

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
**Minutes of Meeting No. 2351**

Wednesday, July 23, 2003, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Friday, July, 18, 2003 at 2:15 p.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.

**REPORTS:**

**Worksession Report:**

Mr. Jackson reported that there would be a worksession immediately following today's meeting in Room 1102.

**Director's Report:**

Mr. Stump reported that there are two items on the City Council agenda.

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## **SUBDIVISIONS:**

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

**L-19553 – White Surveying** (0318)

(PD 25) (CD 1)

1874 East 46<sup>th</sup> Street North

### **STAFF RECOMMENDATION:**

The applicant desires to split the back 382.45' off Tract 1 and tie it to Tract 2. Because Tract 2 is zoned both RS-3 and AG, the overall resulting tract must meet the AG zoning requirements. However, the zoning district on the front portion of the proposed tracts was used in reviewing this application in regard to the *Subdivision Regulations*. Thus, both resulting tracts have more than three side lot lines, requiring a waiver of the *Subdivision Regulations*.

In conjunction with this application, on July 22, the Board of Adjustment will consider a variance of the average lot width from 200' to 189', a variance of the required side yard from 5' to 1', and a variance to allow an accessory building as the principal use.

Also, the applicant has agreed to and has supplied material to dedicate 50' of right-of-way along East 46<sup>th</sup> Street North and an additional 20' street right-of-way along North Lewis Avenue to the City of Tulsa to meet the *Major Street and Highway Plan* requirements.

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, subject to the variances being approved by the Board of Adjustment, and with the condition that the right-of-way be given to the City of Tulsa.

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

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

### **TMAPC Action; 9 members present:**

On **MOTION** of **LEDFORD** TMAPC voted 9-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Midget "absent") to **APPROVE** the waiver of Subdivision Regulations and of the lot-split, subject to the variances being approved by the Board of Adjustment, and with the condition that the right-of-way be given to the City of Tulsa.

**FINAL PLAT:**

**Airpark Distribution Center – IM (2004)**

(PD-16) (CD-6)

Northeast corner of North Garnett Road and East Apache Street

**STAFF RECOMMENDATION:**

This plat consists of eight lots in two blocks on 70.80 acres.

All release letters have been received for this final plat. Staff recommends **APPROVAL** of the final plat.

**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 **CARNES** TMAPC voted 9-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Midget "absent") to **APPROVE** the final plat for Airpark Distribution Center as recommended by staff.

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**Retina Center – PUD 660 (1282)**

(PD-8) (CD-2)

South of East 71<sup>st</sup> Street, east of South Elwood Avenue

**STAFF RECOMMENDATION:**

This plat consists of three lots in one block on 2.1 acres.

All release letters have been received for this final plat. Staff recommends **APPROVAL** of the final plat.

**The applicant was not present.**

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

**TMAPC Action; 9 members present:**

On **MOTION** of **HORNER** TMAPC voted 9-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Midget "absent") to **APPROVE** final plat for Retina Center as recommended by staff.

Waterstone – PUD 667 (3383,3283)

(PD 26) (CD 8)

South of East 111<sup>th</sup> Street, east side of Riverside Parkway (**A modification to the Subdivision Regulations is requested for this final plat.**)

**STAFF RECOMMENDATION:**

This plat consists of 80 lots in four blocks.

Attached is a letter requesting a modification of the Subdivision Regulations for this final plat. As staff has just received the letter from the consulting engineer for the plat, and the release letter with an exception from the Development Services Department, further investigation into the Fire Department concerns and the issue to be modified needs to occur before the TMAPC meeting.

Staff should have further information on the request at the meeting.

Mrs. Fernandez stated that there is a pedestrian and trail easement on the west side of the plat (as requested by the TMAPC during the preliminary plat). The issues relate to the east side of the subdivision. TMAPC recently approved PUD-681, which requires access into the old PUD and wording is needed for access into the new proposed subdivision in PUD to the east of the subject property per Legal. Mr. Jones has submitted a letter requesting that the Subdivision Regulations be modified regarding the cul-de-sac. Staff is currently working on the modifications, which include the cul-de-sac issue.

Mrs. Fernandez explained that the applicant was charged with working with the Fire Marshal to develop some alternatives regarding the cul-de-sac. She commented that she believes the Fire Marshal has three alternatives to discuss.

Mr. Stump suggested that the Fire Marshal discuss the problems with the plat before hearing from the applicant.

**INTERESTED PARTIES:**

**Paul Gallahar**, Fire Marshal for the City of Tulsa, 4922 East 88<sup>th</sup> Place, Tulsa, Oklahoma 74137, stated that he is charged with the responsibility to uphold the Fire Prevention Code. He explained that the reason he is requesting 96 feet for the cul-de-sac is to accommodate the turning radius of the larger pieces of equipment that are owned by the department. The dead-end street is approximately 500 feet, which is curved and lengthy. It does not accommodate the Fire Department's equipment accessing the cul-de-sac in such a way that the Fire Department could operate effectively.

Mr. Gallahar stated that the code that the Fire Marshal operates under is Ordinance 14, which was adopted March 3, 2001. This code, in references, adopts the BOCA Code (Building Officials and Code Administrators), which gives the Fire Marshal broad authority to promulgate rules and regulations in the

interest of public health, safety and general welfare. Such rules shall not have the effect of waiving any fire safety requirements specifically provided for in this code or violating an accepted engineering practice involving public safety. Specifically as it relates to Fire Department access, the Code, in Section F315.2, "...provides that access roadways shall have the minimum turning radius capable of accommodating the largest fire apparatus of the jurisdiction and the minimum vertical clearance of 13.5 feet." Appendix D of the 2003 ICC Fire Code, which will be adopted in the next several months, relates specifically to fire apparatus access roads. It requires that dead-end streets would provide a 120-foot hammerhead with a 60-foot "Y" or a 96-foot diameter cul-de-sac. He commented that as long as he has held the position of Fire Marshal, in the plans review process he has used the 96-foot diameter for cul-de-sacs. This standard has been used for several years.

Mr. Gallahar stated that there are several different ways to provide access. He referred to the August 28, 2002 minutes where there was discussion regarding a crash gate, which would have provided two access points into the cul-de-sac and would have alleviated the need for the 96-foot cul-de-sac. In other areas of the City, the developers have agreed to sprinkle the houses involved on the cul-de-sac dead-end, which would alleviate the need for the 96-foot cul-de-sac. For these reasons he is requesting an adequately-sized cul-de-sac be in place, which would have a 96-foot radius. He explained that under OSHA requirements, CFR29191024, which has been adopted by the State of Oklahoma, the Fire Department is required to perform to this standard (the two-in and two-out provision). The two-in and two-out provision mandates that the first on-scene fire fighters cannot begin until there is a backup team in place, in the event that if a rescue is necessary, there would be a backup team ready to go in. It becomes necessary to have the second pumper in a situation so that the rescue team could prepare itself if a rescue is required. In order for the Fire Department to operate effectively and efficiently, the larger cul-de-sac is necessary. As it relates to the Subdivision Regulations, he believes the two are compatible. He believes that when this issue came up during the preliminary plat (August 2002), the Fire Department made their concerns known and are willing to find an alternative means. He requested the Planning Commission to support the position of the Fire Marshal's Office in this matter.

**TMAPC COMMENTS:**

Mr. Ledford stated that he understands the Fire Department's dilemma, but if the Planning Commission approves this plat with a 48-foot cul-de-sac, then it would mean that 100% of the rest of the City that are on cul-de-sacs that are less than 48 feet would not have proper fire protection. He asked Mr. Gallahar what would be done about that 100% of the City. Mr. Ledford commented that he understands that the subject plat can be corrected today, but asked what could be done about the cul-de-sacs that do not meet the radius necessary to allow the fire apparatus access that is needed to provide services. In response, Mr. Gallahar stated that he is aware that there are a number of cul-de-sacs in the

City of Tulsa, and fortunately the distance from the street to the end of the cul-de-sac may not be as much as 500 feet. When there is less distance than 500 feet, then the 96-foot radius would not be that critical. Mr. Gallahar commented that he cannot go back and correct the past and make the other cul-de-sacs larger. Those are things that are in place now and today's issue is about what can be done to mitigate the situation prior to it occurring.

Mr. Ledford stated that Mr. Gallahar's answer is not appropriate, because he is concerned about the residents who are living on a 500-foot cul-de-sac with 38-foot radius and how they would be protected. In response, Mr. Gallahar reiterated that the Fire Department does the best they can to accomplish their purpose in whatever situation they are confronted with. Mr. Gallahar stated that the Fire Department wouldn't be able to afford the same efficiency in a situation where the resident is not on a 96-foot radius as they could for one who is. Mr. Gallahar explained that there would be time lost due to having to lay hoses to reach the situation and getting individuals into position. Mr. Gallahar stated that when there is a fire, time is of essence.

Mr. Ledford asked why the Fire Department didn't bring this forward when there was a change in the Subdivision Regulations. If this had been done, then the issues could have been discussed before they come up in a preliminary plat. If the Code the Fire Department is following was issued in 1996, he asked why this hasn't been discussed right after the Code came out and was approved a part of the Fire Department's requirement. In response, Mr. Gallahar stated that the Code was adopted by ordinance in 2001. Mr. Gallahar further stated that to his knowledge, during the plan reviews, the 96-foot radius was used. Mr. Gallahar commented that he was not aware that a conflict was in place until recently. He thought the numbers agreed and believes the two are still compatible.

Mr. Westervelt stated that he expresses and echoes everything Mr. Ledford has stated. He commented that the TMAPC has been approving developments with smaller cul-de-sacs and there was no reviewer from the Fire Department rejecting them. He questioned what type of equipment the Fire Department is purchasing, if indeed it is contributing to the problem and in particular that most of the subdivisions in Tulsa do not have 96-foot cul-de-sacs. It would seem that equipment selection would be something that should be high on the Fire Department's priority to remedy the problem that may already exist. He indicated that there is equipment available that can handle all of the various radii. New technology would be the answer rather than new regulations to satisfy federal guidelines.

Mr. Westervelt stated that during the recent amendments and revisions to the Subdivision Regulations, there was never any discussion about this issue. He requested Mr. Gallahar to explain how he believes the Subdivision Regulations and the 96-foot cul-de-sac is consistent.

Mr. Gallahar stated that he agrees with Mr. Westervelt's comments relating to equipment. He explained that there will be older equipment in the fleet for a period of time because they have a ten to 15 year cycle. Maneuverability is one of the things that are considered. There are a number of different factors that would enter into public safety and he is glad to be given the opportunity to participate at the planning level. He stated that he could not address why his department was not involved two years ago during the Subdivision Regulation revisions. He could not address that, but he knows that currently his department is involved in the planning level and is bringing a real concern that he is charged to deal with and believes to be within the scope of the TMAPC's authority to deal with it as well. One of the possibilities is that there be enacted an ordinance requiring sprinkling of residences above a certain square footage or certain economic levels. That in it self would provide the greatest degree of fire protection to the residential communities where 75% of the fires do occur. He reiterated that during his tenure the 96-foot radius has been the recommendation and as a result of the recommendation there are alternatives to enable to get where needed.

Mr. Westervelt stated that he agrees that there are alternatives and believes some that were mentioned today are viable. However, the discussion today should not be at the expense of the developer with borrowed money and plans underway. This dialogue should have happened during the modification of the Subdivision Regulations.

Mr. Gallahar agreed with Mr. Westervelt and suggested that his department given the minutes so that they could follow up with the fire safety issues.

Mr. Westervelt stated that he has a hard time with the concept of requiring sprinkling for some income level or financial level, and it is a very poor alternative to this situation.

Mr. Carnes asked Mr. Gallahar if he would accept a crash gate on the northwest corner of the cul-de-sac. In response, Mr. Gallahar answered affirmatively.

Ms. Bayles asked Mr. Gallahar to restate the comparison between BOCA and the 2003 Fire Code. In response, Mr. Gallahar stated that the 1996 BOCA Code is in effect today and it states that the radius should be able to accommodate the largest vehicle in the fleet. Mr. Gallahar further stated that the 96 feet he has mentioned today does not accommodate the largest vehicle.

Ms. Bayles asked if federal regulations require the larger vehicles to be purchased. In response, Mr. Gallahar stated that the industry standards are why the trucks have become larger over the years.

Mr. Westervelt commented that he attended a meeting where he learned that the Fire Department is not allowed to have fireman riding outside of the vehicle and they must be seated. He asked if this is the reason for the apparatus being larger in order to accommodate the firemen. In response, Mr. Gallahar stated that the regulation Mr. Westervelt is referring to is an NFPA (National Fire Protection Association) standard and it is the law the Fire Department operates under.

Mr. Romig stated that a question that hasn't been answered yet is the inconsistency of the codes. He further stated that the codes are not inconsistent. The Subdivision Regulations state that "...the turning radius shall not be less than 50 feet" and this sets a minimum standard. If another code says it is 96 feet, which is not less than 50 feet, they are really not inconsistent. Mr. Westervelt stated that they may not be inconsistent, but perplexing at a minimum.

Mr. Stump stated that the radius of the paving that the Fire Department is proposing is 48 feet and at the property line of the cul-de-sac has to be 50 feet according to the Subdivision Regulations.

**Applicant's Comments:**

**Lou Reynolds**, 2727 East 21<sup>st</sup> Street, Tulsa, Oklahoma 74114, stated that the Subdivision Regulations and the Fire Department's Code are very inconsistent. A year ago his client went to the TAC committee with the preliminary plat and it was not approved by the Fire Department. There was no reason given for not being approved. His client came before the TMAPC two weeks later and Mr. Ledford stated that it does comply with Subdivision Regulations, which Mr. Stump agreed. Nothing has changed significantly in the Subdivision Regulations in a year's time that would affect this issue. He indicated that originally his client requested to develop the subject property with three entrances into Riverside Drive and was turned down. The cul-de-sac was made after being told that there were too many access points onto Riverside Drive, and it was done with the TMAPC's approval. He stated that his client filed a PFPI and there was no question that the proposal did not comply with the Subdivision Regulations and the City of Tulsa's rules.

Mr. Reynolds stated that his client is not asking for a waiver of the Subdivision Regulations because he complies. He is asking for the requirement for the Fire Marshal's approval to be overridden.

**TMAPC COMMENTS:**

Mr. Carnes reminded Mr. Reynolds that the Fire Marshal agreed to approve a crash gate on the northwest cul-de-sac. Mr. Carnes asked Mr. Reynolds if he was prepared to build a crash gate. In response, Mr. Reynolds stated that he is not because the seven-foot wall is in place and has been there for approximately two months. Mr. Reynolds further stated that his client was unaware that there was a problem until this issue came up.

Mr. Stump stated that it is interesting that staff has just received the plans for the wall to be reviewed and approved, yet it has been up for two months. He corrected Mr. Reynolds that he did not say that he agreed when Mr. Ledford said they were in accordance with the Subdivision Regulations. He did agree with him in his statements concerning the process (if the paving widths were going to be changed).

Mr. Reynolds suggested that the cul-de-sac requirement of 96 feet is an unwritten rule of the Fire Department. What is being held against his client is an unwritten rule, which is not right nor is it fair. He commented that he cannot think of anyone who would want to live on a 96-foot wide paved cul-de-sac because they would get run over, and that is a life safety issue in itself. He stated that he has complied with the process 100 percent. He indicated that this application complies with the 14<sup>th</sup> Amendment, property rights, and his client is entitled to have his plat approved.

**TMAPC COMMENTS:**

Mr. Harmon asked Mr. Reynolds if the crash gate would be better than having residents at risk because the fire trucks were unable to access the subdivision. In response, Mr. Reynolds stated that he doesn't believe the residents would be put at that great of risk. Mr. Harmon stated that a responsible developer would want to have adequate fire protection for the residents. In response, Mr. Reynolds stated that he does not believe that there is that quantity of risk involved in this proposal. Mr. Reynolds reminded Mr. Harmon that there are cul-de-sacs all over Tulsa that do not meet the 96 feet. Mr. Reynolds stated that his client couldn't sprinkle the houses, which would cost approximately \$20,000.00 per house, and sell the lots in the market. Mr. Reynolds commented that to have this issue come up this late in the procedure is not appropriate and it does not comply with the rules. Mr. Harmon stated that the client didn't develop correctly by building a wall, knowing that he did not have the Fire Marshal's approval. In response, Mr. Reynolds stated that the Fire Marshal's approval had nothing to do with the wall. The wall has been approved for over one year. Mr. Harmon stated that Mr. Reynolds' client knew he did not have the Fire Marshal's approval, but he started developing the lots. Mr. Harmon commented that the applicant should have expected some type of change. Mr. Reynolds stated that his client came to the Planning Commission and heard that the Fire Marshal's request did not comply with the Subdivision Regulations and developed in accordance with the Subdivision Regulations. Mr. Reynolds commented that no one was able to show him where his client violated the Subdivision Regulations. Mr. Harmon reminded Mr. Reynolds that Mr. Stump pointed out where his client did violate the Subdivision Regulations.

Mr. Stump cited the Subdivision Regulations, "...cul-de-sacs shall not have a turning radius at the property line less than 50 feet." Mr. Stump stated that the applicant's plat has a 40-foot radius at the property line, which is a violation of the

Subdivision Regulations. Mr. Reynolds stated that this plat was not objected to because of the size of the cul-de-sac. In response, Mr. Stump stated that it was objected due to the size of the cul-de-sac. Mr. Stump cited the minutes from the preliminary plat approval "...the Fire Department needs a 96-foot cul-de-sac." Mr. Reynolds stated that the reference to the size under the Code was approved, not the Fire Department's objection, which was overruled at the preliminary plat stage. In response, Mr. Stump stated that the Fire Department's objection was not overruled.

Mr. Westervelt stated that he doesn't believe the Planning Commission has the authority to overrule the Fire Marshal in this type of issue. Unless he is told that the Planning Commission has authority to overrule the Fire Marshal, what is decided today regarding the preliminary plat would not have any effect on his client's project or its timing. Mr. Westervelt asked Mr. Reynolds what he would have the Planning Commission do, since they do not have the authority to overrule the Fire Marshal. Mr. Westervelt asked Mr. Reynolds if he could show the Planning Commission how moving this plat forward and over ruling the Fire Marshal would benefit his client, which would be overruled in the end. In response, Mr. Reynolds stated that he doesn't believe the Planning Commission's ruling could be overruled. Mr. Reynolds further stated that it is anti-productive for this TAC process to find out that everyone who is supposed to help him get this done is now strenuously working against him in a neutral type process. Mr. Reynolds indicated that he believes he has the power to go forward with this plat, because it complies with the Subdivision Regulations. The Planning Commission believes it does as well and he doesn't believe it is inconsistent. Mr. Reynolds requested that the Planning Commission approve this plat as submitted. Mr. Reynolds commented that he has received veiled threats from the Fire Marshal that the plat would not proceed if the Planning Commission approved it as submitted. Mr. Reynolds further commented that someone may try that, but it isn't legally correct.

Mr. Westervelt asked Mr. Romig for some advice regarding the control of the cul-de-sac issue. In response, Mr. Romig stated that the Subdivision Regulations are guidelines to be enforced. Mr. Romig cited the Subdivision Regulations "...cul-de-sac requirement may be changed by the Planning Commission upon recommendation by the Technical Advisory Committee (TAC)." It appears that if the Fire Marshal states that the cul-de-sac radius is needed, then that would be the final word. Mr. Romig indicated that from the record of August 2002, the 96-foot cul-de-sac was discussed by Mr. Ricky Jones with the Planning Commission and he pointed out that the Fire Marshal recommended a 96-foot cul-de-sac at the end and he is working on an alternative solution, such as a crash gate being installed on Riverside and that he would be willing to work with the Fire Marshal to come up with an alternative plan. The Planning Commission did approve the final plat, subject to these issues being worked out with the Fire Marshal's office. This is not something that has come up within the last three weeks.

Mr. Reynolds stated that he disagrees that the record did not state "...subject to being approved by the Fire Marshal's office." It seems that if he quotes from the record and the advocate is quoting from the record it is right and left or north and south. The record speaks for itself and this was not a condition at preliminary plat stage of this plat going forward. Mr. Reynolds indicated that his client is not being treated fairly and that the rules that his client is expected to follow are unwritten. He commented that his client is going through this process on his own time and borrowed money and there has been plenty of time to get these changes made. There is no question that the Planning Commission has the authority to approve this plat that complies with Subdivision Regulations. He proposed that the smaller cul-de-sac be posted that no parking is allowed. He indicated that his client did try to work with the Fire Department and was unable to come to an agreement that would work.

Mr. Harmon stated that based on the minutes, Mr. Jones talked about working with the Fire Department regarding the cul-de-sac. Mr. Harmon further stated that he made the comment, which Mr. Jones agreed with, that the final plat would likely look different from the preliminary plat, but yet nothing has happened. In response, Mr. Reynolds stated that he believes Mr. Jones was talking about some of the other issues and nothing happening would mean that he was unable to work out something that would suit his client on this issue. In response, Mr. Harmon stated that since Mr. Jones was unable to work this issue out, he has elected to not do anything to address the cul-de-sac. In response, Mr. Reynolds stated that it is not that his client elected to not do anything and he is willing to post the cul-de-sac for no parking. Mr. Reynolds further stated that "work" means do something together, not just give in to whatever somebody wants because of an unwritten rule.

Mr. Romig stated that the applicant has mentioned "unwritten rules" and he would like to say that the Fire Marshal has informed us that the BOCA Code contains a written requirement that is a law of the City of Tulsa and it will be more specific in the ICC Code, but it is not unwritten because it is part of the BOCA Fire Code.

Mr. Reynolds stated that the requirement is in the BOCA Code, but not in the Subdivision Regulations. He also quotes from a code that has not been adopted. It is whatever they want it to be, as long as it is against his client.

Mr. Jackson recognized Mr. Stump.

Mr. Stump asked Mr. Reynolds what the radius of the cul-de-sac in question is at the property line. In response, Mr. Reynolds stated that it is 40 feet. Mr. Stump asked Mr. Reynolds what the Subdivision Regulations require the radius to be at the property line. In response, Mr. Reynolds stated that he does not know. Mr. Stump informed him that the requirement is 50 feet and the proposal would be a substandard cul-de-sac, and it is not in accordance with the Subdivision

Regulations. In response, Mr. Reynolds stated that the 40-foot radius was not a problem at the preliminary plat stage. In response, Mr. Stump stated that it was a problem because the Fire Marshal stated that it needed to be 96 feet.

Mr. Jackson asked Mr. Reynolds what materials the existing screening wall is made from. In response, Mr. Reynolds stated that the existing screening wall is made of concrete and brick. Mr. Jackson asked if the wall is pre-cast with veneer or cement blocks. In response, Mr. Reynolds stated that the wall is made of cement blocks and stone. Mr. Jackson stated that he is not trying to design the applicant's project, but asked if he would be amenable to cutting the wall and installing a crash gate. In response, Mr. Reynolds stated that he would need to talk with his client. Mr. Jackson suggested Mr. Reynolds to visit with his client for a few minutes.

After a short discussion with his client, Mr. Reynolds agreed to install a crash gate.

Mr. Stump asked Mr. Reynolds to comment on the access issue for the other PUD.

Mr. Reynolds stated that there is some adjacent property to the east and some language has been added to the text of the plat that makes reference to a separate document that would be filed simultaneously with the subject plat providing access to the property to the east at a later date. This would be a cleaner method to use a separate instrument and it would be recorded against the property to the east. The subject plat would contain an additional statement in its text that in accordance with terms of this notice, certain adjacent property to the east has the right to use the private streets for ingress/egress to Riverside Drive.

Mr. Stump stated that the special language is necessary because there is an unusual situation of this being developed as two separate PUDs rather than phases of the same PUD. The area to the east will need a private street to go across the subject private streets to get to their PUD. It is important that the subject plat provides the right of access.

Mr. Romig stated that he would like to comment with regard to the separate instrument that Mr. Reynolds mentioned, there is a paragraph in the separate instrument that states the notice can be terminated at anytime without notice to the Planning Commission. In response, Mr. Reynolds stated that it states that the notice can not be amended without approval of the Planning Commission and the City of Tulsa.

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES** TMAPC voted 9-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Midget "absent") to **APPROVE** of the modified final plat for Waterstone, subject to the following condition: in lieu of a 96-foot paved cul-de-sac, crash gates shall be installed off of Riverside Drive, subject to a 14-foot wide paved access to the crash gate from the cul-de-sac.

**TMAPC COMMENTS:**

Mr. Westervelt thanked the Fire Marshal and Fire Chief for attending today's meeting.

Mr. Ledford commented that he is for safety and he has to design for safety, which is an ethics requirement of his profession. He disagrees with the statement that this was discussed with Public Works, Fire Marshal's office several months back and he urges that they bring forward some information to the Subdivision Sub-Committee in order to digest issues of this nature and go from unwritten policy to written policy. It is not the policy of this Planning Commission to have guidelines that unwritten. He is appalled at why this isn't being done. He works in this type of business every day and he doesn't like the unwritten policies. If there is a problem that differs from the Subdivision Regulations, then it should be brought forward and put in a public notice in order to obtain the engineers', architects' and developers' comments. The TAC members have an obligation to make the Subdivision Regulations a regulation that can be relied on.

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**PRELIMINARY PLAT:**

**Stonebriar Estates –**(8328)

(PD-26) (CD-8)

North of East 111<sup>th</sup> Street and west of South Yale Avenue

**STAFF RECOMMENDATION:**

This plat consists of 45 lots, four blocks, on 20 acres.

The following issues were discussed June 5, 2003 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned under PUD 675 and RS-1. The plat proposes 45 lots on four blocks for single-family residential uses. PUD standards must be followed.

2. **Streets:** Close and vacate the right-of-way running east/west. It is recommended that a public street tie to existing public stub streets in Quail Point and Barrington Place Additions. The private street standards must be 26 feet minimum in width. Show a property line and dimension between the east end of Reserve A and the adjacent Yale right-of-way. Approval of any gate should be with the approval of TMAPC and added to the covenants. Show Limits of No Access along Block 3 and include language for this in the covenants.
3. **Sewer:** The lift station and sanitary sewer in Reserve A need easements or to be included in the language for Reserve A. Utility easements given within Reserve "C" must be 15 feet instead of ten feet for sanitary sewer lines. Show topography lines. Take off references to septic systems.
4. **Water:** Add ten-foot right-of-way easement in Block 1, Lot 1 and Block 3, Lot 9. Correct PUD number to 675.
5. **Storm Drainage:** The stormwater easements must not contain other utilities. Show overland drainage easement to convey public waters across Lots 1, 2, 3 of Block 2. Use "Stormwater Detention Facility" and correct covenant language.
6. **Utilities:** **COX:** Additional easements are needed. **PSO:** The lift station may need to have extra voltage. **ONG:** Additional easements and standard covenant language is needed. **Valor:** Additional easements are needed.

**The plat was continued from the June 18, 2003 meeting to the June 25, 2003 meeting, and then to the July 23, 2003 meeting.**

At the June 25, 2003 meeting, the Planning Commission approved that the north and south stub streets provide continuous access with public streets into abutting subdivisions. The preliminary plat was continued to allow the applicant to apply for a minor amendment as the livability space required per the Planned Unit Development was not supplied on the plat. There has been no minor amendment applied for and the requirements of the PUD have not been met. Staff cannot recommend approval of the preliminary plat at this time.

The Subdivision Regulations require action by the Planning Commission within 30 days after the date of the regular meeting on preliminary plats.

**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.

**Applicant's Comments:**

**Jeff Levinson**, 35 East 18<sup>th</sup>, Tulsa, Oklahoma 74119, stated that he would like to have the subject preliminary plat approved based upon additional conditions. He explained that a minor amendment has been filed regarding the livability space. The minor amendment changes the livability to meet with staff's original guidelines. The second issue was regarding access and his client has met with the City of Tulsa in order resolve this issue. He believes this has been done and there would be two stub streets with emergency gates and a provision that should the other subdivisions lose their access then the developer would provide the access to the other subdivisions. He understands that Traffic Engineering approves of this approach.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **WESTERVELT** TMAPC voted 9-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Midget "absent") to **APPROVE** preliminary plat for Stonebriar Estates, subject to the special conditions and standard conditions as recommended by staff; subject to a minor amendment for the PUD being submitted, subject to crash gates being provided at the stub streets and with the provision that should the other subdivisions lose their access the developer would provide access to the other subdivision, as presented.

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**COMPREHENSIVE PLAN FOR THE TULSA METROPOLITAN  
AREA PUBLIC HEARING**

**STAFF RECOMMENDATION:**

Ms. Matthews stated that the following are the housekeeping amendments that have been gathering for the last year. The Planning Commission and the City Council has already approved most of the zoning cases that caused the plan change. There are two that are still pending at the City Council, but they were approved unanimously by the Planning Commission.

Mr. Stump stated that staff considers housekeeping amendments to be those where the Planning Commission or City Council rezone property not in conformance with the Comprehensive Plan; therefore, staff is amending the Comprehensive Plan to make the rezoning into conformance.

**Resolution No. 2351:848: Amending District 3 Plan Map**

**A RESOLUTION AMENDING  
THE DISTRICT 3 PLAN MAP,  
A PART OF THE COMPREHENSIVE PLAN  
FOR THE TULSA METROPOLITAN AREA**

**WHEREAS**, Pursuant to Title 19, OSA, Section 863.7, the Tulsa Metropolitan Area Planning Commission (TMAPC) did, by Resolution on the 29th day of June 1960, adopt a Comprehensive Plan for the Tulsa Metropolitan Area, which Plan was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma, and was filed of record in the Office of the County Clerk, Tulsa, Oklahoma, all according to law; and

**WHEREAS**, the TMAPC is required to prepare, adopt and amend, as needed, in whole or in part, an official Master Plan to guide the physical development of the Tulsa Metropolitan Area; and

**WHEREAS**, on the 4th day of May, 1977, this Commission, by Resolution No. 1160:457, did adopt the District 3 Plan Map as a part of the Comprehensive Plan of the Tulsa Metropolitan Area, which was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma; and

**WHEREAS**, a Public Hearing was held on the 23<sup>rd</sup> day of July, 2003, and after due study and deliberation, this Commission deems it advisable and in keeping with the purpose of this Commission, as set forth in Title 19, OSA, Section 863.7, to modify its previously adopted District 3 Plan Map to change the designation of an area at North Yale Avenue and East Latimer Street from Low Intensity-Residential land use to Medium Intensity-No Specific Land Use to accommodate senior housing, per the approved Z-6891.

**NOW, THEREFORE, BE IT RESOLVED** by the TMAPC, that the amendments to the District 3 Plan Map, as above set out, be and are hereby adopted as part of the District 3 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area.

**Resolution No. 2351:849: Amending District 4 Plan Map**

**A RESOLUTION AMENDING  
THE DISTRICT FOUR PLAN MAP,  
A PART OF THE COMPREHENSIVE PLAN  
FOR THE TULSA METROPOLITAN AREA**

**WHEREAS**, Pursuant to Title 19, OSA, Section 863.7, the Tulsa Metropolitan Area Planning Commission (TMAPC) did, by Resolution on the 29th day of June 1960, adopt a Comprehensive Plan for the Tulsa Metropolitan Area, which Plan was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma, and was filed of record in the Office of the County Clerk, Tulsa, Oklahoma, all according to law; and

**WHEREAS**, the TMAPC is required to prepare, adopt and amend, as needed, in whole or in part, an official Master Plan to guide the physical development of the Tulsa Metropolitan Area; and

**WHEREAS**, on the 23rd day of January, 1980 this Commission, by Resolution No. 1294:516, did adopt the District Four Plan Map and Text as a part of the Comprehensive Plan of the Tulsa Metropolitan Area, which was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma; and

**WHEREAS**, a Public Hearing was held on the 23rd day of July, 2003, and after due study and deliberation, this Commission deems it advisable and in keeping with the purpose of this Commission, as set forth in Title 19, OSA, Section 863.7, to modify its previously adopted District Four Plan Map as follows.

Plan Map: Change the designation at East 11<sup>th</sup> Street and South Lewis Place from Low Intensity-Residential land use to Low Intensity-No Specific land use to accommodate PK zoning, per approved Z-6802.

Change the designation south and east of the southeast corner of East 8<sup>th</sup> Street and South Madison from Low Intensity-No Specific land use to Medium Intensity-No Specific land use to accommodate OM zoning, per approved Z-6805.

Change the designation at the southwest corner of East 2<sup>nd</sup> Street and South Victor Avenue from Medium Intensity-Residential land use to Medium Intensity-No Specific land use to accommodate automotive repair uses, per approved Z-6892.

**NOW, THEREFORE, BE IT RESOLVED** by the TMAPC, that the amendments to the District Four Plan Map, as above set out, be and are hereby adopted as part of the District Four Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area.

**Resolution No. 2351:850: Amending District 5 Plan Map**

**A RESOLUTION AMENDING  
THE PLAN MAP FOR PLANNING DISTRICT 5,  
A PART OF THE COMPREHENSIVE PLAN  
FOR THE TULSA METROPOLITAN AREA**

**WHEREAS**, Pursuant to Title 19, OSA, Section 863.7, the Tulsa Metropolitan Area Planning Commission (TMAPC) did, by Resolution on the 29th day of June 1960, adopt a Comprehensive Plan for the Tulsa Metropolitan Area, which Plan was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma, and was filed of record in the Office of the County Clerk, Tulsa, Oklahoma, all according to law; and

**WHEREAS**, the TMAPC is required to prepare, adopt and amend, as needed, in whole or in part, an official Master Plan to guide the physical development of the Tulsa Metropolitan Area; and

**WHEREAS**, on the 21st day of April, 1976, this Commission, by Resolution No. 1109:425, did adopt the Detail Plan for Planning District 5, a part of the Comprehensive Plan for the Tulsa Metropolitan Area; and

**WHEREAS**, a public hearing was held on the 23<sup>rd</sup> day of July, 2003, and after due study and deliberation, this Commission deems it advisable and in keeping with the purpose of this Commission, as set forth in Title 19, OSA, Section 863.7, to amend the District 5 Plan Map, a part of the Comprehensive Plan of the Tulsa Metropolitan Area, by the following:

Changing the designation of the northeast corner of East Admiral Place and US 169 from Low Intensity-Corridor and Medium Intensity-Corridor to Medium Intensity-Corridor, per the approved Z-6824; and

Changing the designation of the southeast corner of South 85<sup>th</sup> East Avenue and East Admiral Place from Medium Intensity-Corridor to High Intensity-Corridor to accommodate CH zoning, per the approved Z-6852.

**NOW, THEREFORE, BE IT RESOLVED** by the TMAPC, that the amendment to the Detail Plan Map for Planning District 5, as set out above, be and is hereby adopted as part of the Comprehensive Plan for the Tulsa Metropolitan Area.

**Resolution No. 2351:851: Amending District 6 Plan Map**

**A RESOLUTION AMENDING  
THE DISTRICT 6 PLAN MAP,  
A PART OF THE COMPREHENSIVE PLAN  
FOR THE TULSA METROPOLITAN AREA**

**WHEREAS**, Pursuant to Title 19, OSA, Section 863.7, the Tulsa Metropolitan Area Planning Commission (TMAPC) did, by Resolution on the 29th day of June 1960, adopt a Comprehensive Plan for the Tulsa Metropolitan Area, which Plan was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma, and was filed of record in the Office of the County Clerk, Tulsa, Oklahoma, all according to law; and

**WHEREAS**, the TMAPC is required to prepare, adopt and amend, as needed, in whole or in part, an official Master Plan to guide the physical development of the Tulsa Metropolitan Area; and

**WHEREAS**, on the 25th day of August, 1976 this Commission, by Resolution No. 1126:438, did adopt the District 6 Plan Map and Text as a part of the Comprehensive Plan of the Tulsa Metropolitan Area, which was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma; and

**WHEREAS**, a Public Hearing was held on the 23<sup>rd</sup> day of July, 2003, and after due study and deliberation, this Commission deems it advisable and in keeping with the purpose of this Commission, as set forth in Title 19, OSA, Section 863.7, to modify its previously adopted District 6 Plan Map by the following:

Changing the designation of the area south of the southwest corner of East 31<sup>st</sup> Street and Louisville Avenue from Low Intensity-Residential land use to Low Intensity-No Specific land use to accommodate PK zoning, per the approved Z-6825; and

Changing the designation of an area east of East 22<sup>nd</sup> Place and South Utica Avenue from Low Intensity-Residential land use to Medium Intensity-No Specific land use to accommodate mixed residential/office uses, per the approved Z-6889.

**NOW, THEREFORE, BE IT RESOLVED** by the TMAPC, that the amendments to the District 6 Plan Map and Text, as set out herein, be and are hereby adopted as part of the District 6 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area.

**Resolution No. 2351:852: Amending District 9 Plan Map**

**A RESOLUTION AMENDING  
THE DISTRICT 9 PLAN MAP,  
A PART OF THE COMPREHENSIVE PLAN FOR THE  
TULSA METROPOLITAN AREA**

**WHEREAS**, Pursuant to Title 19, OSA, Section 863.7, the Tulsa Metropolitan Area Planning Commission (TMAPC) did, by Resolution on the 29th day of June 1960 adopt a Comprehensive Plan for the Tulsa Metropolitan Area, which Plan was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma, and was filed of record in the Office of the County Clerk, Tulsa, Oklahoma, all according to law; and

**WHEREAS**, the TMAPC is required to prepare, adopt and amend, as needed, in whole or in part, an official Master Plan to guide the physical development of the Tulsa Metropolitan Area; and

**WHEREAS**, on the 24th day of November, 1976, this Commission, by Resolution No. 1139:445a, did adopt the District 9 Plan Map and Text as a part of the Comprehensive Plan for the Tulsa Metropolitan Area, which was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma; and

**WHEREAS**, a public hearing was held on the 23<sup>rd</sup> day of July, 2003, and after due study and deliberation, this Commission deems it advisable and in

keeping with the purpose of this Commission, as set forth in Title 19, OSA, Section 863.7, to modify its previously adopted District 9 Plan Map as follows:

Changing the designation of an area on the south side of West 22<sup>nd</sup> Place between South Nogales and South Maybelle from Low Intensity-No Specific land use and Medium Intensity-No Specific land use to High Intensity-No Specific land use per the approved Z-6815; and

Changing the designation of an area north of the northeast corner of West 31<sup>st</sup> Street and South 65<sup>th</sup> West Avenue from Low Intensity-Residential land use to Medium Intensity-No Specific land use to accommodate CS zoning per the approved CZ-273.

**NOW, THEREFORE, BE IT RESOLVED** by the TMAPC that the amendment to the District 9 Plan Map, as set forth above, be and are hereby adopted as part of the District 25 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area.

**Resolution No. 2351:853: Amending District 17 Plan Map**

**A RESOLUTION AMENDING  
THE DETAIL PLAN MAP FOR PLANNING DISTRICT 17,  
A PART OF THE COMPREHENSIVE PLAN  
FOR THE TULSA METROPOLITAN AREA**

**WHEREAS**, Pursuant to Title 19, OSA, Section 863.7, the Tulsa Metropolitan Area Planning Commission (TMAPC) did, by Resolution on the 29th day of June 1960, adopt a Comprehensive Plan for the Tulsa Metropolitan Area, which Plan was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma, and was filed of record in the Office of the County Clerk, Tulsa, Oklahoma, all according to law; and

**WHEREAS**, the TMAPC is required to prepare, adopt and amend, as needed, in whole or in part, an official Master Plan to guide the physical development of the Tulsa Metropolitan Area; and

**WHEREAS**, on the 28th day of January, 1976, this Commission, by Resolution No. 1097:416, did adopt the Detail Plan for Planning District 17, a part of the Comprehensive Plan for the Tulsa Metropolitan Area; and

**WHEREAS**, a public hearing was held on the 23rd day of July, 2003, and after due study and deliberation, this Commission deems it advisable and in keeping

with the purpose of this Commission, as set forth in Title 19, OSA, Section 863.7, to amend the District 17 Plan Map, a part of the Comprehensive Plan of the Tulsa Metropolitan Area, by the following:

Changing the designation of an area north of East 31<sup>st</sup> Street and east of I-44 from Low Intensity-No Specific land use to Medium Intensity-No Specific land use to accommodate CS zoning, per Z-6557/PUD 564-A.

**NOW, THEREFORE, BE IT RESOLVED** by the TMAPC, that the amendment to the Detail Plan Map for Planning District 17, as set out above, be and is hereby adopted as part of the Comprehensive Plan for the Tulsa Metropolitan Area.

#### **Resolution No. 2351:854: Amending District 18 Plan Map**

### **A RESOLUTION AMENDING THE DISTRICT 18 PLAN MAP, A PART OF THE COMPREHENSIVE PLAN FOR THE TULSA METROPOLITAN AREA**

**WHEREAS**, Pursuant to Title 19, OSA, Section 863.7, the Tulsa Metropolitan Area Planning Commission (TMAPC) did, by Resolution on the 29th day of June 1960, adopt a Comprehensive Plan for the Tulsa Metropolitan Area, which Plan was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma, and was filed of record in the Office of the County Clerk, Tulsa, Oklahoma, all according to law; and

**WHEREAS**, the TMAPC is required to prepare, adopt and amend, as needed, in whole or in part, an official Master Plan to guide the physical development of the Tulsa Metropolitan Area; and

**WHEREAS**, on the 27th day of August, 1975, this Commission, by Resolution No. 1078:403, did adopt the District 18 Plan Map and Text as a part of the Comprehensive Plan of the Tulsa Metropolitan Area, which was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma; and

**WHEREAS**, a Public Hearing was held on the 23rd day of July , 2003, and after due study and deliberation, this Commission deems it advisable and in keeping with the purpose of this Commission, as set forth in Title 19, OSA, Section 863.7, to modify its previously adopted District 18 Plan Map as follows:

Changing the designation of the northeast corner of East 73<sup>rd</sup> Street and South Lewis Avenue from Low Intensity-No Specific land use to Medium Intensity-No Specific land use to accommodate OM zoning, per the approved Z-6790;

Changing the designation of an area at East 61<sup>st</sup> Street and South 104<sup>th</sup> East Avenue from Low Intensity-Corridor to Medium Intensity-Corridor to accommodate IL zoning, per the approved Z-6819/PUD-599-B;

Changing the designation of an area south of the southeast corner of East 61<sup>st</sup> Street and South Mingo Road from LI-Corridor to Medium Intensity-Corridor to accommodate IL zoning, per the approved Z-6840/PUD-656; and

Changing the designation of an area at East 81<sup>st</sup> Street and South Yale from Low Intensity-Residential land use to Medium Intensity-No Specific land use to accommodate CS zoning, per the approved Z-6843.

**NOW, THEREFORE, BE IT RESOLVED** by the TMAPC, that the amendments to the District 18 Plan Map, as above set out, be and are hereby adopted as part of the District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area.

#### **Resolution No. 2351:855: Amending District 25 Plan Map**

### **A RESOLUTION AMENDING THE DISTRICT 25 PLAN MAP, A PART OF THE COMPREHENSIVE PLAN FOR THE TULSA METROPOLITAN AREA**

**WHEREAS**, Pursuant to Title 19, OSA, Section 863.7, the Tulsa Metropolitan Area Planning Commission (TMAPC) did, by Resolution on the 29th day of June 1960, adopt a Comprehensive Plan for the Tulsa Metropolitan Area, which Plan was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma, and was filed of record in the Office of the County Clerk, Tulsa, Oklahoma, all according to law; and

**WHEREAS**, the TMAPC is required to prepare, adopt and amend, as needed, in whole or in part, an official Master Plan to guide the physical development of the Tulsa Metropolitan Area; and

**WHEREAS**, on the 18th day of August, 1976 this Commission, by Resolution No. 1125:437, did adopt the District 25 Plan Map and Text as a part of the Comprehensive Plan of the Tulsa Metropolitan Area, which was subsequently

approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma; and

**WHEREAS**, a Public Hearing was held on the 23<sup>rd</sup> day of July, 2003, and after due study and deliberation, this Commission deems it advisable and in keeping with the purpose of this Commission, as set forth in Title 19, OSA, Section 863.7, to modify its previously adopted District 25 Plan Map according to the following:

Changing the designation of an area south of the southeast corner of East 46<sup>th</sup> Street North and North Peoria from Low Intensity-Residential land use, Medium Intensity-No Specific land use and Special District – 1 to Medium Intensity-No Specific land use and Special District – 1 to accommodate CS zoning, per the approved Z-6835.

**NOW, THEREFORE, BE IT RESOLVED** by the TMAPC, that the amendments to the District 25 Plan Map, as set out above, be and are hereby adopted as part of the District 25 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area.

**Resolution No. 2351:856: Amending the Tulsa Metropolitan Major Street and Highway Plan**

**A RESOLUTION AMENDING  
THE TULSA METROPOLITAN MAJOR STREET AND HIGHWAY PLAN,  
A PART OF THE COMPREHENSIVE PLAN  
FOR THE TULSA METROPOLITAN AREA**

**WHEREAS**, Pursuant to Title 19, OSA, Section 863.7, the Tulsa Metropolitan Area Planning Commission (TMAPC) did, by Resolution on the 29th day of June 1960, adopt a Comprehensive Plan for the Tulsa Metropolitan Area, which Plan was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma, and was filed of record in the Office of the County Clerk, Tulsa, Oklahoma, all according to law; and

**WHEREAS**, the TMAPC is required to prepare, adopt and amend, as needed, in whole or in part, an official Master Plan to guide the physical development of the Tulsa Metropolitan Area; and

**WHEREAS**, on the 28th day of February, 1968 this Commission, by Resolution No. 696:289, did adopt the Tulsa Metropolitan Major Street and Highway Plan as a part of the Comprehensive Plan of the Tulsa Metropolitan Area, which was

subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma; and

**WHEREAS**, a Public Hearing was held on the 23<sup>rd</sup> day of July, 2003, and after due study and deliberation, this Commission deems it advisable and in keeping with the purpose of this Commission, as set forth in Title 19, OSA, Section 863.7, to modify its previously adopted Tulsa Metropolitan Major Street and Highway Plan by changing the designation of West 51<sup>st</sup> Street to Residential Collector Street 388' west of the intersection of West 51<sup>st</sup> Street and South 129<sup>th</sup> East Avenue.

**NOW, THEREFORE, BE IT RESOLVED** by the TMAPC, that the amendments to the Tulsa Metropolitan Major Street and Highway Plan Map, as above set out, be and are hereby adopted as part of the Comprehensive Plan for the Tulsa Metropolitan Area.

**Resolution No. 2351:857: Amending The North Tulsa County Plan**

**A RESOLUTION AMENDING  
THE NORTH TULSA COUNTY PLAN,  
A PART OF THE COMPREHENSIVE PLAN  
FOR THE TULSA METROPOLITAN AREA**

**WHEREAS**, Pursuant to Title 19, OSA, Section 863.7, the Tulsa Metropolitan Area Planning Commission (TMAPC) did, by Resolution on the 29th day of June 1960, adopt a Comprehensive Plan for the Tulsa Metropolitan Area, which Plan was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma, and was filed of record in the Office of the County Clerk, Tulsa, Oklahoma, all according to law; and

**WHEREAS**, the TMAPC is required to prepare, adopt and amend, as needed, in whole or in part, an official Master Plan to guide the physical development of the Tulsa Metropolitan Area; and

**WHEREAS**, on the 5<sup>th</sup> day of November, 1980, this Commission, by Resolution No. 1333:528 did adopt the North Tulsa County Plan as part of the Comprehensive Plan of the Tulsa Metropolitan Area; and

**WHEREAS**, a public hearing was held on the 23<sup>rd</sup> day of July, 2003 and after due study and deliberation, this Commission deems it advisable and in keeping

with the purpose of this Commission, as set forth in Title 19, OSA, Section 863.7, to amend the adopted North Tulsa County Plan by changing the designation of an area south of the southeast corner of East 96<sup>th</sup> Street North and North Cincinnati from Recreation-Open Space to Low Intensity to accommodate RS zoning, per the adopted CZ-303/PUD-664.

**NOW, THEREFORE, BE IT RESOLVED** by the TMAPC, that the above amendment to the North Tulsa County Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, be and is hereby adopted.

**TMAPC Action; 9 members present:**

On **MOTION** of **HORNER**, TMAPC voted 9-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Midget "absent") to recommend **APPROVAL** of Resolutions 2351:848, 849, 850, 851, 852, 853, 854, 855, 856, 857 amending the Comprehensive Plan as recommended by staff.

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**ZONING PUBLIC HEARING**

**Application No.:** PUD-573-2

**MINOR AMENDMENT**

**Applicant:** Jeffrey Levinson

(PD-18) (CD-8)

**Location:** 7712 South Yale

**Mr. Ledford and Mr. Horner stated that they would be excusing themselves from this item. Mr. Ledford and Mr. Horner out at 2:45 p.m.**

**STAFF RECOMMENDATION:**

The applicant is requesting an amendment to reduce the minimum parking setback from the west boundary of the PUD from eight feet to seven feet.

PUD-573 was approved by the City Council in 1997. The PUD permits office uses on approximately 1.56 acres (gross) located south of East 76<sup>th</sup> Street on the west side of South Yale Avenue. The tract has approximately 256 feet of frontage on South Yale Avenue and is approximately 336 feet deep. Minor amendment PUD-573-1 reduced the minimum parking setback from the west boundary of the PUD from 25 feet to eight feet in 1998. The parking lot was actually constructed approximately 7.5 feet from the west boundary. The west and north boundaries of the PUD are abutted by single-family residential uses.

Staff finds that the request to reduce the minimum parking setback from the west boundary of the PUD from eight feet to seven feet to be minor in nature. Therefore, staff recommends **APPROVAL** of the request, subject to additional screening being provided near the west boundary of the PUD. The location and design of the additional screening shall be approved by TMAPC.

**Applicant's Comments:**

**Jeff Levinson**, 35 East 18<sup>th</sup>, Tulsa, Oklahoma 74119, stated that Mr. Schuller is present today and is representing a client who has some issues with this application. He requested that this application be continued to August 6, 2003 in order to be considered with a revised site plan.

**INTERESTED PARTIES:**

**Steve Schuller**, 100 West 5<sup>th</sup> Street, Suite 500, Tulsa, Oklahoma 74103, representing Mr. and Mrs. Stephen Parks, owners of the residents immediately below the subject project, indicated that he is in favor of the continuance.

**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 **CONTINUE** the minor amendment for PUD-573-2 to August 6, 2003 at 1:30 p.m.

\* \* \* \* \*

**Mr. Horner and Mr. Ledford in at 2:50 p.m.**

**Application No.: PUD-435-C-1**

**MINOR AMENDMENT**

**Applicant:** Roy D. Johnsen

(PD-18) (CD-7)

**Location:** Southeast corner of East 66<sup>th</sup> Street and South Yale

**STAFF RECOMMENDATION:**

The applicant is requesting an amendment of permitted signage (Saint Francis Imaging Center) for Development Area C of PUD-435-C.

The Saint Francis Imaging Center is under construction on approximately 6.4 acres located at the southeast corner of 66<sup>th</sup> Street and Yale Avenue. The subject tract is part of Lot 3, Block 1, Laureate Addition (Development Area C). The tract is immediately south of the Medical Park at Saint Francis, which is currently being expanded.

The proposed signage for the Saint Francis Imaging Center requires a minor amendment to the sign standards imposed as a part of PUD-435-C and a variance of the sign requirement (number and maximum display surface area) set forth within the PUD Chapter of the Tulsa Zoning Code.

The PUD Chapter provides that office development areas shall meet the requirements of the OL district. The relevant OL district requirements area:

Section 602.B.4.b	One sign per street frontage
Section 602.B.4.a	Display surface area not to exceed .2 square lineal foot of street frontage.

The relevant sign standards of PUD-435-C are as follows:

One monument-style sign for each principal building, a maximum of six feet in height and 64 square feet of display surface area.

One wall sign for each principal building with a maximum of 12 square feet of display surface area.

The applicant's' requesting that the following signs be permitted:

<u>Type of Sign</u>	<u>Location</u>	<u>Display Area</u>	<u>Height</u>
<del>Retaining Wall — Intersection Ground Sign</del>	Yale	43 SF	10 FT (wall)
<del>Retaining Wall — Intersection Ground Sign</del>	66 <sup>th</sup> St.	43 SF	10 FT (wall)
Access – Monument Style Ground Sign	Yale	26 SF	9 FT
Access – Monument Style Ground Sign	66 <sup>th</sup> St.	26 SF	9 FT

The Board of Adjustment (BOA) will hear the case (#19640) on August 12, 2003. Staff finds the request to be minor in nature. Therefore, staff recommends **APPROVAL** of the request subject to a variance being approved by the BOA.

Mr. Dunlap indicated that the applicant plans to present some minor changes to the exhibits, but they do not affect the staff recommendation.

**Applicant's Comments:**

**Roy D. Johnsen**, 201 West 5<sup>th</sup>, Suite 501, Tulsa, Oklahoma 74103, stated that he submitted a narrative explanation of the sign request and attached exhibits. In the request he identified the amount of square footage of each of the signs being presented. The numbers and square footage of the signs will not change. He explained that the exhibits for the wall sign showed a sign on the retaining wall with the horizontal dimension as being 13.6 feet with a vertical dimension of 2.6 feet and it should be 15.6 feet and 2.9 feet. The submitted square footage that was submitted is accurate, but the exhibit is inaccurate and during sign plan review it may cause some concerns. Mr. Johnsen submitted the revised exhibits (A-1).

Mr. Stump stated that the wall sign is not a wall sign but a ground sign (even though it is attached to a wall it is not a building wall). That should be changed to read ground sign.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **LED FORD** TMAPC voted 9-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Midget "absent") to **APPROVE** the minor amendment for PUD-435-C-1 per staff recommendation as amended by applicant.

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**OTHER BUSINESS:**

**Request to reconsider TMAPC action on PUD-685 and to request City Council to delay any action on the appeal of this item if matter is reconsidered by TMAPC.**

**Ms. Bayles stated that she has had ex parte communication on this item.**

**STAFF RECOMMENDATION:**

Mr. Stump stated that at the request of Commissioner Baker Horner, staff has placed this on the agenda. He reminded the Planning Commission that they had voted to deny this PUD and any person making a motion to reconsider must be one of the four voting for the motion that carried. He explained that if the Planning Commission votes in favor of reconsideration, then staff would have to re-advertise and give new notice.

**TMAPC COMMENTS:**

Mr. Westervelt asked what date the hearing would be on if the Planning Commission chose to reconsider this PUD. In response, Mr. Stump stated that it would be on September 3, 2003.

Mr. Harmon asked if there would be something new at the next hearing that was not heard at the last meeting. In response, Mr. Horner answered affirmatively.

Ms. Coutant asked what would be new at the next hearing. In response, Mr. Horner stated that he didn't physically visit the site for the first hearing. After visiting the subject site, there are some footprints of existing RM-3 buildings that are larger than the proposed. Mr. Horner commented that he believes it would be a great asset to Tulsa and the community to rehear this application.

**TMAPC Action; 9 members present:**

On **MOTION** of **HARMON** TMAPC voted 7-2-0 (Bayles, Carnes, Harmon, Horner, Jackson, Ledford, Westervelt "aye"; Coutant, Hill "nays"; none "abstaining"; Collins, Midget "absent") to **RECONSIDER** PUD-685 on September 3, 2003 at 1:30 p.m.

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**Request to reconsider TMAPC action on PUD-206-16 (Minor Amendment) in order to incorporate additional standards requested by the neighborhood.**

**STAFF RECOMMENDATION:**

Mr. Dunlap stated that after this case was heard by the Planning Commission, and approved by the Planning Commission, there was a neighbor who was not at the Planning Commission meeting and appealed the minor amendment approval to the City Council. The neighborhood would like to add two additional conditions to the standards and the applicant is agreeable to adding those conditions.

Mr. Dunlap indicated that the applicant is requesting that the Planning Commission reconsider this case in order to allow him to add conditions.

**TMAPC Action; 9 members present:**

On **MOTION** of **HARMON** TMAPC voted 9-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Midget "absent") to **APPROVE** reconsideration of PUD-206-16.

Mr. Romig stated that the Planning Commission can rehear this case today since both sides have notice of the reconsideration.

Mr. Jackson asked staff if they were prepared to supply the information needed in order to rehear this application today. In response, Mr. Stump answered affirmatively.

Mr. Dunlap stated that the two additional conditions are as follows: no outside music allowed and hours of operation shall be limited from 5:00 a.m. to 10:00 p.m.

Mr. Harmon asked if this is what the neighbors requested and the applicant agreed to. In response, Mr. Dunlap answered affirmatively.

Mr. Westervelt stated that it is always good when the applicant and neighbors are in agreement, but it doesn't mean it is a good application or properly designed and should not be the ultimate criterion to look at.

Mr. Westervelt expressed concerns with the proposed balcony and staircase in the back of the building. He stated that he has a problem with the design of the proposed building. There were several conditions put in place for the past PUDs to protect the neighborhood association and he doesn't view this as having any long-term impact for good planning.

Mr. Dunlap stated that the minor amendment has been approved and this is to add to conditions that were requested by the neighborhoods.

Mr. Westervelt questioned why staff didn't prepare a recommendation with the new information. In response, Mr. Dunlap stated that the information is that the applicant paid a \$25.00 agenda fee and submitted a revised site plan with the two additional conditions in the hopes that it would satisfy the neighborhood; staff included the revised site plan with the agenda packet.

In response to Mr. Westervelt, Mr. Dunlap informed him that PUD-206-16 was approved at the second hearing after the applicant made concessions to remove the parking in the back and remove the access to the back, except to satisfy the Fire Department, which is an emergency access only. Mr. Dunlap stated that the applicant made concessions on the fence, parking and setbacks. Mr. Dunlap further stated that the applicant has no plans to have outside speakers or outside music, nor did he have any plans to go beyond the proposed hours of operation. The neighborhood was not represented at the meeting and their concerns were not heard as far as these two additional requirements. The neighborhood representative appealed the Planning Commission's approval of this minor amendment to add the two stated conditions. The applicant thought this could be done through the site plan process, but it was determined that would not be acceptable to the neighborhood. The applicant then came in and made an application to be on the agenda for reconsideration to add the two conditions, which are stated on the revised site plan that is in the TMAPC packet.

Mr. Westervelt stated that coming to this meeting with this little bit of information is unacceptable. If the Planning Commission is to make a decision, he would like to see more information than was provided.

Mr. Dunlap stated that the TMAPC was given the information that the applicant submitted with his \$25.00 agenda fee.

Mr. Jackson interrupted and advised that the comments be used for future reference. Mr. Jackson opened the floor for a motion.

Mr. Westervelt stated that he would like to note that this is too little too late, and he believes this proposal would cause problems. He can't support this project. This is the worst application he has seen in a long time.

**TMAPC Action; 9 members present:**

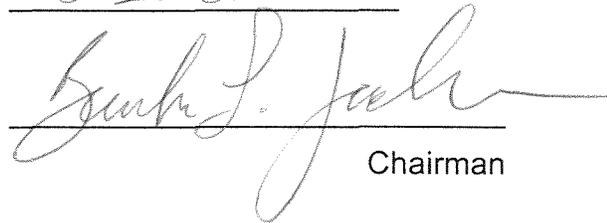
On **MOTION** of **LEDFORD** TMAPC voted 8-1-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford "aye"; Westervelt "nay"; none "abstaining"; Collins, Midget "absent") to **APPROVE** the additional two requirements for the minor amendment of PUD-206-16 as follows: No outside music shall be allowed and limit the hours of operation from 5:00 a.m. to 10:00 p.m. as submitted by the applicant.

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

Date Approved:

8-20-03

  
Chairman

ATTEST: 

Secretary