

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2346

Wednesday, June 4, 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	Ledford	Dunlap	
Coutant		Fernandez	
Harmon		Huntsinger	
Hill		Matthews	
Horner		Stump	
Jackson			
Midget			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, June 2, 2003 at 10:54 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, 1st Vice Chairman Harmon called the meeting to order at 1:30 p.m.

REPORTS:

Mr. Jackson in at 1:31 p.m.

Director's Report:

Mr. Stump reported that there is one item on the City Council agenda for Thursday, June 6, 2003.

SUBDIVISIONS:

LOT-SPLITS FOR WAIVER OF SUBDIVISION REGULATIONS:

L-19531 – Elsie Ward (9233)

(PD 9) (County)

3929 West 61st Street

STAFF RECOMMENDATION:

The applicant desires to split Tract 1 (300' X 335') into four tracts. All four proposed tracts meet the RS bulk and area requirements and have at least 30' on street front on West 61st Street. The applicant will be deeding 15' additional right-of-way to Tulsa County along West 61st Street to meet the Major Street and Highway Plan standards. A waiver of the Subdivision Regulations is being requested because Tract 4 would have more than three side lot lines.

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 waiver of Subdivision Regulations and of the lot-split, with the condition that the additional right-of-way is given to Tulsa County.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HARMON**, TMAPC voted 8-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Collins, Ledford "absent") to **APPROVE** the waiver of Subdivision Regulations and of the lot-split for L-19531, subject to the additional right-of-way being given to Tulsa County.

LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-19524 – Kelly Knowlton (9216)

(PD 9) (County)

3005 South 49th West Avenue

L-19533 – Paul Shindel (9026)

(PD 23) (County)

North of northeast corner West 51st Street and 209th West Avenue

L-19534 – Jeff Levinson (0334)

(PD 16) (CD 3)

5803 East Easton

L-19538 – White Surveying, Co. (9335)

(PD 18) (CD 7)

East 60th Place, east of Sheridan Road

L-19539 – White Surveying, Co. (0305)

(PD 24) (County)

Northwest corner East 61st Street North and Birmingham Place

L-19542 – Sack and Associates, Inc. (8320)

(PD 18) (CD 2)

East 99th Street and Riverside Drive

L-19543 – Sack and Associates, Inc. (0236)

(PD 2) (CD 1)

415 East Independence

STAFF RECOMMENDATION:

Ms. Chronister stated that all of these lot-splits have met all of the requirements of the Subdivision Regulations and staff recommends **APPROVAL**.

Ms. Chronister indicated that are interested parties whom would like to speak about L-19538.

TMAPC COMMENTS:

Mr. Harmon asked staff if there were any problems with L-19538. In response, Ms. Chronister stated that this item meets all of the zoning requirements, the Subdivision Regulations and has received prior approval.

Ms. Bayles in at 1:35 p.m.

Interested Parties Opposing L-19538:

Sidney Lee, 6642 East 60th Place, Tulsa, Oklahoma 74145; **Brent Wasson**, 6634 East 60th Place, Tulsa, Oklahoma 74145; **Jim and Rosie Moon**, 6601 East 60th Place, Tulsa, Oklahoma 74145; **John Moynt**, 6659 East 60th Place, Tulsa, Oklahoma 74145.

Comments of Interested Parties Opposing L-19538:

If this lot-split were allowed, there is no access on 61st Street and 60th Place (front of lots) would be straight up. Mr. Lee submitted photographs (Exhibits A-1); the value of the existing homes would decrease if the lot-split were allowed; if the Planning Commission could see the homes and lots in the subject area this application would not be approved; the petition against this application should have some leverage to deny this lot-split.

TMAPC COMMENTS:

Mr. Westervelt asked Mr. Stump to explain to the interested parties the mechanics of prior approval lot-splits. Mr. Westervelt commented that the value of existing homes should not lose their value due to a lot-split.

Mr. Stump stated that a lot-split is a dividing of a tract into two or more tracts (minor subdivision of property). This is regulated by the Subdivision Regulations, which states that all of the new lots have to have adequate service from water and sewer and meet all of the minimum lot requirements of the zoning district they are located in. In this case the lot-split is in an RS-3 zoning district, which requires an average lot width of 60 feet and an average lot area of 6,900 SF. The proposed lots are significantly over the requirements with over 13,000 SF of lot area and over 75 feet wide. Staff has been given the ability to approve lot-splits that meet all of the requirements of the Subdivision Regulations, which have lots that are large enough to meet the zoning requirements. This is what was found for L-19538 and Legal has informed staff that there isn't discretion to approve some and disapprove others (if they meet the standards they are to be approved).

Mr. Romig concurred with Mr. Stump. Mr. Romig stated that if the Planning Commission didn't approve a lot-split that met all of the requirements, then it would be considered arbitrary.

Mr. Jackson asked Mr. Lee if he understands that this lot-split meets all of the requirements and the Planning Commission has no choice but to approve it.

Mr. Jackson, Mr. Romig, Mr. Stump, Mr. Dunlap and Mr. Westervelt explained to Mr. Lee and all of the interested parties the reason they could not deny this lot-split is due to the fact that it meets all the requirements in the Subdivision and zoning district and to deny it would be arbitrary and capricious. The Planning Commission does not have the latitude to deny this lot-split. Unless the Planning Commission hears some compelling reason that this lot-split does not meet the Subdivision Regulations and zoning district, then it is an administrative approval.

After discussing this issue with interested parties, it was determined that this application meets all of the requirements of the Subdivision Regulations and zoning district; therefore, the Planning Commission does not have the latitude to deny it. The interested parties were informed that other lots in their neighborhood could be split, if so desired by the lot owners; therefore, they may want to investigate downzoning their neighborhood. Mr. Westervelt suggested that the residents review their restrictive covenants to see if it allows lot-splits. If it does not, then they could take this issue to civil court.

TMAPC Action; 9 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **9-0-0** (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Ledford "absent") to **RATIFY** these lot-splits given prior approval, finding them in accordance with Subdivision Regulations as recommended by staff.

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Mr. Dunlap reminded Chairman Jackson that there are some items on the agenda that have requested continuances.

Application No.: PUD-105/105-A

ABANDON EXISTING PUD

Applicant: Roy Johnsen

(PD018) (CD-2)

Location: Southeast corner of East 81st Street and Riverside Parkway

TMAPC COMMENTS:

Mr. Jackson stated that the applicant has requested that PUD-105/105-A be continued to June 18, 2003.

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, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Ledford "absent") to **CONTINUE** PUD-105/PUD-105-A to June 18, 2003 at 1:30 p.m.

Application No.: Z-6897/PUD-684

AG/OM/RM-1 to CS/PUD

Applicant: Roy D. Johnsen

(PD-18) (CD-2)

Location: Southeast corner of East 81st Street and Riverside Parkway

TMAPC COMMENTS:

Mr. Jackson stated that the applicant has requested that Z-6897/PUD-684 be continued to June 18, 2003.

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, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Ledford "absent") to **CONTINUE** Z-6897/PUD-684 to June 18, 2003 at 1:30 p.m.

Application No.: PUD-206-16

MINOR AMENDMENT

Applicant: Joel Slaughter

(PD-18) (CD-8)

Location: South and west of the southwest corner of East 91st and South Sheridan Road

TMAPC COMMENTS:

Mr. Jackson stated that the applicant has requested that PUD-206-16 be continued to June 18, 2003.

Interested Parties:

Jann Stafford, 9229 South Norwood, Tulsa, Oklahoma 74137, stated that she didn't oppose a continuance, but would like a chance to speak with the applicant in order to discuss the issues.

Mr. Dunlap stated that the applicant is present and has agreed to meet with Ms. Stafford.

TMAPC Action; 9 members present:

On **MOTION** of **WESTERVELT**, TMAPC voted 9-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Ledford "absent") to **CONTINUE** the minor amendment for PUD-206-16 to June 18, 2003 at 1:30 p.m.

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SKETCH PLAT:

Woodberry Estates – (formerly Stitt Estates) (423)

(PD 13) (County)

South of 186th Street North and East of North Harvard Avenue

STAFF RECOMMENDATION:

This plat consists of 40 lots, two blocks, on 100 acres.

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

1. **Zoning:** The property is zoned AG in Tulsa County. Harvard Avenue is currently a closed road in this area. The Planning Commission will need to discuss the opening of the road for this development.

2. **Streets:** The County Engineer requested that the floodplain limits be shown. Show Harvard as a street that is closed. Show Limits of No Access and additional eight feet for the turns. Obtain addresses from 911. The proposed curves may be too sharp and will need to be reviewed. There is 16.5 feet of statutory right-of-way across the street to the north.
3. **Sewer:** N/A
4. **Water:** N/A
5. **Storm Drainage:** Must meet County Engineers' approval.
6. **Utilities:** N/A
7. **Other:** N/A

Staff recommends that the Planning Commission consider whether the sketch plat can be approved without the opening and construction of Harvard Avenue as a secondary arterial per the Major Street and Highway Plan.

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

1. The concerns of the County Engineer must be taken care of to his 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.

TMAPC COMMENTS:

Mr. Harmon asked if the Planning Commission approved this sketch plat without North Harvard being opened, would all of the setbacks, stub streets, etc. would be built where the road could be built at a later date. In response, Mrs. Fernandez answered affirmatively.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted 9-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Ledford "absent") to **APPROVE** the sketch plat for Woodberry Estates per special conditions and standard conditions as recommended by staff.

MINOR SUBDIVISION PLAT:

Cornerstone Village – (2034)

(PD 3) (CD 3)

1045 North Yale

STAFF RECOMMENDATION:

This plat consists of one lot, one block, on 2.4 acres.

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

1. **Zoning:** The property is zoned RS-3 with RM-2 zoning pending.
2. **Streets:** Access is approved. The corner radius will need to be approved. Add right-of-way to covenants with standard language. The right-of-way is already there through new dedications. Topography is needed. The land surveyors' information needs to be supplied as well as the preparation date and the basis of bearings and other plats in the surrounding area.
3. **Sewer:** Take the ten-foot building line off the plat.
4. **Water:** Water is available.
5. **Storm Drainage:** Clarify Item H in the covenants. Utilities cannot be in the stormwater detention reserve area. The covenants need the standard language concerning stormwater and stormsewer.
6. **Utilities: PSO:** Provisions are needed for overhead lines. **ONG:** Standard language needs to be put in the covenants.
7. **Other:** N/A

Staff recommends **APPROVAL** of the plat with the following conditions:

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.

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 **WESTERVELT**, TMAPC voted 9-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Ledford "absent") to **APPROVE** the minor subdivision plat for Cornerstone Village per staff recommendation.

* * * * *

Horner out at 2:05 p.m.

PRELIMINARY PLAT:

Crosstown Mini-Storage – RM-1, BOA 18441
(0335)

(PD 16) (CD 3)

North of Easton Street and 1-244, West of Memorial
Drive

STAFF RECOMMENDATION:

This plat consists of on lot, one block, on 2.01 acres.

The following issues were discussed May 15, 2003 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned RM-1 and has a special exception granted for mini-storage use (BOA 18441). The property owners requested a plat waiver last year which was not favorable to TAC. The property owners have changed and are now processing a plat (replat of Lots 14 and 15 of Bloomfield Heights).
2. **Streets:** The right-of-way needs to be adjusted to have a 50-foot total right-of-way along the south part of the property. Add Limits-of-No Access language. Fix typographical errors. Show all recording references. Add Easton Street and streets to covenant language. A 17.5-foot utility easement may be necessary.
3. **Sewer:** Sewer is available.
4. **Water:** Water line will need to be looped. A 20 foot easement will be needed.
5. **Storm Drainage:** An overland drainage easement and appropriate covenant language may be needed, especially if a 17.5' utility easement is required. Easements must be separated. Use a concrete ditch-liner along Easton.
6. **Utilities:** N/A

7. **Other:** Fire hydrants will be needed per the Fire Marshal.

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 the Fire Marshal 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; 8 members present:

On **MOTION** of **WESTERVELT**, TMAPC voted 8-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Horner, Ledford "absent") to **APPROVE** the preliminary plat for Crosstown Mini-Storage, subject to special conditions and standard conditions as recommended by staff.

Gilcrease Research Center – IR, IL, IM (9229)

(PD 9) (County)

Northwest corner of West 46th Street South and
South 49th West Avenue

STAFF RECOMMENDATION:

This plat consists of two lots, one block, on 55.84 acres.

The following issues were discussed May 15, 2003 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned industrial in Tulsa County.
2. **Streets:** Show Limits of No Access along West 46th Street. Put standard language in the covenants. Clarify the existing and proposed items and update the legend.
3. **Sewer:** Lift station fees will be required. Easements cannot encroach/must be separate.
4. **Water:** Add book and page numbers for easement on 49th West Avenue.

5. **Storm Drainage:** Show existing and proposed storm drainage, bar ditches and separate easements (especially within the Williams easement). Correct the legend.
6. **Utilities:** N/A
7. **Other:** The County Engineer requested Limits of No Access, correct bearings, and that Section D in the covenants not be assigned to the County.

Gary Hamer of INCOG commented that the tract backs to the proposed Gilcrease Expressway and Trail Corridor. The City of Tulsa engineering staff has said that the planned right-of-way should accommodate the trail.

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.

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.)
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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; 8 members present:

On **MOTION** of **MIDGET**, TMAPC voted 8-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Horner, Ledford "absent") to **APPROVE** the preliminary plat for Gilcrease Research Center, subject to special conditions and standard conditions as recommended by staff.

* * * * *

Midtown Acres – PUD 665 (1093)

(PD 5) (CD 4)

North side of East 15th Street between Erie and
Fulton

STAFF RECOMMENDATION:

This plat consists of two lots, one block, on .39 acres.

The following issues were discussed May 15, 2003 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned under PUD-665 and CS. No access is permitted on Erie or Fulton streets. There must be mutual access easements to all lots.
2. **Streets:** Show mutual access easements on the plat. Show 15th Place, not 15th Street. Show recording references, date of preparation, lots and blocks, existing easements and right-of-way. A 17.5-foot utility easement may be necessary.
3. **Sewer:** Easements must be increased in size.
4. **Water:** Show right-of-way correctly (not in private property).
5. **Storm Drainage:** Standard covenant language is required. Onsite detention is required.
6. **Utilities: PSO:** A buffer between their offices and signage for the proposed plat was requested until it was determined that the PUD only allowed one ground sign along 15th Place. **COX:** Plat is acceptable.
7. **Other:** N/A

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.

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 was not present.

Interested Parties:

Shirley Hoppes, 1226 South Fulton, Tulsa, Oklahoma 74112, stated that the contractor has built a fence and brick pillars on the subject property. She asked if the developer is allowed to build a fence without a permit.

Mr. Stump stated that the applicant should not be building anything until the plat is approved and a detail site plan is approved. He advised Ms. Hoppes to call Neighborhood Inspections or the One Stop Permit Center and report the building activity.

TMAPC COMMENTS:

Mr. Midget asked staff if there is a violation on the subject property.

Ms. Hill stated that she can verify that there is a partial wall and some of the pillars constructed.

Mr. Midget stated that he would be reluctant to approve something where there is a violation.

Mr. Carnes stated that he agrees with Mr. Midget and made a motion that this application be continued. Mr. Midget seconded the motion.

Mr. Stump stated that the City may not require a building permit to construct a fence or wall, but he is not sure.

Ms. Hill stated that she remembers this particular case and there was a lot of discussion regarding the fence being built before construction started in order to protect the neighborhood.

Mr. Stump stated that he believes that there was discussion regarding a screening fence being built prior to construction in order to cut down the impact on the neighborhood.

Mr. Romig stated that he believes anything over four feet requires a building permit if it is a wall.

Mr. Jackson asked if it is a fence or a wall. In response, Ms. Hill stated that it is a wooden fence with brick columns. Mr. Jackson stated that he has never obtained a permit to build a fence and is not sure it is required.

Mr. Carnes withdrew his motion. Mr. Midget withdrew his second.

Mr. Westervelt suggested the Planning Commission approve the preliminary plat and investigate to see if there is a problem. In response, Mr. Stump stated that staff would investigate the fence issue.

TMAPC Action; 8 members present:

On **MOTION** of **WESTERVELT**, TMAPC voted 8-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Horner, Ledford "absent") to **APPROVE** the preliminary plat for Midtown Acres subject to the special conditions and standard conditions per staff recommendation.

Mr. Midget out at 2:18 p.m.

Fleming Addition Amended – (3204)

(PD 16) (CD 6)

12716 East Pine

STAFF RECOMMENDATION:

This plat consists of one lot, one block, on 7.1 acres.

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

1. **Zoning:** The property is zoned IL. The plat proposes one lot on one block on 7.1 acres.
2. **Streets:** Access approval will be by the traffic engineer. Show surrounding properties as unplatted if that is the case. Label lots and blocks properly, show surveyors' date of renewal and number, show basis of bearing.
3. **Sewer:** Covenants need to add standard language for sewer. Easements should be shown for the lagoons. Vacate the detention easement if it is not necessary. There is no available sewer. No lagoons can be permitted in the City Limits. *Applicant Representative (Cecil Cotner): They are looking into adding to the parcel. No restroom facility will be needed for the use proposed.*
4. **Water:** No problem.
5. **Storm Drainage:** Show amended area and check flow ordinance. This is in the upper part of eagle creek and needs detention on-site. Show the overland drainage easement and standard language in the covenants. Show 17.5 foot utility easement (but not near lagoon).
6. **Utilities: PSO:** Overhead lines need to be put in utility easements with proper language in the covenants.
7. **Other:** Gary Hamer, INCOG, stated that the TTMA Trails Master Plan designates East Pine abutting this development as an On-Street Bikeway.

Staff has had meetings subsequent to the TAC meeting to resolve the utility issues for the plat. Results will be reported at the Planning Commission meeting.

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.

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.

A discussion followed regarding the lagoons and it was determined that the proposed building would not have any additional sewerage and would be noted on the face of the plat that the lagoons cannot be used for any additional capacities and any additional sewerage would require DEQ and Public Works review. The lagoons are located on property that is owned by the same owner of the proposal. There is an existing property line through the lagoon and the applicant would be platting along a property line that already exists and the applicant owns both properties.

TMAPC Action; 7 members present:

On **MOTION** of **WESTERVELT**, TMAPC voted 7-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Jackson, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Horner, Ledford, Midget "absent") to **APPROVE** the preliminary plat for Fleming Addition Amended, subject to special conditions and standard conditions per staff recommendation.

ACCELERATED BUILDING PERMIT:

Fleming Addition Amended - (3204)

(PD 16) (CD 6)

12738 East Pine

STAFF RECOMMENDATION:

The applicant is requesting an accelerated release of a building permit for a new metal building to house the manufacturing of tail fins for JDAM smart bombs. The subject site has a proposed preliminary plat which expands the existing Fleming Addition to include more property to house the new building. The property is zoned IL (industrial light).

Review of this application must focus on the extraordinary or exceptional circumstances that serve as a basis for the request and on the benefits and protections to the City that may be forfeited by releasing the Building Permit prior to filing of the final plat and must comply in all respects with the requirements of the approved Preliminary Plat per Section 2.5 of the updated Subdivision Regulations.

The Technical Advisory Committee reviewed the request for the accelerated building permit at their May 15, 2003 meeting. The Development Services staff

recommended denial of the request. There are outstanding questions about the three lagoons on the site and on the overland drainage easement.

The applicant stated that the proposed building does not have sewer or drainage needs as it will be a warehouse type of structure. He did not view the problems with the plat as being related to the necessity for an accelerated building permit.

Staff has had meetings subsequent to the TAC meeting to resolve the utility issues for the plat. Results will be reported at the Planning Commission meeting.

TMAPC Action; 7 members present:

On **MOTION** of **WESTERVELT**, TMAPC voted 7-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Jackson, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Horner, Ledford, Midget "absent") to **APPROVE** the authorization for an accelerated release of a building permit for Fleming Addition Amended per staff recommendation for the subject building only, which does not have any water or sewer facilities.

* * * * *

PLAT WAIVER:

Z-6890

(PD 1) (CD 4)

Northwest corner of East 3rd Street and South
Lansing Avenue

STAFF RECOMMENDATION:

The platting requirement was triggered by Z-6890 which rezoned the site from IM to CBD zoning.

Staff recommends **APPROVAL** of the plat waiver because of the existing structures, and the existing platted property.

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? | X | |

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

	Yes	NO
4.. Would restrictive covenants be required to be filed by separate instrument if the plat were waived?		X
5. 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
6. 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
7. Change of Access		
a) Are revisions to existing access locations necessary?		X
8. Is the property in a P.U.D.?		X
a) If yes, was plat recorded for the original P.U.D.		
9.. 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.?		
10.. Are mutual access easements needed to assure adequate access to the site?		X
11.. Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations?		X

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 **HARMON**, TMAPC voted 7-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Jackson, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Horner, Ledford, Midget "absent") to **APPROVE** the plat waiver for Z-6890 per staff recommendation.

* * * * *

COMPREHENSIVE PLAN

A Resolution finding that the Blue Dome Tax Increment District Number Five, City of Tulsa, Oklahoma Project Plan is in conformance with the Comprehensive Plan of the City of Tulsa.

STAFF RECOMMENDATION:

Ms. Matthews stated that this is a proposal to create the 5th Tax Increment Financing District. This is part of northeast part of downtown Tulsa, which was reviewed at worksession last week. It was the committee's consensus to recommend approval and finding it in accord with the Comprehensive Plan.

RESOLUTION

A RESOLUTION FINDING THAT THE BLUE DOME TAX INCREMENT DISTRICT NUMBER FIVE, CITY OF TULSA, OKLAHOMA PROJECT PLAN IS IN CONFORMANCE WITH THE COMPREHENSIVE PLAN OF THE CITY OF TULSA.

WHEREAS, the City of Tulsa, Oklahoma, and the Board of County Commissioners of Tulsa, Oklahoma, on August 2, 1960, and August 9, 1960, respectively, adopted a Comprehensive Plan for the orderly development of the City and County of Tulsa, Oklahoma with subsequent amendments to date; and,

WHEREAS, said Comprehensive Plan contains sections dealing with the needs and desirability of Urban Renewal Programs and other economic development programs; and

WHEREAS, on December 3, 1992, the City of Tulsa established the Local Development Act Review Committee in accordance with House Bill No. 1525, now cited as the Local Development Act, 62 O.S. Supp. 1992, §851 et seq.; and,

WHEREAS, said Local Development Act requires that the Tulsa Metropolitan Area Planning Commission review the proposed project plan, make recommendations, and certify to the City of Tulsa as to the conformity of any proposed Tax Incentive or Tax Increment Plan to the Comprehensive Plan of the City of Tulsa; and,

WHEREAS, the City of Tulsa Urban Development Department has prepared the Blue Dome Tax Increment District Number Five, City of Tulsa, Oklahoma, Revised Project Plan in connection with the Local Development Act; and,

WHEREAS, on May 15, 2003 the Local Development Act Review Committee voted to recommend to the City Council that the proposed Blue Dome Tax Increment District Number Five, City of Tulsa, Oklahoma, Revised Project Plan be approved and adopted by ordinance; and

WHEREAS, said Blue Dome Tax Increment District Number Five, City of Tulsa, Oklahoma, Revised Project Plan has been submitted to the Tulsa Metropolitan Area Planning Commission for review in accordance with the Local Development Act;

NOW, THEREFORE, BE IT RESOLVED BY THE TULSA METROPOLITAN AREA PLANNING COMMISSION, that:

The Blue Dome Tax Increment District Number Five, City of Tulsa, Oklahoma, Revised Project Plan in connection with the Local Development Act is hereby found to be in conformity with the Comprehensive Plan for the City of Tulsa and further recommends to the City Council of the City of Tulsa the approval of the Blue Dome Tax Increment District Number Five, City of Tulsa, Oklahoma, Revised Project Plan without amendment.

Certified copies of this resolution shall be forwarded to the City Council of the City of Tulsa.

APPROVED AND ADOPTED THIS _____ day of June 2003 by the Tulsa Metropolitan Area Planning Commission.

Chairman

ATTEST:

Secretary

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **WESTERVELT**, TMAPC voted 7-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Jackson, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Horner, Ledford, Midget "absent") to recommend **APPROVAL** of the Blue Dome Tax Increment District Number Five, finding that it is conformance with the Comprehensive Plan of the City of Tulsa.

* * * * *

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

CONTINUED ZONING PUBLIC HEARING:

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/RM-2 TO RM-2/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 backyards of an existing single-family neighborhood. Therefore, staff recommends **DENIAL** of the request.

If the Planning Commission finds that the requested zoning and proposed uses are appropriate, staff would submit the following standards:

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

DEVELOPMENT AREA A

Land Area:

Net	1.673 Acres	72,867 SF
Gross	2.646 Acres	115,260 SF

Permitted Uses:

Auto wash as included within Use Unit 17 and truck wash as included within Use Unit 23.

Minimum Lot Width: 100 FT

Minimum Lot Area: 54,676

Maximum Building Height: 30 FT

Minimum Foot Frontage:

On East Admiral 100 FT

Access:

Development Area A shall be served with a one-way mutual access easement from South 165th East Avenue across the northeasterly corner of Development Area B.

Minimum Building Setback:

From the north boundary of the Development Area	50 FT
From the south boundary of the Development Area	8.75 FT
From the east boundary of the Development Area	60 FT
From the west boundary of the Development Area	11 FT

Off-Street Parking:

As required by the applicable use unit of the Tulsa Zoning Code.

Landscaped Area:

A minimum of ten percent of the net land area shall be improved as internal landscaped space in accordance with the provisions of the Landscape Chapter of the Tulsa Zoning Code and in accordance with the detail landscaped and screening plan as shown on Exhibit B.

Screening:

A six-foot high or higher screening fence shall be provided along the southern boundary of Development Area A screening the car wash and will connect to an eight-foot high masonry wall screening the truck wash and drive along the remainder of the southerly boundary of Development Area A and along the westerly boundary of the mutual access easement between Development Area A and Development Area B as shown on Exhibit B.

Signs:

One ground sign shall be permitted at the entrance on East Admiral Place, the maximum of forty square feet of display surface area and 25 feet in height.

Wall Signs:

Shall be permitted not to exceed 1.5 square feet of display area per linear foot of building wall to which it is attached. The length of a wall sign shall not exceed seventy-five percent of the frontage of the building. No wall signs shall be permitted on the south-facing walls.

Outside Storage:

All storage of materials shall be within the buildings located on the property. Trucks and trailers shall not be parked on the project except for those being actively loaded and unloaded. Truck trailers and shipping containers shall not be used for outside storage.

DEVELOPMENT AREA B**Land Area:**

Net	1.32 acres	57,526 SF
Gross	1.75 acres	76,297 SF

Permitted Uses:

Mini-storage as permitted within an RM-2 district including on-site residence manager.

Maximum Building Height:

The building height is limited to 12 feet, provided, however, if the facility contains an accessory dwelling to be used for management and security purposes, the height of the dwelling shall not exceed 30 feet.

Minimum Foot Frontage:

On South 165 th East Avenue	130 FT
--	--------

Minimum Building Setback:

From the north boundary	10 FT
From the south boundary	30 FT
From the east boundary	25 FT
From the west boundary	10 FT

Off-Street Parking:

As required by the applicable use unit of the Tulsa Zoning Code.

Signs:

One ground sign shall be permitted at the entrance on South 165th East Avenue with a maximum of 24 square feet of display surface area and eight feet in height.

Building Materials:

Building walls on the exterior of the development shall consist of masonry construction using brick, stone, Dry-Vit, stucco or concrete tilt up panels. Metal or standard (smooth) concrete block exterior walls are not permitted on such exterior walls.

Floor Area Ratio:

The floor area ratio shall not exceed .5.

Visibility of Access Doors:

Access doors to storage units shall not be visible at ground level from abutting R district and shall not be ~~visible from an abutting~~ facing a public street.

Hazardous Materials:

No hazardous, toxic or explosive materials shall be permitted to be stored in such facilities.

Outside Activities and Storage:

All business activities and storage and materials shall be within the buildings located on Development Area B.

Screening:

A masonry wall a minimum of eight feet high shall be erected and maintained along the southerly lot line of Development Area B. The precise location of the wall shall be determined by TMAPC at the time of detail site plan review in order to have the best buffering effect depending on the topography of the site.

3. No zoning clearance permit shall be issued for a lot within the PUD until a detail site plan for the lot, which includes all buildings, parking, screening fences and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.

4. A detail landscape plan for each lot shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved landscape plan for the lot, prior to issuance of an occupancy permit. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.
5. No sign permits shall be issued for erection of a sign on a lot within the PUD until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
6. Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement shall be prohibited.
7. All trash, mechanical and equipment areas, including building mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.
8. Lighting used to illuminate the subject tract shall be so arranged as to shield and direct the light away from adjacent residential areas. Shielding of such light shall be designed so as to prevent the light-producing element or reflector of the light fixture from being visible to a person standing in the adjacent residential areas or street right-of-way. No light standard nor building-mounted light shall exceed 20 feet in height within Development Area A nor 15 feet in height within Development Area B.
9. 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.
10. 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.
11. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.

12. 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.
13. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, nor shall trucks or truck trailers be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers shall not be used for storage.

Applicant's Comments:

Lou Reynolds, 2727 East 21st Street, Tulsa, Oklahoma 74114, stated he is in agreement with staff's recommendation except for one small detail, which is in Area B regarding the visibility of the access doors. He explained that he proposed that the access doors not be visible at ground level from an abutting R district and staff has added "and shall not be visible from an abutting public street". Because this is a cul-de-sac there is no one to see the access doors and it is screened from the residential neighborhood to the south. He stated that there would not be any front doors facing the street, but if someone is standing in the street the door is visible. He commented that there is no reason to have the language staff has included and he would agree to not install any doors that face the public street.

Mr. Stump stated that staff is in agreement to changing the language to "no doors facing a public street".

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted 6-0-1 (Bayles, Carnes, Coutant, Harmon, Hill, Jackson "aye"; no "nays"; Westervelt "abstain"; Collins, Horner, Ledford, Midget "absent") to recommend **APPROVAL** of the CG zoning for Z-6895 as recommended requested.

TMAPC Action; 7 members present:

On **MOTION** of **HARMON**, TMAPC voted 6-0-1 (Bayles, Carnes, Coutant, Harmon, Hill, Jackson, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Horner, Ledford, Midget "absent") to recommend **APPROVAL** of PUD-682 per submitted standards as amended by the TMAPC. (Words deleted are shown as ~~strikeout~~; words added or substituted are underlined.)

Legal Description for Z-6895:

Lot 5, Block 1, QuikTrip Commercial Center, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, and located west of the southwest corner of East Admiral Place and South 165th East Avenue, Tulsa, Oklahoma, **From CS (Commercial Shopping Center District) To CG (Commercial General District).**

Legal Description for PUD-682:

And to consider the proposed Planned Unit Development on the following described property, Lots 4, 5, and 7, Block 1, QuikTrip Commercial Center, an addition to the City of Tulsa, Tulsa, County, State of Oklahoma, according to the recorded plat thereof, and located in the southwest corner of East Admiral Place and South 165th East Avenue, Tulsa, Oklahoma, **From CS/RM-2 (Commercial Shopping Center District/Residential Multifamily Medium Density District) To RM-2/CS/CG/PUD (Residential Multifamily Medium Density District/Commercial Shopping Center/Commercial General District/Planned Unit Development [682])**

ZONING PUBLIC HEARING

Application No.: CZ-322/PUD-683

AG to IL/PUD

Applicant: R.L. Reynolds

(PD-14) (County)

Location: South of southwest corner of East 136th Street North and North Yale Avenue

STAFF RECOMMENDATION FOR CZ-322:

There has been no zoning activity in the vicinity.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 1.1 acres in size and is located on the east side of U. S. Highway 75, and in the southwest corner of East 136th Street North and North Yale Avenue. The property is gently sloping, non-wooded, vacant, and is zoned AG.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
North Yale Avenue	Secondary arterial	100'	2 lanes

UTILITIES: The subject tract is served with water from Washington County RWD #2 and is not served by sewer.

SURROUNDING AREA: The subject property abuts vacant property on the north, zoned AG; to the south and east by single-family dwellings, zoned AG; to the west by U.S. Highway 75 North, zoned AG.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The North Tulsa County Comprehensive Plan, a part of the Comprehensive Plan of the Tulsa Metropolitan Area, designates the property as Low Intensity - Residential.

The requested IL zoning **is not** in accord with the Comprehensive Plan.

STAFF RECOMMENDATION:

Based on the North Tulsa County Plan, surrounding zoning and existing low intensity development (and lack of development) in the area, staff cannot support the requested IL zoning and therefore recommends **DENIAL** of IL zoning for CZ-322.

STAFF RECOMMENDATION FOR PUD-683:

PUD-683 consists of approximately 1.457 (gross) acres located along the east side of U.S. Highway 75 at the southwest corner of East 136th Street and North Yale Avenue. The applicant is proposing a propane distribution facility on the tract.

The subject tract is zoned AG. Concurrently, an application (CZ-322) has been made to rezone the tract to IL. The subject tract is abutted on the north by vacant AG-zoned property and on the south by an AG-zoned tract containing a mobile home and a single-family dwelling. There is AG-zoned property to the east of the subject tract, across North Yale Avenue and also to the west across North U.S. Highway 75.

The North Tulsa County Comprehensive Plan, a part of the Comprehensive Plan of the Tulsa Metropolitan Area, designates the subject tract as Low Intensity – Residential. The requested IL is not in accord with the Comprehensive Plan. The Collinsville Comprehensive Plan proposes that the property to the east, across Yale, would be corridor or rural residential or agriculture.

Base on the North Tulsa County Plan, surrounding zoning and existing low intensity development in the area, staff cannot support the requested IL zoning and therefore, recommends **DENIAL** of PUD-683.

Mr. Dunlap stated that staff has received a couple rezoning requests for over 300 acres of RE zoning in the section to the northeast (Cooper Ranch).

Applicant's Comments:

Lou Reynolds, 2727 East 21st Street, Tulsa, Oklahoma 74114, stated that the subject property is located in the County and the County Zoning Code doesn't make any provisions for a propane distribution facility. He believes that a propane distribution facility is more closely related to Use Unit 4, Public Protection and Utility Facilities, than to Use Unit 26, Moderate Manufacturing and Industry. It could also be related to electrical substation, a fire protection facility, etc. The homes, ranches and businesses in the subject area would have a much better source to use propane as their heating source than electricity.

Mr. Reynolds described the subject property. He explained that after platting, the subject property would be an unusual shape and makes it very attractive to the proposed use and a low intensity use. There would not be a residential use on the subject property. Mr. Reynolds described the surrounding uses and their intensities. Mr. Reynolds submitted photographs (Exhibit B-1).

Mr. Reynolds stated that he is requesting the narrowest use that is possible and if there is a change in the use, it would have to go before the Planning Commission and County Commission. Mr. Reynolds submitted two letters of support (Exhibit B-2).

Mr. Reynolds stated that in 1978 the Planning Commission unanimously approved IL zoning at the intersection of 126 and Highway 75. Mr. Reynolds read the minutes from that meeting that described the subject area as not suited for low-intensity residential development and said that industrial uses would be considered reasonable for the land. Mr. Reynolds submitted the 1978 minutes (Exhibit B-4) and case map (Exhibit B-3). The people in the subject area need propane and the location is close to the customers.

Mr. Reynolds stated that during the winter a large tank truck would come to fill the tank maybe four to five times a week. Smaller trucks would actually deliver the propane to homes and businesses.

TMAPC COMMENTS:

Mr. Jackson asked staff about Mr. Reynolds's argument regarding Use Unit 4 versus Use Unit 26. In response, Mr. Stump stated that the City would not classify it that way and he doesn't believe the County does either. It would be classified as a moderate manufacturing use or the type of category. Even with IL zoning, the applicant would need a PUD or special exception from the Board of Adjustment. This is a dangerous material and needs to be handled properly and he believes that is why it is in the use category of manufacturing.

Mr. Reynolds stated that these propane tanks exist in the City next to residential neighborhoods and CS-zoned property. He explained that the propane industry is regulated and the State agency has walked the site and has approved the subject property.

TMAPC COMMENTS:

Mr. Jackson asked staff if the narrowness of the property being close to the highway influenced their thoughts that it is not suitable for residential use. In response, Mr. Stump stated that the people selling the property live immediately south of the subject property in the similar situation. Mr. Stump further stated that if the use was to be non-residential, staff would prefer it to be a non-industrial use. Staff anticipates that on the east side of Yale there would be some very nice residential areas and staff does not want to establish uses that would hinder that development.

Mr. Westervelt asked Mr. Reynolds why he didn't go through the County Board of Adjustment and request a use variance. In response, Mr. Reynolds stated that he doesn't believe that the subject property is consistent with what it is zoned to get a use variance for this. Mr. Reynolds explained that he felt this would be the least intensive way to do this by submitting a PUD in order to restrict it.

Mr. Stump stated that staff would agree that use variances are not a good vehicle for almost all uses or changes in uses. The applicant would have to show a hardship and when the proper zoning has not been requested, it would be hard to show how there is a hardship with a use variance.

Mr. Harmon asked Mr. Reynolds how many storage tanks would be located on the subject property. In response, Mr. Reynolds stated that there would be one bulk storage tank on the subject property.

Mr. Harmon asked how many trucks would be stationed on the subject property. In response, Mr. Reynolds stated that there would be two delivery trucks.

Mr. Harmon asked what size building he anticipated building on the subject property. In response, Mr. Reynolds stated that they plan on approximately a 900 to 1000 square foot building.

Mr. Harmon asked how the applicant planned to secure the property. In response, Mr. Reynolds stated that it would be gated.

Mr. Stump stated that if the Planning Commission is inclined to rezone the property and approve the PUD, then staff would like to request a continuance to the next meeting in order to prepare some standards.

Mr. Reynolds stated that he would agree with Mr. Stump's request for a continuance.

Mr. Carnes out at 2:55 p.m.

Interested Parties:

Tony Solow, 410 South Detroit, Tulsa, Oklahoma 74120, stated that he would prefer a propane facility rather than a retail or commercial use.

Lloyd Garrison, 201 South Hominy, Skiatook, Oklahoma 74070, stated that he doesn't see any problem with the proposal; however, he would like to join in their plans for the landscaping and some of the site operations. If he wasn't able to join in on the plans for landscaping and the site operations he would be opposed to this application.

TMAPC COMMENTS:

Mr. Jackson stated that staff would need time to develop standards and conditions if the Planning Commission is inclined to approve this application.

TMAPC Action; 6 members present:

On **MOTION** of **WESTERVELT**, TMAPC voted 6-0-0 (Bayles, Coutant, Harmon, Hill, Jackson, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Collins, Ledford "absent") to **CONTINUE** CZ-322/PUD-683 to June 18, 2003 at 1:30 p.m.

* * * * *

Application No.: PUD-639-A-1

MINOR AMENDMENT

Applicant: Roy D. Johnsen

(PD-6) (CD-9)

Location: Northwest corner of East 22nd Street and South Boston

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment on Tract 1 of PUD-639-A to reduce the minimum lot width from 37 feet to 36.5 feet and to reduce the minimum building setback from the centerline of Main Street from 40 feet to 35 feet.

PUD-639-A consists of approximately 2.58 acres (net) located at the southeast corner of East 21st Street and South Main. The PUD was approved by the City Council in March 2003 permitting a mixed use development including single-family detached dwellings, condominiums dwellings and office and related space.

Tract 1 consists of approximately 1.10 acres (net) located along the north side of East 22nd Street between Main and Boston. The permitted uses on Tract 1 are single-family dwellings as included within Use Unit 6.

Staff finds that the request does not substantially alter the character of the development. Therefore, staff recommends **APPROVAL** of the request.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **WESTERVELT**, TMAPC voted 7-0-0 (Bayles, Coutant, Harmon, Hill, Jackson, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Collins, Horner, Ledford, Midget "absent") to **APPROVE** the minor amendment for PUD-639-A-1 per staff recommendation.

OTHER BUSINESS:

Application No.: PUD-672

DETIAL SITE PLAN

Applicant: Dwayne Wilkerson

(PD-4) (CD-4)

Location: Northwest corner of East 15th Street South and Yale Avenue, 1424 South Yale

STAFF RECOMMENDATION:

The applicant is requesting approval of a revision to a previously approved detail site plan for a Walgreen's store. The proposed use, a Drug Store/ Use Unit 13, Convenience Goods and Services, is permitted by PUD-672 development standards.

Although the applicant is proposing shifting the building to the southeast, the building will still be in compliance with setback requirements. Proposed changes to the parking layout and the resulting reduction in number of spaces provided are also in compliance with the Zoning Code and PUD Standards. Street yards for South Winston Avenue, East 15th Street South and South Yale Avenue are also affected by the proposed shift in the building's location, but will remain in compliance with Development Standards and the Zoning Code. Proposed changes to the lighting plans, (with exception of two flood lights, which are to be removed from the plans), are in compliance with the Zoning Code and Development Standards.

The building's proposed shift to the southeast does, however, impact existing utility and sewer easements. The southeast corner of the building will encroach

into the easements, and therefore, approval cannot be recommended until the easements have been vacated and/or license agreements from all entities with an interest in the easements have been obtained by the applicant.

Staff recommends **APPROVAL** of PUD-672, revision to the Walgreen's detail site plan, on condition that the flood lights noted in the detail lighting plans are removed and that the applicant successfully vacates the impacted easements and/or obtains license agreements from all entities with an interest in the easements.

(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.

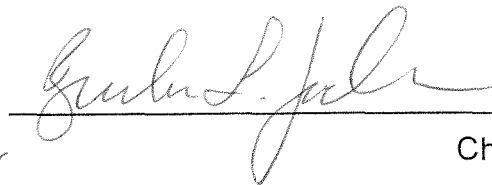
TMAPC Action; 6 members present:

On **MOTION** of **HARMON**, TMAPC voted 7-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Jackson, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Horner, Ledford, Midget "absent") to **APPROVE** the detail site plan for PUD-672, subject to the flood lights noted in the detail lighting plans be removed and that the applicant successfully vacates the impacted easements and/or obtains license agreements from all entities with an interest in the easements per staff recommendation.

There being no further business, the Chair declared the meeting adjourned at 3:02 p.m.

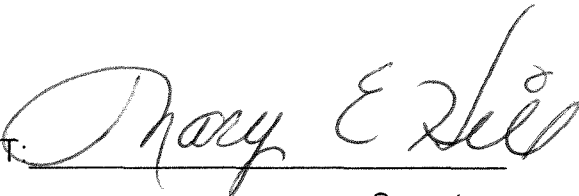
Date Approved:

7.3.03



Chairman

ATTEST:



Secretary

