot that is as close to the twelve homes as the subject street is. There is nothing unusual about trucks in the subject area and neighborhood.

TMAPC COMMENTS:

Mr. Jackson asked staff if their opinion has changed after hearing Mr. Reynolds' presentation regarding that 12 out of 12 homeowners are in support, as are Public Works and Mr. French, and having the cul-de-sac built oversized for truck traffic. In response, Mr. Stump stated that he doesn't know why Mr. French wanted truck traffic allowed in a CS district that doesn't allow that type of industrial use (actually prohibits it). Mr. Stump commented that staff doesn't come out against a proposal because the majority of the neighborhood is against it, just as staff doesn't come out in support of something simply because the neighborhood is for it. Staff's decision is strictly because it is believed to be good planning.

Mr. Dunlap stated that if the Planning Commission is considering approving this application, staff would request a continuance in order to prepare development standards and look at screening issues.

Mr. CARNES made a motion to continue Z-6895/PUD-682 to June 4, 2003. Motion failed due to lack of a second.

Mr. Reynolds stated that the applicant met with the neighbors regarding the screening and the plan was developed according to the wishes of the neighbors. The screening is not a material issue regarding the cul-de-sac because it is uphill. The screening fence would have to be extremely high in order to have any impact from the sound issue.

Mr. Dunlap stated that if this application is going to be continued, then the screening fence doesn't need to be discussed at this time.

Mr. Carnes stated that if this application is going to be continued, then staff should work it out and bring this application back to the Planning Commission.

Mr. Midget stated that he didn't hear a second to the motion for a continuance. He further stated that his main issue is that the neighbors are satisfied.

Mr. Ledford stated that staff is stating that if the Planning Commission feels this is appropriate, then they need time to study the entire PUD before approval. Staff has recommended denial for today and they have not spent the time to look at the PUD and make some suggestions. The individuals who own these houses could eventually sell to someone else. He stated that he would prefer to continue this case in order to allow the staff to review the standards if the Planning Commission is inclined to approve it.

Staff recommended that this application be continued to June 4, 2003 in order to write a thorough recommendation.

Interested Parties:

Gary Fink and Dorothy Bobbitt, 16435 East 1st Street, Tulsa, Oklahoma 74108, stated that trucks are already in the area and he doesn't see it to be a problem. He commented that the trucks do not come into the area and stay for any length of time.

Ms. Hill stated that after the truck wash is built, then there would be more trucks in the area than before and the noise level will go up. She further stated that the truck wash would more than likely be a 24-hour service and she is trying to think ahead regarding the noise levels and traffic levels. In response, Mr. Fink stated that there are currently trucks in the area due to the Burger King, two truck stops and the auto auction. Mr. Fink indicated that there is more noise from the auto auction than there is from the trucks.

In response to Mr. Fink, Ms. Hill stated that when diesel engines are gearing down, they are loud and there would be more trucks in the area when the truck wash is opened. In response, Mr. Fink stated that the street wouldn't allow a lot of trucks into the area and the noise level would not be noticeable. In response, Ms. Hill cautioned Mr. Fink and Ms. Bobbitt that there is a chance that there would be a lot of noise from a 24-hour truck wash, and at 3:00 a.m. a truck could be entering the facility. She reminded Mr. Fink and Ms. Bobbitt that if this should happen, she hopes they remember this was discussed.

Mr. Midget asked Mr. Reynolds if there was anything pending that would prohibit this application being continued to June 4, 2003. In response, Mr. Reynolds stated that the PFPI is being completed at this time and he would accept a continuance in order for the staff to review this proposal. Mr. Reynolds explained that everyone in the subject area, are well aware of the situation regarding truck traffic. Many of the neighbors work in the transportation business and know about sound. Ms. Hill stated that she understands, but she wants to make sure that this issue was addressed in case several months later the neighbors complain to the Planning Commission regarding the noise.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted 9-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Midget "aye"; no "nays"; none "abstaining"; Collins, Westervelt "absent") to **CONTINUE** Z-6895 and PUD-682 to June 4, 2003 at 1:30 p.m.

OTHER BUSINESS:

Application No.: PUD-670

DETAIL SITE PLAN

Applicant: Ricky Jones

(PD-6) (CD-9)

Location: Southwest corner of East 31st Street and South Rockford

STAFF RECOMMENDATION:

Development standards for PUD-670 require that "The screening wall along 31st, the private drive gating and entry features and the fencing along Rockford shall require submission and approval of a supplemental detailed plan (including landscaping)". Submitted for review at this time are the site plan (depicting off-street parking and the decorative wall along Rockford Drive right-of-way); elevations of the entire length of the decorative wall; and the landscape plan for the area between the Rockford Drive right-of-way and the decorative wall. The wall elevations include grade variants.

Both the off-street parking and proposed wall are located adjacent to the Rockford Drive right-of-way. The 15.5 feet long by 18 feet wide parking areas are arranged so that 2.5 feet of landscaped area beyond the permanent wheel stop will be considered part of the required stall length, provided that the area remains unobstructed and not part of another parking space or access drive, as permitted by Section 1303.3 of the Zoning Code.

Landscaping between the street right-of-way and along the Rockford Drive wall is proposed to be sod only.

In addition to submission of the plan view and corresponding elevations, the developer's attorney has proposed language that would require site plan review of individual lots for compliance with development standards regarding the location and composition of the wall along Rockford and arrangement of the off-street parking.

The wall is proposed to consist of a black wrought iron fence on a two-foot limestone faced base with limestone-faced columns. The fence portion would be a maximum of six feet in height with the columns slightly taller. Staff recommends **APPROVAL** of the fence/wall and landscaping along Rockford Avenue.

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

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

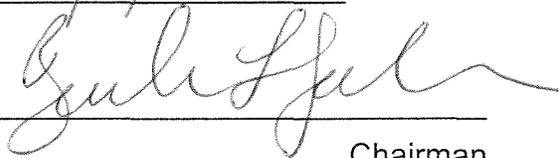
TMAPC Action; 9 members present:

On **MOTION** of **HARMON**, TMAPC voted 9-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Midget "absent") to **APPROVE** the fence/wall and landscaping along Rockford Avenue per staff recommendation.

There being no further business, the Chair declared the meeting adjourned at 3:05 p.m.

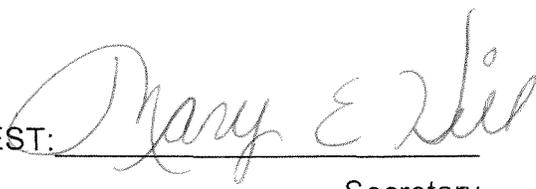
Date Approved:

6/18/03



Chairman

ATTEST:



Secretary

