

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2350

Wednesday, July 16, 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	Hill	Dunlap	
Coutant	Midget	Fernandez	
Harmon		Huntsinger	
Horner		Matthews	
Jackson		Stump	
Ledford			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, July 14, 2003 at 8:33 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.

Minutes:

Approval of the minutes of June 25, 2003, Meeting No. 2348

On **MOTION** of **HARMON** the TMAPC voted 8-0-0 (Bayles, Carnes, Coutant, Harmon, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; Collins, Hill, Midget "abstaining"; none "absent") to **APPROVE** the minutes of the meeting of June 25, 2003, Meeting No. 2348.

Minutes:

Approval of the minutes of July 2, 2003, Meeting No. 2349

On **MOTION** of **HARMON** the TMAPC voted 6-0-2 (Carnes, Coutant, Harmon, Horner, Jackson, Ledford "aye"; no "nays"; Bayles, Westervelt "abstaining"; Collins, Hill, Midget "absent") to **APPROVE** the minutes of the meeting of July 2, 2003, Meeting No. 2349.

REPORTS:

Chairman’s Report:

Mr. Jackson reported that Items 4 and 5 would be heard after item 9, and item 11 (PUD-276-4) has been stricken from the agenda.

Director’s Report:

Mr. Stump reported that the June TMAPC receipts are included in the Planning Commission packet. He stated that the fiscal year summary indicates that the amount rebated to the City was up 275% over last fiscal year and the amount to the County was up 270%. The impact of the increased rebates to the City and the decrease in City participation is basically 1/3 reduction in the City’s contributions to INCOG and TMAPC functions.

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SUBDIVISIONS:

LOT-SPLITS FOR WAIVER OF SUBDIVISION REGULATIONS:

L-19552 – Odell Nesvold (1408) (PD-15) (County)

East 107th Street North, 1,000 feet west of 129th East Avenue

STAFF RECOMMENDATION:

The applicant wants to sell one acre of Tract 1 but retain a 30-foot strip on the west to use as access to Tract 3. The proposed lot-split meets all the AG-R bulk and area requirements, but requires a waiver of the Subdivision Regulations because the resulting Tract 3 would have more than three side lot-lines. The owner has agreed to dedicate ten feet of right-of-way (to meet the required 30 feet) to Tulsa County on East 107th Street North and give a 50-foot easement on the south along East 106th Street North.

In response to the Technical Advisory Committee’s comments, Tract 2 has been revised from 19 feet wide to 30 feet wide. 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 be given to Tulsa County.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES** TMAPC voted 8-0-0 (Bayles, Carnes, Coutant, Harmon, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Hill, Midget "absent") to **APPROVE** the waiver of Subdivision Regulations and of the lot-split, with the condition that the additional right-of-way be given to Tulsa County for L-19552 per staff recommendation.

LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-19541 – White Surveying Co. (8215) (PD-8) (CD-2)

8700 South Union Avenue

L-19555 – White Surveying Co. (7404) (PD-19) (County)

13330 East 130th Street South

L-19559 – City of Tulsa (8310) (PD-18) (CD-8)

7117 South Yale Avenue

L-19562 – Sack and Associates, Inc. (9431) (PD-18) (CD-6)

South & east of southeast corner of East 51st Street & Mingo Road

L-19565 – City of Tulsa (9312) (PD-5) (CD-5)

1136 South 93rd East Avenue

STAFF RECOMMENDATION:

These lot-splits are all in order and staff recommends **APPROVAL**.

TMAPC Action; 8 members present:

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

PLAT WAIVER:

PUD 487 – (0224) (PD-25) (CD-1)

3124 North Peoria

STAFF RECOMMENDATION:

The platting requirement was triggered by a PUD and zoning change (in 1992). The applicant wants the plat waiver for a roof extension permit.

Staff provides the following information from TAC at their July 3, 2003 meeting:

ZONING:

- TMAPC staff: The applicant could begin the platting process for the property and ask for an accelerated building permit for the roof extension permit. The existing plat on the site is outdated and the property should be replatted. There are no more "temporary plat waivers" granted.

STREETS:

- Ten more feet of right-of-way is needed on North Peoria Avenue. Standard right-of-way is needed for both Norfolk and 32nd Street North. A waiver to the existing radius on 32nd Street is needed.

SEWER:

- Sewer is available.

WATER:

- Water is okay.

STORM DRAIN:

- The previous plats with lots, blocks and streets are no longer correct and are not reconciled without platting. Tract B is landlocked. A portion of a stormwater detention facility appears on both Tracts A and C and the exhibit does not show the entire facility, nor the stormwater detention easement. No portion of the junk and salvage may occupy or drain onto the easement. An environmental audit should be conducted prior to approval of the plat. Use an engineering scale. A permit for the wall is needed. There are questions about a detention pond. Staff recommends denial based on insufficient information, drainage, water quality and right-of-way issues.

FIRE:

- N/A

UTILITIES:

- N/A

Staff recommends **Denial** of the plat waiver requested. The TAC committee raised concerns about the viability of the existing plat, water quality, environmental issues, drainage and drainage easement issues and the need to have additional right-of-way dedication.

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:

- 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. X
- 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.?

11. Are mutual access easements needed to assure adequate access to the site? X
**
12. Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations? X

*Further review may show the need for these easements.

** Mutual access easements should be dedicated to assure that no parcels in the PUD are landlocked.

Applicant's Comments:

Eric Sack, 111 South Elgin Avenue, Tulsa, Oklahoma 74120, representing APAC, cited the history of the subject property. Mr. Sack submitted an aerial photograph (Exhibit A-1). He explained that nothing has occurred on the subject property to require a building permit in the past eleven years. He indicated that his client has recently applied for a building permit to extend the rear roof on the main building in the northeast portion of the subject property. The area is currently paved and the roof extension would create a covered area where more sensitive materials could be stored. His client did not receive a zoning clearance because the subject property was not platted at the time of the PUD. At this time he is applying for a plat waiver to release the one building permit for the roof extension and he has been authorized by his client to move forward with platting the entire property.

Mr. Sack stated that there is an underlying subdivision on the eastern half of the subject property and there is some question as to the status of the old plat. Records indicated that the streets still exist and were never vacated. There are a number of items that are in need to be cleaned up and that would be done during the platting process.

Mr. Sack indicated that he agreed with the TAC comments that an additional ten feet along Peoria should be dedicated and this can be done by separate instrument. Dedication is required along the south 1170 feet of Norfolk and it could be accomplished by separate instrument as well. The majority of the comments made by storm sewer are not platting issues and do not pertain to the platting process. He commented that a majority of the comments regarding storm sewer would be addressed when the property more fully develops. He indicated that his client plans to expand his business.

Mr. Sack stated that the roof expansion is over an area that is currently paved and it is not creating any further impervious area. The balance of the area is an existing use and there is no detention requirement because it precedes the ordinance. Mr. Sack cited the various checklist items that should be changed. He stated that the subject property would be platted as one lot and one block and the need for a mutual access does not exist.

TMAPC COMMENTS:

Mr. Westervelt questioned Mr. Eric Sack if his client intended to plat the property as one lot, one block. In response, Mr. Eric Sack stated that his client realizes that he needs to plat the property and clean up the underlying plat. Mr. Eric Sack indicated that he has been instructed to proceed with a plat for the entire property owned by his client.

Mr. Westervelt asked Mr. Eric Sack what the extraordinary conditions were that he would be able to offer, on behalf of his client, that would encourage the Planning Commission to approve a plat waiver that has 59% of the checklist checked incorrectly and only 41% checked correctly when his client has indicated that he is going to plat the entire property. In response, Mr. Ted Sack stated that the circumstances with this particular waiver are the small add-on that his client is building (a 30' x 150' canopy). Mr. Ted Sack commented that he isn't really asking for a plat waiver, but a plat waiver of the subject site plan. Mr. Ted Sack stated that the plat waiver would not be for the entire property, but simply the subject site plan. Mr. Ted Sack explained that if the preliminary plat was a simple process, then he would do so and request an accelerated building permit. Mr. Ted Sack stated that the preliminary plat is not going to be an easy task.

Mr. Westervelt asked Mr. Ted Sack when he thought the actual voluntary plat would be submitted. In response, Mr. Ted Sack stated that he believes that the Planning Commission would see the preliminary plat within a month.

Mr. Eric Sack explained that this would not be a simple platting process because there is an older underlying plat on part of the subject property. There is some question about ownership and closing of streets, as well as boundary concerns, which will require research before preparing a preliminary plat. He predicts that it would take approximately one month to prepare and if his client is given the plat waiver for the subject site plan, he could move on with his construction.

Mr. Harmon stated that Mr. Eric Sack just gave him every reason not to approve a plat waiver. In response, Mr. Eric Sack stated that the subject building and the construction of this canopy are on platted lots and do not fall within any of the street right-of-way and are an existing uses.

Mr. Harmon asked staff if the Planning Commission could grant a plat waiver for a 130-foot extension and nothing else. In response, Mr. Stump deferred to Legal. Mr. Romig stated that in the past it has not been granted because there are other vehicles to accomplish what the applicant wants. Mr. Romig further stated that this request does not seem appropriate.

There were no interested parties wishing to speak.

Mr. Carnes asked staff what the other methods would be that the applicant could go through to accomplish what he needs without a plat waiver. In response, Mr. Stump stated that if the applicant could get to a preliminary plat stage, then he could request an accelerated release of a building permit prior to the final plat being approved and recorded. Mr. Stump reminded the Planning Commission that the applicant would have to have preliminary plat approval before requesting an accelerated release of a building permit. Mr. Stump stated that this is too difficult to be qualified as a minor subdivision.

Mr. Harmon stated that with all of the conditions in this application, he could not support the plat waiver.

Mr. Westervelt stated that he is confident that Mr. Sack would be back with a plat waiver. He further stated that the expansion is minimal and he would hate to set a precedent by accepting a 41% checklist on the plat waiver because this would be a step backwards. He would support a motion to deny the plat waiver.

Mr. Ledford stated that most of the comments that Eric and Ted Sack made are true, but there is no process in place to guarantee that the client would move forward with the platting. The only vehicle is to submit a preliminary plat and then accelerate the building permit.

TMAPC Action; 8 members present:

On **MOTION** of **LEDFORD**, TMAPC voted 7-0-1 (Bayles, Carnes, Coutant, Harmon, Jackson, Ledford, Westervelt "aye"; no "nays"; Horner "abstaining"; Collins, Hill, Midget "absent") to **DENY** the plat waiver for PUD-487 per staff recommendation.

ZONING PUBLIC HEARING:

Application No.: CZ-327

IR TO IL

Applicant: Darin Akerman

(PD-9) (County)

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

RELEVANT ZONING HISTORY:

CZ-305 June 2002: A request to rezone property at the southeast corner of West 43rd Street South and South 61st West Avenue from AG to RS was approved unanimously by the County Commission.

CZ-291 October 2001: A request to rezone property at 4909 West 51st Street South from RS to IL zoning for light industrial/mini-storage was approved unanimously by the County Commission.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is flat, partially wooded, contains a structure for a research laboratory and offices, and is zoned IR.

STREETS:

Exist. Access	MSHP Design.	MSHP ROW	Exist. # Lanes
South 49 th West Avenue	Secondary arterial street	100'	2 lanes

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA: The property is abutted on the north by vacant land, zoned IL; on the east by mixed industrial, commercial and single-family residential uses, zoned RS; on the west by vacant land, zoned IL and IM; and on the south by mixed uses, zoned IM.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The District 9 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates this property as Special District 6, which is designated based on existing industrial zoning. According to Plan policies (Section 3.6) additional industrial uses are encouraged to locate here.

According to the Zoning Matrix the requested IL **may be found** in accord with the Plan due to the site's location within a Special District.

STAFF RECOMMENDATION:

Based on the Comprehensive Plan, surrounding land uses and zoning, staff can support the requested rezoning and recommends **APPROVAL** of IL zoning for CZ-327.

The applicant indicated his agreement with staff's recommendation.

INTERESTED PARTIES:

Anita Ratliff, 4629 West 43rd Street, Tulsa, Oklahoma 74107, stated that she did not receive notice of this application, but did see the sign. (Staff verified that Ms. Ratliff's property is not within the 300-foot radius for notification.) She commented that the residential area where she lives is a quiet area with small children playing. She indicated that she doesn't want the noise and traffic from an industrial area.

TMAPC COMMENTS:

Mr. Harmon asked staff the significant difference between IR and IL. In response, Mr. Stump cited the various uses that would be allowed in the different zonings.

INTERESTED PARTIES:

Patsy Leamaster, 4639 West 43rd Street, Tulsa, Oklahoma 74107, expressed concerns that trucks from the IL district would destroy the neighborhood streets and prevent neighbors from getting in and out of their subdivision. She stated that trucks speeding in the subject area.

Applicant's Rebuttal:

Darin Akerman, 6111 East 32nd Place, Tulsa, Oklahoma 74135, stated that the subject property is a 400-foot strip that is presently zoned IR. His client is requesting IL zoning in order to be consistent with the zoning on the other property under the same ownership. Syntroleum Corporation, Inc., is the owner of the subject property and owns a number of acres in the quadrant to the north and west. He explained that the property would be more marketable if it was all the same zoning. He indicated that his client is planning to file a plat on 25 acres and have the IL zoning to add industries that would be consistent with the Comprehensive Plan.

Mr. Akerman stated that there are no particular development plans for the subject property at this time. He indicated that his client does have some property to the north and west, which he is considering selling 40 acres of for a church development.

TMAPC COMMENTS:

Mr. Harmon asked Mr. Akerman what he anticipates would be developed on the subject property. In response, Mr. Akerman stated that there are no plans at this time for the 400-foot strip area. Mr. Akerman reiterated that his client would like a more consistent zoning for the entire property that he owns, which includes the 400-foot strip.

Mr. Westervelt asked if there was any history to indicate why the subject property was zoned IR. In response, Mr. Stump stated that he understands that it was zoned IR in order to develop the research building, which was across the street from residential and is more compatible.

Mr. Westervelt requested staff to explain the setbacks. In response, Mr. Stump cited the setbacks.

Ms. Bayles stated that it appears that the major truck traffic moves south because it is the closest access to I-44 and it has relatively limited truck traffic moving north on the roadway. She commented that she sees the traffic moving away from the neighborhood rather than into the neighborhood.

Mr. Harmon stated that he is familiar with the subject area and he understands that this neighborhood feels pressured due to the development on the south and west side of the property. He believes that the IL zoning is appropriate for the subject property because it is the direction that the land is being used in the subject area.

TMAPC Action; 8 members present:

On **MOTION** of **WESTERVELT**, TMAPC voted 8-0-0 (Bayles, Carnes, Coutant, Harmon, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Hill, Midget "absent") to recommend **APPROVAL** of IL zoning for CZ-327 per staff recommendation.

Legal Description for CZ-327:

A tract of land that is a part of the northeast quarter (ne/4) of section twenty-nine (29), township nineteen (19) north, range twelve (12) east of the Indian base and meridian, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, and a part of lot one (1), block one (1), USPCI research and business park, an addition to Tulsa county, state of Oklahoma according to the recorded plat thereof, said tract of land being described as follows: beginning at the southeast corner of said ne/4; thence south 89°10'17" west along the southerly line of said ne/4 for 400.00 feet; thence north 0°51'52" west and parallel with the easterly line of said ne/4 for 1473.68 feet to a point on the northerly line of said lot 1; thence north 89°08'08" east along said northerly line and along an easterly extension of said northerly line for 400.00 feet to a point on the easterly line of said ne/4; thence south 00°51'52" east along said easterly line for 1473.93 to the point of beginning of said tract of land, and located in the northwest corner of West 46th Street South and South 49th West Avenue, Tulsa, Oklahoma, **From IR (Industrial Research and Development District) To IL (Industrial Light District).**

Application No.: Z-6900/PUD-686

AG TO RS-2/PUD

Applicant: Ricky Jones

(PD-26) (CD-8)

Location: Northeast corner of East 121st Street South and South Delaware Avenue

RELEVANT ZONING HISTORY:

Z-6894/PUD-681 May 2003: A request to rezone a 15-acre tract located south and east of East 111th Street South and South Louisville Avenue from AG to RS-

1/PUD for single-family residential use was recommended for approval by staff and TMAPC and is pending City Council action.

Z-6867/PUD-667 October 2002: All concurred in approval, subject to conditions, of a request to rezone a 46-acre tract located south of the southwest corner of East 111th Street South and South Delaware Avenue 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 south and west of the southwest corner of East 111th Street South and South Louisville Avenue, 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-6537/PUD-547 July 1996: Approval was granted for a request to rezone a ten-acre tract located south and west of East 111th Street south and west of South Yale Avenue from AG to RE and PUD-547 for a five-lot single-family development.

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 of 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 ranges from steep slopes on the northern 650' and then gradual sloping for approximately 600' to the south into flat lands on the lower 1,980'. The lower flat area is non-wooded and the upper steep slopes are wooded. The property has one single-family dwelling located in the northeast corner.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
South Delaware Avenue	Parkway	varies	2 lanes
South 121 st Street South	Primary arterial	120'	2 lanes

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA: The property is abutted on the north, east and southeast by large-lot, single-family dwellings, zoned AG, RE, and RS-1; to the northwest by vacant land, zoned AG; to the south and southwest by the Arkansas River, zoned AG and RS-2/PUD-528.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 26 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the property as Low Intensity-No Specific land use.

According to the Zoning Matrix the requested RS-2 is in accord with the Plan.

STAFF RECOMMENDATION:

Based on the Comprehensive Plan, existing development and trends in the area, staff can support the requested rezoning if the TMAPC recommends approval of the accompanying PUD-686 or some variation thereof. Therefore, staff recommends **APPROVAL** of RS-2 zoning for Z-6900, if the accompanying PUD-686 or some form of it is deemed acceptable by the TMAPC.

STAFF RECOMMENDATION FOR PUD-686:

The PUD proposes a maximum of 260 dwelling units on approximately 81.5 acres located on the east side of South Delaware Avenue, north of East 121st Street. It is proposed that the primary access throughout the PUD be via public street with each development area having the option to be gated.

The subject tract is zoned AG. Concurrently, an application (Z-6900) has been filed to rezone the tract to RS-2. There is AG-zoned property to the west of the tract. The subject tract is abutted on the north by AG- and RE-zoned property to the east of the tract. To the south of the subject tract, across East 121st Street is a tract zoned RS-2/PUD-528.

If Z-6900 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-686 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-686 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:

DEVELOPMENT AREA A

Land Area: 22.008 Acres

Permitted Uses:

Uses included within Use Unit 6, single-family dwelling, including customary accessory use; and common use areas containing security gate houses, parking, landscaped areas, recreation facilities, private clubhouse, swimming pools, courts and play areas.

Maximum Number of Dwelling Units: 96

Minimum Lot Width: 60 FT

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

Maximum Building Height: 35 FT

Minimum Lot Area: 6,900 SF

Minimum Livability Space Per Dwelling Unit: 5,000 SF

Minimum Livability Space Per Lot: 4,000 SF

Minimum Common Area Livability Space Per Dwelling Unit: 1,000 SF

Off-Street Parking:

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

Minimum Required Yards:

From the perimeter of the PUD	25 FT
From street right-of-way	20 FT
Interior Side Yard	
One side	5 FT
Other side	0 FT
Interior Rear Yard	20 FT

Minimum Building Separation: 5 FT

Access:

Access to Development Area A may be gated.

Identification Signs:

Within Development Area A, a development area identification sign, shall be permitted at the principal entrance to the area with a maximum of eight square feet of display surface area and a maximum height of four feet.

DEVELOPMENT AREA B

Land Area: 11.663 acres

Permitted Uses:

Uses included within Use Unit 6, single-family dwelling, including customary accessory uses; and common use areas containing security gate house, recreation facilities, private clubhouse, swimming pools, courts and play areas.

Maximum Number of Dwelling Units: 47

Minimum Lot Width: 55 FT

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

Minimum Lot Area: 6,000 SF

Maximum Building Height:	35 FT
Minimum Livability Space Per Dwelling Unit:	5,000 SF
Minimum Livability Space Per Lot:	2,500 SF
Minimum Common Area Livability Space Per Dwelling:	2,500 SF

Off-Street Parking:

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

Minimum Required Yards:

From perimeter boundaries of the PUD	25 FT
From street right-of-way	20 FT
Interior side yard	
One side	5 FT
Other side	0 FT
Interior rear yard	20 FT

Minimum Building Separation:	5 FT
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Access:

Access to Development Area B may be gated.

Identification Signs:

Within Development Area B, one development area identification sign shall be permitted at the principal entrance to the area with a maximum of eight square feet of display surface area and a maximum height of four feet.

DEVELOPMENT AREA C

Land Area: 14.22 Acres

Permitted Uses:

Uses included within Use Unit 6, Single-family dwelling, including customary accessory uses and common use areas containing security gate houses, recreation facilities, private clubhouse, swimming pools, courts and play areas.

Maximum Number of Dwelling Units: 57

Minimum Lot Width: 62 FT

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

Minimum Lot Area: 6,900 SF

Maximum Building Height: 35 FT

Minimum Livability Space per dwelling unit: 5,000 SF

Minimum Livability Space per lot: 4,000 SF

Minimum Common Area Livability Space per dwelling: 1,000 SF

Off-Street Parking:

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

Minimum Required Yards:

From the perimeter of the PUD 25 FT

From interior street right-of-way 20 FT

Interior side yard

 One side 5 FT

 Other side 5 FT

Interior rear yard 20 FT

Access:

Access to Development Area C may be gated.

Identification Signs:

Within Development Area C, one development area identification sign shall be permitted at the principal entrance to the area with a maximum of eight square feet of display surface area and a maximum height of four feet.

DEVELOPMENT AREA D

Land Area: 22.19 Acres

Permitted Uses:

Uses, included within Use Unit 6, Single-Family Dwelling, including customary accessory uses; and common use areas containing security gate houses, recreation facilities, private clubhouse, swimming pools, courts and play areas.

Maximum Number of Dwelling Units: 70

Minimum Lot Width: 75 FT

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

Minimum Lot Area: 9,000 SF

Maximum Building Height: 35 FT

Minimum Livability Space per dwelling unit: 5,000 SF

Minimum Livability Space per lot: 5,000 SF

Off-Street Parking:

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

Minimum Required Yards:

From the perimeter of the PUD	25 FT
From street right-of-way	25 FT
Interior side yard	
One Side	5 FT
Other Side	10 FT
Interior rear yard	25 FT

Access:

Access to Development Area D may be gated.

Identification Signs:

Within Development Area D, one development area identification sign shall be permitted at the principal entrance to the area with a maximum of eight square feet of display surface area and a maximum height of four feet.

RESERVE A

Land Area: 6.056 Acres

Permitted Uses:

Common use areas containing landscaped areas, recreation facilities, private club houses, swimming pools, courts and play areas.

3. There shall be no vehicular access to the backsides of double frontage lots.
4. A six-foot high masonry screening wall shall be provided along the South Delaware right-of-way line, except for approved access points.
5. Common livability space shall be designed and located so as to be accessible to the dwelling units it is intended to serve. Provisions for the ownership and maintenance of common livability space as will ensure its continuity and conservation shall be incorporated in the subdivision plat, in compliance with the provisions of Subsection 1107.F.

6. Continuation of the public street system shall be provided to surrounding areas. All streets which dead-end into the boundaries of the PUD shall be public streets. All access shall be approved by Public Works and the Tulsa Fire Department.
7. One identification sign shall be permitted at each public street entrance along South Delaware Avenue, with a maximum of 32 square feet of display surface area and a maximum height of six feet.
8. 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.
9. 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.
10. 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.
11. The City shall inspect all private streets and certify that they have been constructed to City standards prior to any building permits being issued on lots accessed by those streets. The developer shall pay all inspection fees required by the City.
12. No building permit shall be issued until the requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.
13. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
14. Entry gates or guardhouses, if proposed, must receive detail site plan approval from TMAPC, Tulsa Public Works and Tulsa Fire Departments, prior to issuance of a building permit for the gates or guard houses.

15. The screening wall along South Delaware and all structures within common use areas must receive detail site plan approval prior to the issuance of a building permit within a platted area.
16. 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.
17. Each development area's private street system shall provide at least two points of access to a public street at the boundaries of the development area.

***Note:** Comments from the July 3, 2003 TAC Meeting.

Planned Unit Development For Review:

PUD-686

Water – Waterline extension required.

Stormwater – Area D acres do not match. Public streets require sidewalks. Exhibit F1 is not acceptable – majority of property is 100-year Tulsa regulatory floodplain. Will need to address floodplain issues. Drainage plan is too small to read. Tulsa regulatory floodplain areas must be addressed, as well as Corps of Engineers 404 Permit, which is required to drain into the Arkansas River. The Corps may require environmental studies to be done in this environmentally sensitive area.

Wastewater – No comment.

Transportation – No comment at this time.

Traffic – The arterial right-of-way consists of a min. of 75 feet FT (Parkway). Rec. to the south entry as a 60 FT Collector to 118 PL. Show proposed sidewalks within PUD access plan. Outstanding example of a combined public/private street system. Redesign the middle intersection to create a 90 degree "T" intersection or incorporate a full traffic circle. Identify any landlocked tracts and discuss solutions. Identify street dedications along the perimeter in the platting process and request waivers if any.

Applicant's Comments:

Charles Norman, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, stated that this would represent one of the larger multi-development area projects in the community, which would be undertaken in one phase. He commented that it would be consistent with the development that is occurring in the subject area. It is well under the density that could be permitted under the RS-2 zoning that is requested.

Mr. Norman stated that he has had several questions from the neighbors to east and northeast regarding the drainage patterns. He indicated that he has reviewed the drainage exhibit (F-1) with the neighbors, which indicates that within the natural drainage basin, Wind River will receive and pass through all of the stormwater that comes through naturally on the subject property. The details would be brought to the Planning Commission as part of the plat in the next few weeks.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HARMON**, TMAPC voted 8-0-0 (Bayles, Carnes, Coutant, Harmon, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Hill, Midget "absent") to recommend **APPROVAL** of RS-2 zoning for Z-6900 and recommend **APPROVAL** of PUD-686 per staff recommendation.

Legal Description for Z-6900/PUD-686:

A TRACT OF LAND THAT IS A PART OF THE (S/2) OF SECTION 33, TOWNSHIP 18 NORTH, RANGE 13 EAST, OF THE IBM, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF GOVERNMENT LOT 4; THENCE S 89°59'34" W ALONG THE SOUTHERLY LINE OF SAID LOT 4, FOR A DISTANCE OF 438.11' TO A POINT; THENCE N 0°30'43" W FOR A DISTANCE OF 12.91' TO A POINT ON THE CENTERLINE OF THE PRESENT SOUTH DELAWARE AVENUE; RIGHT-OF-WAY THENCE NORTHWESTERLY ALONG SAID CENTERLINE FOR THE FOLLOWING FIFTEEN (15) COURSES: WESTERLY AND NORTHWESTERLY ALONG A 242.00 FOOT RADIUS CURVE TO THE RIGHT, HAVING AN INITIAL TANGENT BEARING OF S 89°29'17" W, A CENTRAL ANGLE OF 35°48'11", FOR AN ARC DISTANCE OF 151.22' TO A POINT OF COMPOUND CURVATURE; THENCE NORTHWESTERLY ALONG AN 882.00 FOOT RADIUS CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 7°14'19", FOR AN ARC DISTANCE OF 111.43' TO A POINT OF TANGENCY; THENCE N 47°28'13" W FOR A DISTANCE OF 195.32' TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ALONG AN 882.00 FOOT RADIUS CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 2°31'00", FOR AN ARC DISTANCE OF 38.74' TO A POINT OF TANGENCY; THENCE N 44°57'13" W FOR A DISTANCE OF 191.88' TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ALONG A 1,982.00 FOOT RADIUS CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 4°46'30", FOR AN ARC DISTANCE OF 165.18' TO A POINT OF TANGENCY; THENCE N 40°10'43" W FOR A DISTANCE OF 158.66' TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ALONG A 918.00 FOOT RADIUS CURVE TO THE LEFT,

HAVING A CENTRAL ANGLE OF 3°50'00", FOR AN ARC DISTANCE OF 61.42' TO A POINT OF TANGENCY; THENCE N 44°00'43" W FOR A DISTANCE OF 148.87' TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ALONG A 2,318.00 FOOT RADIUS CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 6°50'00", FOR AN ARC DISTANCE OF 276.45' TO A POINT OF TANGENCY; THENCE N 50°50'43" W FOR A DISTANCE OF 56.90' TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ALONG A 2,518.00 FOOT RADIUS CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 1°30'00", FOR AN ARC DISTANCE OF 65.92' TO A POINT OF TANGENCY; THENCE N 52°20'43" W FOR A DISTANCE OF 67.29' TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ALONG A 1,482.00 FOOT RADIUS CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 7°00'00", FOR AN ARC DISTANCE OF 181.06' TO A POINT OF TANGENCY; THENCE N 45°20'43" W FOR A DISTANCE OF 110.87' TO A POINT ON THE SOUTHERLY LINE OF GOVERNMENT LOT 3 OF SAID SECTION 33; THENCE N 89°59'01" E AND ALONG SAID SOUTHERLY LINE, FOR A DISTANCE OF 242.29' TO A POINT; THENCE N 0°03'46" E FOR A DISTANCE OF 1,319.54' TO A POINT ON THE NORTHERLY LINE OF SAID LOT 3; THENCE N 89°58'32" E AND ALONG SAID NORTHERLY LINE AND THE NORTHERLY LINE OF THE SE/4 OF SECTION 33, FOR A DISTANCE OF 1,323.94' TO A POINT, SAID POINT BEING THE NORTHWEST CORNER OF THE E/2 NE/4 NW/4 SE/4 OF SECTION 33; THENCE S 0°01'17" E AND ALONG THE WESTERLY LINE OF SAID E/2 NE/4 NW/4 SE/4, FOR A DISTANCE OF 659.87' TO THE SOUTHWEST CORNER OF THE E/2 NE/4 NW/4 SE/4; THENCE N 89°58'47" E ALONG THE SOUTHERLY LINE OF THE E/2 NE/4 NW/4 SE/4, FOR A DISTANCE OF 331.37' TO A POINT ON THE EASTERLY LINE OF THE W/2 SE/4; THENCE S 0°02'18" E AND ALONG SAID EASTERLY LINE, FOR A DISTANCE OF 1,979.68' TO THE POINT OF BEGINNING; SAID TRACT CONTAINING 3,550,133 SQUARE FEET, OR 81.500 ACRES. **From AG (Agriculture District) To RS-2/PUD (Residential Single-family Medium Density District/Planned Unit Development [PUD-686]).**

Application No.: PUD-312-A-2

MINOR AMENDMENT

Applicant: Darin Akerman

(PD-18) (CD-5)

Location: Northwest corner of South 109th East Avenue and East 48th Street

STAFF RECOMMENDATION:

The applicant is proposing to establish two development areas within Development Area B of PUD-312-A. The subject tract is located at the northwest corner of South 109th East Avenue and East 48th Street. Proposed Tract B-1

would contain approximately 16.5 net acres and proposed Tract B-2 would contain approximately 5.05 net acres. Office and commercial uses have been approved within Development Area B.

Staff finds that the request does not substantially alter the allocation of land to particular uses or the relationship of uses within the project. Therefore, staff recommends **APPROVAL** of the request subject to the following conditions:

1. The requirements of PUD-312-A as amended shall apply unless modified below.
2. Development Standards:

TRACT B-1

Land Area (Net):	16.542 Acres
Maximum Building Floor Area:	
Uses included within Use Units 12, 13, 14 and 17 (vehicle repair & service only)	191,529 SF
Uses included within Use Units 11, 19 and 22	720,150 SF

TRACT B-2

Land Area (Net):	5.05 Acres
Maximum Building Floor Area:	
Uses included within Use Units 12, 13, 14 & 17, (vehicle repair and service only)	58,471 SF
Uses included within Use Units 11, 19 and 22	219,850 SF

3. Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement shall be prohibited.
4. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, nor shall trucks or truck trailers be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers shall not be used for storage.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HORNER** TMAPC voted 8-0-0 (Bayles, Carnes, Coutant, Harmon, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Hill, Midget "absent") to **APPROVE** the minor amendment for PUD-312-A-2 per staff recommendation.

PRELIMINARY PLAT:

Tulsa Bone and Joint Clinic – PUD 312 (IL) (9430) (PD-18-C) (CD-5)
East of Highway 169, North of East 51st Street

STAFF RECOMMENDATION:

This plat consists of one lot, one block, on 16.5 acres.

The following issues were discussed July 3, 2003 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned PUD 312 (IL). The plat proposes one lot on one block for a medical clinic. A minor amendment is necessary to allow the shifting of development areas within the PUD. All PUD standards must be followed per the approved minor amendment.
2. **Streets:** The main driveway needs to be closer to 90 degrees. Any encroachment into a maintenance easement must have special approval through the Public Works staff.
3. **Sewer:** Sanitary sewer is available.
4. **Water:** The site may be located in a "critical area". This needs further review and could have additional requirements for spacing and waterline improvements. Waterline easement dimensions must be shown on the conceptual plan.

5. **Storm Drainage:** Note detention facility name and title. There can be no direct ties to the pond. New easements or construction easements cannot be placed within the 20-foot detention maintenance access easement. No new pipes can be allowed in the existing stormwater detention/retention facility. Overland drainage easements are needed with access easements. No other easements or construction will be allowed in the overland drainage easement. The ODOT right-of-way line must be labeled and written permission received to allow discharge into the right-of-way. Floodplain must be properly defined. Add standard language to the covenants for reserves or overland drainage easements. The "100 Year Catfish Creek FEMA Floodplain" should be labeled as such.
6. **Utilities: PSO:** 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.
2. All PUD standards and conditions must be met.

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 **HARMON** TMAPC voted 8-0-0 (Bayles, Carnes, Coutant, Harmon, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Hill, Midget "absent") to **APPROVE** the preliminary plat for Tulsa Bone and Joint Clinic, subject to the special conditions and standard conditions per staff recommendation.

* * * * *

Urology Clinic – PUD 312 (IL) (9430)

(PD-18-C) (CD-5)

East of Highway 169, North of East 51st Street South

STAFF RECOMMENDATION:

This plat consists of one lot, one block, on 5.05 acres.

The following issues were discussed July 3, 2003 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned PUD 312 (IL). The plat proposes one lot on one block for a medical clinic.
2. **Streets:** Any encroachment into a maintenance easement must have special approval through the Public Works staff.
3. **Sewer:** Sanitary sewer is available.
4. **Water:** A revision project is necessary for fire hydrant and valve installation.
5. **Storm Drainage:** The "100 Year Ford Creek FEMA Floodplain" should be labeled as such. Clarify floodplain lines correctly. New easements or construction easements cannot be placed within maintenance access easements. No other easements will be allowed in the drainage easements. Add standard language to the covenants for reserves or overland drainage easements.
6. **Utilities: PSO:** 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.
2. All PUD standards and conditions must be met.

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

Application No.: PUD-538-6

MINOR AMENDMENT

Applicant: Barbara Fulps

(PD-26) (CD-8)

Location: 10026 South Braden Avenue

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to reduce the rear yard requirement from 15 feet to eleven feet on a portion of Lot 3, Block 1, Winbury Place to permit the construction of a covered porch.

Since the rear yard of this lot abuts commercial uses and the proposed porch is outside the utility easement, staff finds the request to be minor in nature. Therefore, staff recommends **APPROVAL** of the request per the submitted site plans.

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 **HARMON** TMAPC voted 8-0-0 (Bayles, Carnes, Coutant, Harmon, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Hill, Midget "absent") to **APPROVE** the minor amendment for PUD-538-6 per staff recommendation.

Application No.: PUD-554-4

MINOR AMENDMENT

Applicant: Joseph P. O'Brien

(PD-26) (CD-8)

Location: 7726 East 99th Street South

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to reduce a side yard requirement from five feet to 4.6 feet on a portion of Lot 19, Block 5, Audubon Park for the construction of a single-family dwelling.

Staff finds the request to be minor in nature. Therefore, staff recommends **APPROVAL** of the request per the submitted site plan.

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 **HARMON** TMAPC voted 8-0-0 (Bayles, Carnes, Coutant, Harmon, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Hill, Midget "absent") to **APPROVE** the minor amendment for PUD-554-4 per staff recommendation.

Application No.: PUD-390-B-1

MINOR AMENDMENT

Applicant: Mark Capron

(PD-18) (CD-7)

Location: East of northeast corner of East 61st Street and South 89th East Avenue

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to allow light standards in the north 50 feet and east 50 feet of PUD-390-B to be a maximum height of 12 feet and also requesting that the light standards in the remainder of the PUD to be a maximum of 20 feet in height.

The existing light standards area as follows:

Lighting uses 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. Light standards in the north 50 feet and the east 50 feet of PUD-390-B shall not exceed eight feet in height. No light standard nor building-mounted light shall exceed twelve feet in height.

Staff finds that the request does not substantially alter the character of the development. Therefore, staff recommends **APPROVAL** of the request subject to the following conditions:

Lighting uses 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. Light standards in the north 50 feet and the east 50 feet of PUD-390-B shall not exceed ~~twelve~~ ten feet in height. No light standard nor building-mounted light shall exceed 20 feet in height.

TMAPC COMMENTS:

Mr. Harmon asked what has been approved originally. In response, Mr. Dunlap stated that originally there were no standards for lighting. Mr. Harmon stated that he doesn't believe the 20-foot lighting standards are necessary and they should be lower. Mr. Harmon further stated that the light standards should not be over eight feet tall.

Applicant's Comments:

Ted Sack, Sack and Associates, 111 South Elgin, Tulsa, Oklahoma 74120, stated that originally the subject property was part of one PUD. There is a bank to the west of the subject property. He explained that a minor amendment was filed to allow a hair salon use on the subject property. There were no light height standards at the time of the application and he did not realize that staff added some light height standards until the detail site plan was submitted. The property to the west has lights higher than 20 feet tall. He explained that he submitted a light standard that is somewhere between and something that would work for the site. The lights would be shielded from the residential area. He commented that the proposed light standards would look better and more compatible with the west property's light standards.

TMAPC COMMENTS:

In response, Mr. Sack stated that there were no light standards placed on the property to the west. Mr. Dunlap stated that when PUD-390-A was submitted there were no light standards put on either tract of land. Mr. Dunlap explained

that this was an oversight on his part and when the minor amendment was submitted, staff took the opportunity to add the light standards, as well as other standards. Mr. Dunlap commented that unfortunately Mr. Sack was out of town when the minor amendment was approved and he did not have the opportunity to discuss the standards at the meeting. Mr. Stump clarified that staff did not add the standards, but did recommend standards that the TMAPC approved.

Mr. Harmon commented that Superior Federal has built a nice building and will be a good neighbor, but he doesn't believe a 12-foot high light standard is necessary and it would spill into the neighborhood. He indicated that the screening fence is only six feet high and a 12-foot high light standard would be taller. Mr. Harmon suggested ten feet high near the neighborhood and 15 feet on the front part of the subject property.

Mr. Dunlap reminded the Planning Commission that the light standards, regardless of height, would have to meet the same standard conditions regarding the shielding of the light element, not being able to see the light element from the neighborhoods or the street right-of-way.

Mr. Harmon stated that he appreciates the standards for hooding the lights, but if they are too tall light would still spill out into the neighborhood. He explained that he lives in the subject neighborhood; however, he lives approximately ½ mile away.

Mr. Sack stated that the heights he is recommending are 20 feet and 12 feet, which are heights that have been on other PUDs adjacent to residential areas. He commented that these heights would be more compatible with the Superior Federal site, which has light more than 20 feet in height on the entire site.

Mr. Harmon stated that the 12 feet and 20 feet heights are not ironclad and the Planning Commission has placed shorter light standards on properties. Mr. Harmon suggested ten feet in height on the back 50 feet and 20 feet in the front.

Mr. Dunlap stated that the light standards closest to the neighborhood would be 12 feet. In response, Mr. Harmon stated that he would like those to be ten feet. Ms. Coutant agreed with the ten feet in height.

Mr. Westervelt asked Mr. Sack if he would be willing to have the lower light standards toward the back of the subject property and allow the 20 feet in height for the balance of the property that is away from residential. In response, Mr. Sack stated that the 12 feet is protected because of the ordinance requirement that it has to be shielded and he can show through the graphics of the light standards as to the light spillage that there is no spillage over into the residential area.

Mr. Westervelt asked Mr. Sack if there is really an issue of dropping the lights in the back row two feet and allowing the balance of the lights to be 20 feet in height. In response, Mr. Sack stated that the site plan has already been prepared with 12-foot high light standards. The calculations and the work have been done at 12 feet.

TMAPC Action; 8 members present:

On **MOTION** of **WESTERVELT** TMAPC voted 8-0-0 (Bayles, Carnes, Coutant, Harmon, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Hill, Midget "absent") to **APPROVE** the minor amendment for PUD-390-B-1, subject to the light standards on the back 50 feet on the north and east side be limited to ten feet in height and the remainder be limited to 20 feet in height as modified by the Planning Commission.

OTHER BUSINESS:

Application No.: PUD-390-B

DETAIL SITE PLAN

Applicant: Mark Capron

(PD-18) (CD-7)

Location: East of the northeast corner of East 61st and South 89th East Avenue.

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a beauty/ barber shop and office. The proposed uses, Use Unit 11, Offices, Studios, and Support Services; and Barber and Beauty Shop, only, within Use Unit 13, are in conformance with PUD development standards.

The building's height and setback from property lines and right-of-way are in conformance with PUD development standards; however, corrections to the site notes and dimensions on the site plan are necessary to clarify compliance. Maximum building height proposed per elevations is 35 feet. The building's rear elevations have not yet been submitted, but must comply with development standards, which require that the rear elevation be architecturally compatible in treatment and materials with other building facades. In addition, "...no second-story window shall face north or east and any dormer windows shall be located on the south side".

Number of parking spaces provided exceeds minimum requirements. The parking stalls on the west boundary of the site, although only 16 feet in length, comply with Section 1303.A.3 of the Zoning Code so long as the landscaped area beyond the wheel stops/curb remains unobstructed (no shrubs or plantings

other than sod within two feet of the curb/wheel stop). The proposed bulk trash container will be set back a minimum of 25' from the north property line and screened in compliance with standards.

Landscaped area provided meets both street yard and minimum net lot area requirements per development standards and the Zoning Code. Screening of the north and east property lines will be provided by a six-foot high masonry wall, elevations of which have not yet been submitted (clarification regarding the wall's beginning and ending point needed on the site plan). Lighting plans have been submitted, but do not provide sufficient information to determine compliance with the Zoning Code.

Staff recommends **APPROVAL** of PUD-390-B detail site plan subject to the following: (1) Clarifications and corrections to site plan and site plan notes regarding setbacks, building height and noted dimensions; (2) Rear and side (if applicable) building elevations in compliance with development standards; (3) Elevations of typical section of the required six-foot screening wall in compliance with development standards; (4) lighting plan in compliance with development standards and the Zoning Code.

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

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 (Bayles, Carnes, Coutant, Harmon, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Hill, Midget "absent") to **APPROVE** the detail site plan for PUD-390-B, subject to conditions recommended by staff.

Commissioners' Comments:

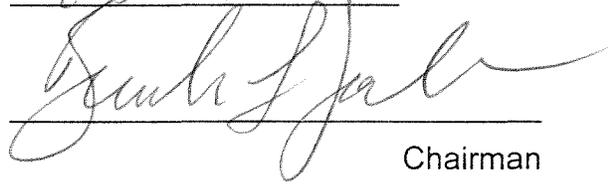
Mr. Horner requested that a consideration be made to reconsider the vote taken on July 2, 2003 for PUD-685, 17th and Quincy. He explained that he has reviewed this carefully and he has driven the subject area. He would like the reconsideration to be on the next agenda.

Mr. Horner requested that the City Council take no action on PUD-685 until after the reconsideration is heard.

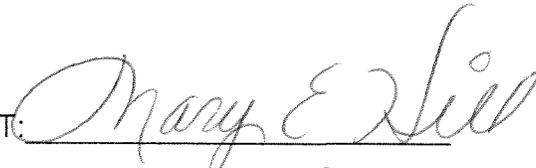
There being no further business, the Chair declared the meeting adjourned at 2:31 p.m.

Date Approved:

8.5.03



Chairman

ATTEST: 

Secretary