

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2353

Wednesday, August 20, 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	Westervelt	Huntsinger	
Horner		Matthews	
Jackson		Stump	
Ledford			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, August 18, 2003 at 8:50 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 July 23, 2003, Meeting No. 2351

On **MOTION** of **HARMON** the TMAPC voted 7-0-0 (Bayles, Carnes, Coutant, Harmon, Horner, Jackson, Ledford "aye"; no "nays"; none "abstaining"; Collins, Hill, Midget, Westervelt "absent") to **APPROVE** the minutes of the meeting of July 23, 2003, Meeting No. 2351.

Minutes:

Approval of the minutes of August 6, 2003, Meeting No. 2352

On **MOTION** of **HARMON** the TMAPC voted 6-0-1 (Bayles, Carnes, Coutant, Harmon, Horner, Jackson "aye"; no "nays"; Ledford "abstain"; Collins, Hill, Midget, Westervelt "absent") to **APPROVE** the minutes of the meeting of August 6, 2003, Meeting No. 2352.

REPORTS:

Chairman's Report:

Mr. Jackson reported that PUD-573-2 has been withdrawn from today's agenda.

Mr. Stump stated that there is a new request for a continuance for Z-6905. The applicant indicated that he has not been able to obtain his supporting material and would like a continuance.

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SUBDIVISIONS:

LOT-SPLITS FOR WAIVER OF SUBDIVISION REGULATIONS:

L-19568 – Trent Gudgel (8305) (PD-18) (CD-9)

3201 East 65th Street

STAFF RECOMMENDATION:

This application proposes to split Tract 2 into Parcels 2A and 2B and split Tract 3 into Parcels 3A and 3B. Parcel 2A will be tied to Tract 1 and Parcel 2B will be tied to Parcel 3A, for three resulting tracts. This is the same number as currently existing. On August 12, 2003, the Board of Adjustment approved a variance of the 30-foot street frontage to 25 feet on Tract 1 and to zero feet for the northern two resulting tracts. All three proposed tracts meet the RS-1 bulk and area requirements; however, the configuration of Parcels 2B/3A and 3B will have more than three side lot lines. The applicant is requesting a waiver of the Subdivision Regulations that no tract shall have more than three side lot lines, that each lot abut a public street and have proper access for emergency vehicles, as well as trash collection.

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, but staff is concerned about adequate access to the northern lots by emergency vehicles. Therefore staff recommends **APPROVAL** of the waiver of Subdivision Regulations and of the lot-split, subject to approval of the access by the Fire Marshal.

Ms. Chronister indicated that she has contacted the Fire Marshal and he does not have a problem with this application. The access easement is being signed and would be provided to the INCOG office prior to stamping the deeds.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **HORNER** TMAPC voted 7-0-0 (Bayles, Carnes, Coutant, Harmon, Horner, Jackson, Ledford "aye"; no "nays"; none "abstaining"; Collins, Hill, Midget, Westervelt "absent") to **APPROVE** of the waiver of Subdivision Regulations and of the lot-split, subject to approval of the access by the Fire Marshal for L-19568 per staff recommendation.

L-19570 – Mary Colebrook (9229)

(PD-9) (County)

5794 West 41st Street

STAFF RECOMMENDATION:

This application proposes to split two existing lots into separate parcels (Tracts 1 and 2). Tract 3 is a large tract with a pond that results with five side lot lines. The applicant is requesting a waiver of the Subdivision Regulations that no tract shall have more than three side lot lines. All three proposed tracts meet the RS bulk and area requirements.

Currently there are two existing dwellings and 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.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **HARMON** TMAPC voted 7-0-0 (Bayles, Carnes, Coutant, Harmon, Horner, Jackson, Ledford "aye"; no "nays"; none "abstaining"; Collins, Hill, Midget, Westervelt "absent") to **APPROVE** of the waiver of Subdivision Regulations and of the lot-split for L-19570 per staff recommendation.

L-19572 – Michael Akin (9217)

(PD-9) (County)

5292 West 29th Street

STAFF RECOMMENDATION:

This application proposes to split a one-acre lot (Tract 2) and a 6.5-acre lot (Tract 1) out of a 7.5-acre tract. Both tracts meet the RS bulk and area requirements. Tract 1 requires a waiver of the Subdivision Regulations because it has more than three side lot lines.

A 24.75-foot statutory right-of-way easement has been given along the south of Tract 1; however, West 31st Street has not been built, resulting with neither tract having street frontage. The County Board of Adjustment will consider a variance of the 30-foot street frontage requirement on August 19, 2003. The applicant indicated that an access easement through Tract 3 would be filed of record. Upon further review, Tract 4 is the only property with street frontage, violating Subdivision Regulations 4.2.2.(b) and 4.5.2.

The Technical Advisory Committee had no concerns regarding this lot-split. With the lack of proper street frontage or access for emergency vehicles, staff recommends **DENIAL** of the waiver of Subdivision Regulations and of the lot-split.

Applicant's Comments:

Michael Akin, 5292 West 29th Street, Tulsa, Oklahoma 74107, stated that he was approved for the lack of street frontage at the Board of Adjustment. He explained that Tract 1 is on the side of a hill and there is no road access to the statutory right-of-way to Tract 1, so it is now landlocked. He indicated that emergency vehicles have accessed the subject property using the gravel drive in the past.

Mr. Akin stated that if he is allowed to build, he would remove the one-story framed dwelling (southernmost dwelling) because it is no longer being used. He explained that he established a road and utility easement to project down from the existing street frontage to the north. The utility lines were projected straight south with the lay of the land at a larger expense than going to straight to Tract 2 or Tract 1. The gravel drive is from 12 to 18 feet wide and he intends to enhance it as much as possible. He commented that it is more than wide enough for emergency access.

Mr. Akin stated that he believes it would be an interest for future development in the subject area and would open another parcel of land for development. He explained that the purpose for cutting this one acre out of Tract 1 is for the lack of street frontage. Mr. Akin submitted a topographical display to show the size of the hill (Exhibit A-1). On the southern end of the subject property there is a

seven to one slope to the hill (a bluff). There are several areas where the hill is straight up for eight or nine feet. He indicated that there is 130 feet of fall on the first 360 feet and it is impossible to develop. The southern edge is all developable if he could get access to it. He is trying to create a mutual access easement in order to utilize it.

TMAPC COMMENTS:

Mr. Harmon stated that it would appear that if this application were approved, Tract 1 would still not have any access. In response, Mr. Akin stated that he is trying to create a mutual access easement and he plans to build a home south and east of the subject property for his parents. He explained that his grandmother lives northwest on the 100-foot tract. This would be the best solution for developing the seven acres.

Mr. Carnes asked Mr. Akin why he needed the lot-split. In response, Mr. Akin stated that the property is owned by the family and he is trying to remove one acre to build a home. He further stated that his parents intend to build a home later and use his drive and utilities to access their property. This would be the best scenario because the lines would be marked and the four corners on the 7.5 acres would be identified. Mr. Carnes stated that the applicant could build his home without a lot-split. In response, Mr. Akin stated that there would be two separate dwellings and he is aware that two dwellings on one parcel of land is not allowed.

In response to Mr. Carnes, Mr. Stump stated that staff knew all of the facts that Mr. Akin has mentioned and staff would still recommend denial of the lot-split. Staff does not feel that this is appropriate development due to the access. This should have better access, and ideally, public street access.

Mr. Akin stated that to the south of the 7.5 acres there is a statutory right-of-way and there is a section-line road that runs south and then wraps around the hill. The reason there is not a road in place is because the topography is straight up. He commented that he doesn't understand the concern regarding the public street and access for emergency vehicles because there is a gravel drive.

Mr. Ledford asked Mr. Romig if the right-of-way would be considered legal frontage. In response, Mr. Romig stated that considering that it is section line, it would not be a legal frontage. There is no telling if this property would be opened up. In response, Mr. Ledford stated that it would never be opened up. In response, Mr. Romig stated that in this particular case, the property would never be opened up because of the physical facts.

Mr. Ledford asked Mr. Romig what the impact would be of the Planning Commission's regulations if the applicant is allowed to obtain an access easement through someone's property. In response, Mr. Stump stated that the applicant did receive a variance to the zoning ordinance requirement for 30 feet

of frontage on a public street, which was varied down to zero. Mr. Stump further stated that the Subdivision Regulations have a requirement for frontage on a street for each lot and adequate access for emergency vehicles. Mr. Stump explained that the Planning Commission has the power to waive both of these requirements if the physical facts of the case do not warrant it.

Mr. Akin explained that Tract 1 is on top of the hill and there is an access road to that tract.

There were no interested parties wishing to speak.

Mr. Ledford asked if there would be any harm in allowing this applicant to have some type of private access easement to the subject parcel. There is no public access to the subject parcel at this present time.

Mr. Romig stated that he is not sure there would be any harm, since the subject property and surrounding property are owned by the family.

Mr. Stump stated that if the Planning Commission waives the requirements of the Subdivision Regulations, then the lot-split could be approved.

Mr. Ledford stated that there could be some of the transfer of title outside of the fence. In response, Mr. Stump stated that the property could be transferred outside of the family at a later date and then there could be some problems.

Mr. Stump stated that the applicant is presenting this in a way that indicates Tract 1 would not have a private access easement. If the Planning Commission is inclined to approve this application, then staff would recommend that the Planning Commission make a condition that Tract 1 have a mutual access easement just as Tract 2 does.

TMAPC Action; 7 members present:

On **MOTION** of **HARMON**, TMAPC voted 7-0-0 (Bayles, Carnes, Coutant, Harmon, Horner, Jackson, Ledford "aye"; no "nays"; none "abstaining"; Collins, Hill, Midget, Westervelt "absent") to **APPROVE** the waiver of Subdivision Regulations and of the lot-split for L-19572 subject to the condition that a mutual access easement be granted to Tract 1 and Tract 2.

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L-19575 – James Oakley (9135)

(PD-23) (County)

Northwest corner West 57th Street and 109th West Avenue

STAFF RECOMMENDATION:

The applicant has applied to split a 220' x 200' tract out of a 480' x 498' tract. Both tracts meet the RS bulk and area requirements. Tract A, however, will have more than three side lot lines, and the applicant is asking for a waiver of the Subdivision Regulations. The applicant has indicated that the transferring of property will be from parent to child and that no further splits are anticipated.

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 right-of-way being given to Tulsa County to meet county standards.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **HORNER**, TMAPC voted 7-0-0 (Bayles, Carnes, Coutant, Harmon, Horner, Jackson, Ledford "aye"; no "nays"; none "abstaining"; Collins, Hill, Midget, Westervelt "absent") to **APPROVE** the waiver of Subdivision Regulations and of the lot-split, subject to right-of-way being given to Tulsa County to meet county standards per staff recommendation.

LOT-SPLIT FOR WAIVER OF SUBDIVISION REGULATIONS AND FOR MODIFICATION OF APPROVAL CONDITION:

L-19380 – Sack & Associates, Inc. (0227)

(PD-11) (CD-1)

1426 North Waco

STAFF RECOMMENDATION:

On April 9, 2002, an application was made to split a 111' x 160' tract out of a two-acre tract. Staff expressed concerns regarding this application because a posted sign on the property indicated that the owner was trying to sell eight lots out of the subject property.

On September 4, 2002, the TMAPC voted to approve the lot-split "subject to the 20-foot right-of-way be deeded to the City of Tulsa along Waco, subject to the sewer line being extended, Public Works's concerns regarding the stormwater easement, and the need for a fire hydrant be met; and subject to any additional dividing of property being accomplished by process of a subdivision plat".

The applicant has met Public Works's concerns regarding the sewer line extension, stormwater easement, and fire hydrant. After meeting with the City of Tulsa staff regarding the street right-of-way, the owner is prepared to deed the required 20 feet of right-of-way, except a 34-foot strip that would be fifteen feet, avoiding the removal of part of the existing structure. City of Tulsa personnel have agreed to this five-foot reduction of right-of-way as shown on Exhibit A.

Given that Waco dead-ends just north of the subject property and only serves two other properties, and with Public Works's transportation concerns being satisfied, staff concurs that this lot-split would qualify for reduced dedication of right-of-way considering Section 6.5.1.(c)(3) of the Subdivision Regulations. Where land to be split contains, within its boundaries, areas designated for street right-of-way on the Tulsa City-County Major Street and Highway Plan, the split shall not be approved where street rights-of-way fail to conform to said plan except upon a finding that development made possible by the split itself will not measurably increase the burden of traffic on an adjacent street to such an extent that it would adversely affect the health, safety, and welfare of the public.

Staff recommends **APPROVAL** of the waiver of Subdivision Regulations for five feet of required right-of-way, and of the lot-split, as described in Exhibit A.

The applicant is also requesting that TMAPC modify the condition of the September 4, 2002, ruling that any additional subdividing of property be accomplished by a subdivision plat.

Applicant's Comments:

Ted Sack, Sack and Associates, 111 South Elgin, Tulsa, Oklahoma 74120, stated that he is in agreement with staff's recommendation, but he would like to request that the condition be lifted that has been on the subject tract. Lifting the condition would allow his client the right to split the subject property into four tracts, which part of the State Statutes.

Mr. Stump stated that the condition was imposed by the Planning Commission because of the way the development occurred with the one house on it. Since the Planning Commission imposed the condition, staff didn't presume to state that the requirement should be removed. Staff has no recommendation regarding the request to lift the condition. Staff does recommend the reduction of five feet of right-of-way dedicated for the one dwelling.

Mr. Sack stated that originally his client was not aware that the property could only be split into four tracts and he did have some signs in the area that indicated that it would be divided into eight tracts. The Planning Commission was concerned about that possibility. His client is now aware of the statutes and all of the requirements, and he would like to request that the condition be removed in order to divide the subject property into four tracts of land as anyone else would be allowed.

Mr. Romig stated that he believes what Mr. Sack is referring to is a State statute that defines a subdivision as dividing property into five lots. A property owner is allowed to divide into four lots without having to come in for a plat approval. The applicant is asking for the rights that they would have under statute.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **LEDFORD**, TMAPC voted 7-0-0 (Bayles, Carnes, Coutant, Harmon, Horner, Jackson, Ledford "aye"; no "nays"; none "abstaining"; Collins, Hill, Midget, Westervelt "absent") to **APPROVE** the waiver of Subdivision Regulations for five feet of required right-of-way, and of the lot-split, as described in Exhibit A for L-19380 per staff recommendation, and to lift the requirement for subdividing the property as long as it meets the current standards.

LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-19577 – Starr Stanley (9119) (PD-23) (County)
17515 West 32nd Street

L-19578 – Charlene Carter (9132) (PD-23) (County)
5707 South 161st West Avenue

STAFF RECOMMENDATION:

All of these lot-splits are in order and staff recommends **APPROVAL**.

TMAPC Action; 7 members present:

On **MOTION** of **HARMON**, the TMAPC voted **7-0-0** (Bayles, Carnes, Coutant, Harmon, Horner, Jackson, Ledford "aye"; no "nays"; none "abstaining"; Collins, Hill, Midget, Westervelt "absent") to **RATIFY** these lot-splits given prior approval, finding them in accordance with Subdivision Regulations as recommended by staff.

FINAL PLAT:

Midtown Acres – PUD 665 (1093)

(PD-5) (CD-4)

North side of East 15th Street between Erie and Fulton Avenue

STAFF RECOMMENDATION:

This plat consists of two lots in one block on .39 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; 7 members present:

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

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

(PD-9) (County)

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

STAFF RECOMMENDATION:

This plat consists of two lots in one block on 25.35 acres.

Staff has two outstanding issues with the plat as of August 15, 2003. These two issues have not been resolved. The two issues are with regard to the water service to the subject property and a section in the covenants where the City of Tulsa was to serve water to the property. The second issue was an agreement to install improvements, which is not in order at this point and staff recommends a continuance for this application.

Applicant's Comments:

Darin Akerman, 6111 East 32nd Place, Tulsa, Oklahoma 74135, stated that there is water and sewer service available to both of the lots in this plat. He reported that he recently discovered that the water is served through Tulsa County Rural Water District 2. He commented that normally he would have known this information earlier; however, there were no waterline extension or other improvements that related to the subject plat. This has been assigned or

conveyed to the RWD 2. There is language in the deed that needs to reflect the rural water department's approval of maintenance and upkeep for their line work and a provision that the City of Tulsa would maintain their existing sewer lines. He indicated that the City of Tulsa sewer lines service both properties. He stated that he has placed phone calls to RWD 2 and will be sending the language to them for approval.

Mr. Akerman stated that regarding the agreement for installation of improvements, there are no improvements on the subject site and this is a speculative development with neither lot having a need for building permits immediately nor any building designs coming in for those lots. Syntroleum (owners of the property) had some problems with executing a document that states they agree to install improvements when there are no requirements per this plat to install any types of water, sewer or storm drainage lines. His client has stricken some language in the document regarding the improvements and Michael Skates, Public Works, contact person was to provide a release letter to INCOG. He indicated that he would work those issues and agree to the continuance.

Mr. Jackson asked Mr. Akerman how long he would need to work this out. In response, Mr. Akerman stated that he would need two weeks. He commented that he didn't think he could accomplish this by the August 27th meeting. He indicated that he would not like to set a date certain since there are several entities to work with on this. He requested that the Planning Commission table this application until he has everything in order.

Mr. Jackson asked staff when the next meeting would be, excluding the meeting after Labor Day. Mr. Stump stated that the next available meeting would be September 17th, 2003.

Mr. Akerman stated that the 17th is too far out and he would prefer August 27th.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **LEDFORD** TMAPC voted 7-0-0 (Bayles, Carnes, Coutant, Harmon, Horner, Jackson, Ledford "aye"; no "nays"; none "abstaining"; Collins, Hill, Midget, Westervelt "absent") to **CONTINUE** the final plat for Gilcrease Research Center to August 27, 2003 at 1:30 p.m.

Southcreek Medical Plaza – PUD 559, Z-5888-SP-1 (1884) (PD-18) (CD-8)
Northeast corner of East 91st Street South and South 101st East Avenue

STAFF RECOMMENDATION:

This plat consists of one lot in one block on 5.03 acres.

Mrs. Fernandez stated that there should have been an old oil well certificate from the Corporation Commission in the area surrounding this plat, but it is not on file at this time. She commented that she doesn't expect any problems with the oil well certificate, but staff would have to recommend approval of the final plat with that certificate being received before this plat is transmitted to the City Council.

All release letters have been received for this final plat. Staff recommends **APPROVAL** of the final plat, subject to an oil well certificate being received of record.

Applicant's Comments:

Ted Sack, Sack and Associates, 111 South Elgin, Tulsa, Oklahoma 74120, stated that he thought there was a certificate in the underlying property file; however, it is missing. He assured the Planning Commission that he would have a certificate before the plat goes before the City Council.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **HORNER** TMAPC voted 7-0-0 (Bayles, Carnes, Coutant, Harmon, Horner, Jackson, Ledford "aye"; no "nays"; none "abstaining"; Collins, Hill, Midget, Westervelt "absent") to **APPROVE** the final plat for Southcreek Medical Plaza per staff recommendation, subject to receiving an oil well certificate.

PRELIMINARY PLAT:

Carbondale Assembly of God Parking Facility – OL (PD-9) (CD-2)
(9234)

1921 West 51st Street South

STAFF RECOMMENDATION:

This plat consists of one lot in one block, on 3.8 acres.

The following issues were discussed August 7, 2003 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned OL. The use proposed is a church parking lot.
2. **Streets:** The preliminary plan is acceptable. The concept plan needs to include sidewalks and crosswalks in the PFPI.
3. **Sewer:** A sanitary sewer mainline extension is required (SSID).
4. **Water:** The City will install a fire hydrant. The preliminary plan is okay.
5. **Storm Drainage:** Stormwater detention of increased runoff is required. On the plat, utility plan, and conceptual plan, the existing storm sewer easement must be shown with book and page numbers and bearings and distances. The ODOT right-of-way line must be labeled. ODOT must approve the outlet structure and its discharge onto their property. On the conceptual it appears that there is offsite water coming onto the property.
6. **Utilities: SBC, ONG, COX:** Okay.
7. **Other:** N/A

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

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

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

Standard Conditions:

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)

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

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

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

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

South of the Broken Arrow Expressway, north of East 51st Street

STAFF RECOMMENDATION:

This plat consists of one lot, one block, on 15 acres.

The following issues were discussed August 7, 2003 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned IL. Show building lines and setbacks. A pedestrian pathway plan should be considered.
2. **Streets:** On the concept plan show contour elevations. On the location map delete "hotel site" and add "Garnett Park Center." The sidewalk and bridge appear to conflict. Text on conceptual needs to be consistent and clear to the reader. Show all symbols in layout. A 17.5' utility easement should be shown on the north, east and south boundaries.
3. **Sewer:** A sanitary sewer mainline extension is required (SSID).
4. **Water:** On the east side section of waterline tying into 51st Street, extend the easement to the right-of-way.
5. **Storm Drainage:** Onsite detention of the increased runoff will be required, and should be shown along with its easement on the plat and plan. Label the 100-year water surface elevation limits as "Ford Creek FEMA floodplain" on both the plat and plan. An overland drainage easement must be shown per City of Tulsa Standard 58 and show an additional 20 feet outside the floodplain limits. Show ODOT right-of-way limits. Show bearings and book and page numbers for easements. In the restrictive covenants, Section 1.1 should be entitled "Overland Drainage Easement", and there should be a section for "Stormwater Detention Facility Maintenance." A CLOMR and LOMR will be required.
6. **Utilities: SBC:** There will be a four-inch conduit used across the property. **ONG:** Standard language in the covenants is needed and additional easements may be needed.
7. **Other:** N/A

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

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

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

Standard Conditions:

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

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

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

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

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

Sooner Mini Storage – CS (9121)

(PD-23) (County)

Northwest corner of South 129th West Avenue and West 41st Street

STAFF RECOMMENDATION:

This plat consists of one lot, one block on 3.3 acres.

The following issues were discussed August 7, 2003 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned CS. There have been several County Board of Adjustment cases on the tract.
2. **Streets:** Show 50 feet and 58 feet of right-of-way on 129th West Avenue with a 30-foot radius corner. Change 50-foot to 40-foot access limits. Legal does not match face of the plat. Correct typos.
3. **Sewer:** No comment.
4. **Water:** City of Tulsa: No comment. Water is from an independent water district.
5. **Storm Drainage:** A stormwater detention easement should be shown with standard wording in the covenants.

6. **Utilities: ONG:** Use standard language in the covenants. Additional easements are needed. Don't overlap existing drainage and utility easements.
7. **Other:** None.

Mrs. Fernandez stated that the applicant is willing to dedicate the right-of-way, therefore the waiver of Subdivision Regulations is not needed.

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

Waivers of Subdivision Regulations:

1. ~~A waiver to the street right of way required by the Major Street and Highway Plan along 129th West Avenue is requested.~~

Special Conditions:

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

Standard Conditions:

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

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

20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final plat.
23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.
24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **LEDFORD** TMAPC voted 7-0-0 (Bayles, Carnes, Coutant, Harmon, Horner, Jackson, Ledford "aye"; no "nays"; none "abstaining"; Collins, Hill, Midget, Westervelt "absent") to **APPROVE** the preliminary plat for Sooner Mini Storage, subject to the special and standard conditions per staff recommendation, noting that the applicant agrees to provide the required street right-of-way along 129th West Avenue. (Words deleted are shown as ~~strikeout~~; words added or substituted are underlined.)

MINOR SUBDIVISION PLAT :

Riverside Nissan Addition – PUD 564 A (9313) (PD-17) (CD-5)
8220 East Skelly Drive

STAFF RECOMMENDATION:

This plat consists of one lot, one block, on 5.5 acres.

The following issues were discussed August 7, 2003 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned PUD 564 A. A plat waiver was granted on June 18, 2003 subject to a tie agreement between Areas A and B.
2. **Streets:** No comment. Letter of release granted.
3. **Sewer:** No comment. Letter of release granted.
4. **Water:** No comment. Letter of release granted.
5. **Storm Drainage:** No comment. Letter of release granted.
6. **Utilities: ONG:** Letter of release granted with line in the old right-of-way.
7. **Other:** N/A

Staff recommends **APPROVAL** of the minor subdivision 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. A tie agreement making the City a party to the agreement must be recorded before the final plat can be filed.

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.

INTERESTED PARTIES:

Earl Hall, Lot 11, no address given, stated that there are drainage problems in the subject area. He expressed concerns regarding the upkeep of a fence between his property and the union hall.

Mr. Stump informed Mr. Hall that the PUD does require a fence and landscaping next to his property and problems with stormwater maintenance, his concerns are a Public Works issue and should contact them.

TMAPC Action; 7 members present:

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

* * * * *

PLAT WAIVER:

Z-6892 – CS (693)

(PD-4) (CD-4)

1712 East 2nd Street

STAFF RECOMMENDATION:

The platting requirement was triggered by Z-6892 which recently rezoned the property to CS.

Staff provides the following information from TAC at their August 7, 2003 meeting:

ZONING:

TMAPC Staff: The property was recently rezoned to CS.

STREETS:

No objection/recommend approval.

SEWER:

Sewer is available.

WATER:

Water is available.

STORM DRAIN:

Okay (after discussion).

FIRE:

N/A

UTILITIES:

N/A

Staff can recommend **APPROVAL** of the plat waiver requested because of the existing plat on the property and because there are no additional easements or dedications needed at this time.

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 right-of-way?

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?
5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived?
6. Infrastructure requirements:
- a) Water
- i. Is a main line water extension required?
- ii. Is an internal system or fire line required?
- iii. Are additional easements required?
- b) Sanitary Sewer
- i. Is a main line extension required?
- ii. Is an internal system required?
- iii. Are additional easements required?
- c) Storm Sewer
- i. Is a P.F.P.I. required?
- ii. Is an Overland Drainage Easement required?
- iii. Is on site detention required?
- iv. Are additional easements required?
7. Floodplain
- a) Does the property contain a City of Tulsa (Regulatory) Floodplain?
- b) Does the property contain a F.E.M.A. (Federal) Floodplain?
8. Change of Access
- a) Are revisions to existing access locations necessary?
9. Is the property in a P.U.D.?
 a) If yes, was plat recorded for the original P.U.D.
10. Is this a Major Amendment to a P.U.D.?
 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?

12. Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations? X

The applicant was not present.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES** TMAPC voted 7-0-0 (Bayles, Carnes, Coutant, Harmon, Horner, Jackson, Ledford "aye"; no "nays"; none "abstaining"; Collins, Hill, Midget, Westervelt "absent") to **APPROVE** the plat waiver for Z-6892 per staff recommendation.

CONTINUED ZONING PUBLIC HEARING:

Application No.: Z-6904

RS-3 to IL

Applicant: Desire' Geesing

(PD-18) (CD-9)

Location: 3504 North Sheridan Road

STAFF RECOMMENDATION:

Z-6767 June 2000: The City Council denied a request to rezone a 5.97-acre property south and west of the southwest corner of East 30th Street North and North Sheridan Road from IL to IMH.

Z-6737 February 2000: A request to rezone property located north of the northwest corner East 27th Street North and North Sheridan Road from RS-3 to IL; the City Council unanimously approved IL zoning.

Z-6664 December 1998: The City Council approved a request to rezone property located on the southwest corner of East 27th Street and North Sheridan Road from RS-3 to IL.

Z-6391 March 1993: The City Council approved a request to rezone property located south and west of the southwest corner of East 29th Street North and North Sheridan Road from RMH to IL.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is sloping, partially wooded and contains what appears to be a converted single-family residence.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
North Sheridan Road	Secondary arterial street	100'	2 lanes

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA: The site is abutted on the north by large-lot single-family residential uses, zoned RS-3; on the east by aviation-related industrial uses, zoned IL; on the west by mixed large-lot industrial and single-family residential, zoned IL; and on the south by a parking lot, apparently for the adjacent industrial uses, zoned IL.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The District 16 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates this area Medium Intensity-Industrial land use.

According to the Zoning Matrix, the requested IL zoning **is** in accord with the Plan. Past Airport Master Plans for Tulsa International Airport indicate that industrial zoning is among the most compatible with airport usage.

STAFF RECOMMENDATION: Based on the Comprehensive Plan, adjacent uses and zoning patterns, staff can support the rezoning and therefore recommends **APPROVAL** of IL zoning for Z-6904.

The applicant was not present.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **HARMON**, TMAPC voted 7-0-0 (Bayles, Carnes, Coutant, Harmon, Horner, Jackson, Ledford "aye"; no "nays"; none "abstaining"; Collins, Hill, Midget, Westervelt "absent") to recommend **APPROVAL** of IL zoning for Z-6904 per staff recommendation.

Legal Description for Z-6904:

Commencing at a point on the East line of Section 22, T-20-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, located 608.89' South of the Northeast corner of said Section, thence West 685.11' and parallel with the North line of said Section, thence South 208.89' and parallel with the East line of said Section, thence East 685.11' and parallel with the North line of said Section to the East line of said Section, thence North along Section line to the place of beginning, less and except the East 50' thereof and the South 25' of the East 485' thereof, Tulsa County, Oklahoma, according to the U. S. Government survey thereof, and located south of the southwest corner of East 36th Street North and North Sheridan Road (3504 North Sheridan Road), Tulsa, Oklahoma, **From RS-3 (Residential Single-family High Density District) To IL (Industrial Light District).**

ZONING PUBLIC HEARING

Application No.: Z-6905

RS-3 to OL

Applicant: Linda Salisbury

(PD-18) (CD-9)

Location: Southeast corner of East Skelly Drive and South Madison

Mr. Stump stated that the applicant requested a continuance in order to obtain more information.

The applicant withdrew his request for a continuance.

STAFF RECOMMENDATION:

No recent rezoning activity has occurred in this area.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is flat, non-wooded, contains a model single-family dwelling unit (per the advertising banner attached to it: "Oxford Custom Homes") and is zoned RS-3. The unit has two stories.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
East Skelly Drive (access road)	Access road	N/A	2 (one-way, eastbound)
South Madison Avenue	Residential street	50'	2

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA: The subject property is adjacent to a residential duplex across the street on the west, zoned RS-3; single-family residential uses, zoned RS-3 on the south and southwest; an apartment complex on the east, zoned OM and RM-2; and I-44, zoned RS-3 on the north.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity-Residential land use. According to the Zoning Matrix, the requested OL zoning is **not** in accord with the Plan.

STAFF RECOMMENDATION:

Based on the Comprehensive Plan; the limited one-way access from Skelly Drive (which would necessitate any westbound traffic accessing the site through the residential neighborhoods); the fact that this is a two-story unit, which rezoning to OL would render nonconforming; and surrounding residential uses, staff cannot support the requested OL zoning and therefore recommends **DENIAL** of OL zoning for Z-6905.

TMAPC COMMENTS:

Mr. Jackson asked if the subject building is two stories or 1.5 stories. In response, Ms. Matthews stated that it appears to be two stories from the street.

Applicant's Comments:

Darin Oxford, Oxford Homes, 13221 East 14th Street, Tulsa, Oklahoma 74108, stated that the subject house has a circle drive in front with a Skelly Drive address, 1004 East Skelly Drive. He indicated that the property to the east is an apartment complex and duplex built to the west of the apartments. Mr. Oxford cited the various buildings and uses along East Skelly Drive. He commented that there is one residential home along East Skelly Drive in the subject area, which is between the duplex and commercial property.

Mr. Oxford indicated that the subject house is 1.5 stories. He explained that the house has been used in the last few years to show as a model. He would like to use it as an office and model home. There are twelve parking places and the use would not change except that he would office inside the model home.

TMAPC COMMENTS:

In response to Mr. Jackson, Mr. Stump stated that the light office is still in the low intensity category, but the conflict comes in when it is residential rather than office. In the past light office has been used as a buffer between residential and higher intensity uses on the other side. Staff's main concern is that all of the lots to the south front on this street and the residential street would be used for access to the proposed office. Skelly Drive is a one-way street and if someone would like to go the other direction, they would go through the neighborhood.

Mr. Harmon asked if the CS to the west not have the same problem regarding access. In response, Mr. Stump answered affirmatively.

Mr. Jackson asked Mr. Oxford what the square footage measured for the subject building is. In response, Mr. Oxford stated that it is 18,050 SF. He explained that the parking lot and circle drive are in front of the house facing Skelly Drive. He indicated that the CS property to the west has parking in the back and access is into the neighborhood.

Mr. Jackson asked if this would require a housekeeping amendment if the OL were to be approved. In response, Mr. Stump stated that it would be a housekeeping amendment that would be from a Low Intensity-Residential to Low Intensity-No Specific Land Use to bring it into conformance.

Ms. Coutant asked staff if the 1.5 stories would take the building out of the nonconforming issue. In response, Mr. Stump stated that since it is an existing structure it would be considered a structural nonconformity if it were rezoned to OL. If the building burned to a certain degree or were destroyed to a certain degree it could not be rebuilt at 1.5 stories.

Mr. Stump asked if there were any dormers facing the south. In response, Mr. Oxford stated that there were no dormers on the south side, but there were three or five windows for fire escape.

Mr. Harmon asked if the present building would be conforming if the subject property were rezoned to OL. In response, Mr. Stump stated that it would not be conforming under its current designation. Mr. Stump explained that Comprehensive Plan would have to be amended to Low-Intensity Office or Low-Intensity no specific land use to bring it into conformance.

TMAPC Action; 7 members present:

On **MOTION** of **HARMON**, TMAPC voted 7-0-0 (Bayles, Carnes, Coutant, Harmon, Horner, Jackson, Ledford "aye"; no "nays"; none "abstaining"; Collins, Hill, Midget, Westervelt "absent") to recommend **APPROVAL** of OL zoning for Z-6905 and direct staff to amend the Comprehensive Plan accordingly.

Legal Description for Z-6905:

Lot 1, Block 2, Riverview Village Third Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, and located on the southeast corner East Skelly Drive and South Madison Avenue, Tulsa, Oklahoma, **From RS-3 (Residential Single-family High Density District) To OL (Office Low Intensity District).**

* * * * *

Application No.: Z-6906

RM-2 to CS

Applicant: Roy D. Johnsen

(PD-6) (CD-9)

Location: Southeast corner of East 41st Street and South Harvard

STAFF RECOMMENDATION:

PUD-592-C May 2003: All concurred in approval of a major amendment to PUD-592 to allow the removal of existing structures in Development Area C for construction of a bank with drive-in facilities and amendment of permitted uses within Development Area B to allow shared parking for uses in Area B and for uses in an existing building on a parcel adjacent to Area B.

PUD-642 February 2001: Approval was granted for a Planned Unit Development for an office development on property located south of the southeast corner of East 41st Street South and South Harvard and 250' south of the subject tract.

BOA-18865 September 2000: The Board of Adjustment approved a special exception to permit Christmas tree sales in a CS, RM, RS and OL zoned district, on the subject tract, for a period of three years and variances of the required setback from the centerline of East 41st Street for temporary buildings and from an R-zoned district.

Z-6532 May 1996: All concurred in approval of a request to rezone the lot located on the southwest corner of East 45th Street and South Harvard from RS-1 to OL.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is gently sloping, non-wooded, contains a single-family dwelling and seasonal Christmas tree sales and is zoned RM-2.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
East 41 st Street South	Secondary arterial street	100'	4 lanes
South Harvard Avenue	Secondary arterial street	100'	4 lanes

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA: The site is abutted immediately on the north by a vacant lot used annually for Christmas tree sales and on the north across East 41st Street by a convenience store, zoned CS and a funeral home, zoned PUD-592-B; to the south by office uses, zoned OL; to the west by a dry cleaners, zoned CS; to the east by what appear to be single-family residences, zoned RM-2 and to the northwest by a subdivision marker and single-family residences, zoned RS-1.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The District 6 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates this area Medium Intensity-Residential land use. According to the Zoning Matrix, the requested CS zoning **is not** in accord with the Comprehensive Plan.

STAFF RECOMMENDATION:

Based on the existing adjacent uses and trends in the area, staff can support the requested rezoning and therefore recommends **APPROVAL** of CS zoning for Z-6906, provided that the TMAPC recommends approval of the accompanying PUD, or some variation thereof.

If the TMAPC is inclined to recommend approval of this rezoning, they should direct staff to prepare appropriate Plan Map amendments.

RELATED ITEM:

Application No.: PUD-690

RM-2/CS to CS/PUD

Applicant: Roy D. Johnsen

(PD-6) (CD-9)

Location: Southeast corner of East 41st Street and South Harvard

STAFF RECOMMENDATION:

The PUD proposes a grocery store as included within Use Unit 13, a gasoline service station as included within Use Unit 14, those uses included within Use Unit 11. Offices, studios and support services, and retail establishments as included within Use Unit 14. The subject tract contains 5.67 net acres and has 550 feet of frontage on South Harvard Avenue and 450 feet of frontage on East 41st Street. The Major Street and Highway Plan designates Harvard and 41st as secondary arterial streets and they are presently improved as four-lane thoroughfares with turning lanes at the intersection.

The subject tract is zoned CS, OL, RM-2 and RS-1. Concurrently, an application (Z-6906) has been filed to rezone the RM-2 portion of the tract to CS. The subject tract is abutted on the east by residential uses zoned RS-1 and on the south by office uses zoned OL/PUD-642. To the north of the tract, across East 41st Street is a convenience grocery, zoned CS and a funeral home zoned OL/PUD-592-B. Abutting the funeral home site on the east is a tract that has been approved for a banking facility zoned OL/PUD-592-B. To the west of the tract, across South Harvard Avenue are commercial and office uses zoned CS and OL.

If Z-6906 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-690 as modified by staff, to be: (1) consistent with the Comprehensive Plan, if amended as recommended by staff; (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-690 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

Net Land Area: 4.94 Acres 215,224 SF

Permitted Uses:

Grocery store as included within Use Unit 13, those uses as included within Use Unit 11. Office Studio and Support Services; and retail trade establishments as included within Use Unit 14.

Maximum Building Floor Area: 41,000 SF

Maximum Building Height:

One story, not to exceed 32 FT.

Minimum Building Setbacks:

From centerline of East 41 st Street	120 FT
From centerline of South Harvard Avenue	
Building Wall	200 FT
Drive-In Canopy	170 FT
From east boundary of the Development Area	60 FT
From south boundary of the Development Area	45 FT

Minimum Parking Ratio:

As provided within the applicable use unit.

Minimum Landscaped Area:

10% of net lot area.

Building Design Limitations:

The submitted building elevations (Exhibit E-1) are conceptual and minor variation in building orientation and footprint may occur pursuant to finalization of the detail site plan. The buildings shall be constructed in substantial accordance with the concepts depicted within the submitted building elevations, which shall include the requirement that the exterior surfacing of all exterior building walls shall be masonry.

Signs:

Wall or canopy signs not exceeding 1.5 feet of display surface area per lineal foot of the main building wall to which affixed; provided however, the aggregate length of wall signs shall not exceed 75% of the wall or canopy to which affixed and no wall signs shall be affixed to the east or south building walls or canopies.

One ground sign shall be permitted at the northernmost access point to Harvard Avenue, not exceeding 25 feet in height and 195 square feet of display surface area.

DEVELOPMENT AREA B

Net Land Area: .74 acres 32,141 SF

Permitted Uses:

Off-street parking as included within Use Unit 10 and a gasoline service station as included within Use Unit 14.

Maximum Building Floor Area: 300 SF

Maximum Building Height:

One story, not to exceed 28 FT

Minimum Building Setbacks:

From the centerline of South Harvard Avenue

Building Wall 108 FT

Canopied Area 100 FT

From the centerline of East 41st Street

Building Wall 175 FT

Canopied Area 100 FT

Minimum Parking Ratio:

As provided within the applicable Use Unit.

Minimum Landscaped Area:

10% of net lot area.

Signs:

Wall signs shall be permitted on the canopy, not exceeding 1.5 feet of display surface area per lineal foot of canopy to which affixed, provided however, the aggregate length of canopy signs shall not exceed 75% of the length of the canopy to which affixed.

3. Landscaping and screening within the PUD shall meet or exceed the requirements of the Landscaping and PUD Chapters of the Tulsa Zoning Code. The landscaped area shall not be less than 10% of the net lot area. A six-foot high or higher masonry screening wall shall be constructed and maintained along the east boundary of the PUD at the existing grade. A landscaped area not less than 30 feet in width along the east boundary, not less than 19 feet along the south boundary and not less than 20 feet along the north and west boundaries of the PUD shall be provided and shall be landscaped in substantial accordance with the landscaping concepts depicted within Exhibit E-1 and Exhibit E-2. The loading dock shall be screened by a masonry wall with a minimum height that extends to one-foot above the top of loading door and with sufficient length to screen an entire tractor/trailer truck in the loading bay.
4. No zoning clearance permit shall be issued for a lot within the PUD until a detail site plan for the lot, which includes all buildings, parking screening fence and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
5. A detail landscape plan for each lot shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved landscape plan for the lot, prior to issuance of an occupancy permit. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.
6. No sign permits shall be issued for erection of a sign on a lot within the PUD until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
7. Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement shall be prohibited.

8. All trash, mechanical and equipment areas, including building mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.
9. Lighting used to illuminate the subject tract shall be so arranged as to shield and direct the light away from adjacent residential areas. Shielding of such light shall be designed so as to prevent the light-producing element or reflector of the light fixture from being visible to a person standing in the adjacent residential areas or street right-of-way. No light standard nor building-mounted light shall exceed 25 feet in height. No lighting attached to a canopy shall extend below the ceiling of the canopy.
10. 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.
11. 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.
12. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
13. 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.
14. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, nor shall trucks, truck trailers be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers and shipping containers shall not be used for storage in the PUD.

NOTE: Comments from August 7, 2003 TAC Meeting:

PUD-690, SE Corner of E. 41st St. and S. Harvard

Water – Water available. No comment.

Stormwater – In Drainage Section 6, add the sentence, “Requires storm sewer extension to public system along East Harvard right-of-way”. Detention is required.

Wastewater – Sewer available. No comment.

Transportation – No comment.

Traffic – No site plan provided. Recommend 58-foot right-of-way on Harvard for future right-turn bay. PFPI required.

Mr. Dunlap stated that there has been a request for a continuance on Z-6906 and PUD-690 by the interested parties.

TMAPC COMMENTS:

Mr. Jackson requested Mr. Johnsen to address the request for continuance.

Applicant's Comments:

Roy D. Johnsen, 201 West 5th, Suite 501, Tulsa, Oklahoma 74103, stated that he would oppose a continuance. He explained that he mailed everyone within 300 feet of the subject property with a letter of explanation with an attached site plan and landscape concept inviting them to a meeting at the Schusterman Medical Center. He commented that 40 to 50 people attended the meeting, which was approximately a two-hour meeting. He explained that an additional meeting was held one week later at the request of the attendees. A traffic engineer, architect and civil engineer were present at the second meeting representing Wal-Mart. He stated that there was discussion but no resolution and that was the end of their communication.

Mr. Johnsen stated that he is advised that the request for a continuance was filed yesterday and he did not receive a letter or call regarding the request from the interested parties. He commented that he believes the request is late in point of time and there was ample opportunity to discuss the issues. He stated that he never heard from the neighborhood members

Mr. Jackson acknowledged that there were several interested parties signed up to speak and requested the speakers to only address the continuance request.

THE FOLLOWING INTERESTED PARTIES REQUESTED A CONTINUANCE:

Penny Tipton, 3709 East 43rd Place, Tulsa, Oklahoma 74135; **John Stevenson**, 4608 South Knoxville, Tulsa, Oklahoma 74135 (six to seven blocks away from the subject area); **Patricia Cooley**, 4342 South Louisville, Tulsa, Oklahoma 74135; **Tara Free**, 3727 East 43rd Place, Tulsa, Oklahoma 74135; **Lynda Overturf**, 3937 South Gary Place, Tulsa, Oklahoma 74105; **Steve Novick**, 3843 South Florence Place, Tulsa, Oklahoma 74105.

Mr. Jackson requested the audience to refrain from clapping after each speaker due to time restraints.

The interested parties requested a continuance in order to have more time to contact the neighborhood residents, meet with the Patrick Henry newly-elected

board members and to conduct a traffic count during the school year, which would commence September 3rd, 2003.

TMAPC COMMENTS:

Mr. Harmon asked several interested parties if they sincerely feel that they would be able to reach an amicable solution if they were granted the continuance. The following answers represent several individuals: The Planning Commission doesn't listen to the neighbors when they show a large number opposing and listen to people with deep pockets; school hasn't commenced and the applicant's traffic count is not accurate; not looking for an amicable solution with Wal-Mart and do not want this project in the neighborhood.

Mr. Harmon suggested that the interested parties do not need the continuance if they are not willing to meet with the applicant and work out an amicable solution. In response, Mr. Novick stated that he does need the extra time to submit evidence to the Planning Commission to prove that this plan is not compatible with Comprehensive Plan in the City of Tulsa and he has not had that opportunity.

Mr. Jackson asked Mr. Johnsen if his clients would be willing to work with the neighborhood organizations in order to come up with a positive solution that would fit both desires. In response, Mr. Johnsen stated that some of the statements made were not quite fair to the process. The mailing of notice is done in accordance with the law. Word gets out and the two meetings he did have had over 50 people present. It is not quite fair to be present that this proposal was done somehow in the dark. Mr. Johnsen stated that he is always willing to meet with the neighborhood and believes his client would be too. Mr. Johnsen further stated that his client would be willing to meet with the neighbors if there was some constructive dialogue on how this can be done in a more appropriate way. If the meeting is simply that they do not want Wal-Mart in the neighborhood, and then there would be little achieved. Mr. Johnsen commented that he doesn't believe the interested parties are requesting a meeting with his client, but simply time to get better organized and one month seems to be excessive. He requested that a two-week continuance be allowed if the Planning Commission is inclined to grant a continuance.

Mr. Jackson recognized two additional people from the audience.

Nancy Sangirachi, 4242 South Oswego, Tulsa, Oklahoma 74135, reiterated that it is important to wait until school commences in September 3, 2003 in order to give them time to research the traffic count once school is in session.

Steve Sembritzky, 4525 South Jamestown, Tulsa, Oklahoma 74135, half a mile from the proposal: the Planning Commission prefers to have all the information before them prior to making a decision and the neighborhood should have the

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
East 21 st Street South	Secondary arterial street	100'	4 lanes

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA: The site is abutted on the east and across East 21st Street to the north by offices, zoned OL; to the south by single-family dwellings, zoned RS-2; and to the west and southwest by an office development, zoned OL/PUD-617. A drainageway lies to the east and south of the property.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The District 6 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates this area Low Intensity-Linear Development Area #1. Policies in the District 6 Plan (section 3.6) call for use of the PUD to minimize the impact of proposed uses on adjacent low intensity residential uses and screening of parking areas from adjacent residential uses.

According to the Zoning Matrix, the requested OL zoning **may be found** in accord with the Comprehensive Plan.

STAFF RECOMMENDATION:

Based on the Comprehensive Plan and surrounding land uses, staff can support the requested rezoning and recommends **APPROVAL** of OL zoning for Z-6907.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **HARMON**, TMAPC voted 7-0-0 (Bayles, Carnes, Coutant, Harmon, Horner, Jackson, Ledford "aye"; no "nays"; none "abstaining"; Collins, Hill, Midget, Westervelt "absent") to recommend **APPROVAL** of OL zoning for Z-6907 per staff recommendation.

Legal Description for Z-6907:

The East 189 feet of Lot 29, Block 1, Harter's Second Subdivision in the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, and located east of the southeast corner East 21st Street South and South Lewis Avenue, Tulsa, Oklahoma, **From RM-2 (Residential Multifamily Medium Density District) To OL (Office Low Intensity District).**

Application No.: PUD-675-1

MINOR AMENDMENT

Applicant: Jeffrey Levinson

(PD-26) (CD-8)

Location: South of southwest corner of East 108th Street and South Yale Avenue

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to modify the required minimum livability space in the PUD. The PUD consists of 20 acres located north of the northwest corner of East 111th Street and South Yale Avenue. The underlying zoning is RS-1 and the PUD has been approved for residential uses. The maximum number of dwelling units permitted is 48 and the applicant is requesting that this be reduced to 45. The existing requirements for minimum livability space are as follows:

4,000 SF within each lot.

144,000 SF common livability space designed and located so as to be accessible to the dwelling units it is intended to serve.

The applicant is proposing to reduce the maximum number of dwelling units permitted and modify the minimum livability space as follows:

Maximum Number of Dwelling Units:	45
Minimum Lot Area:	
Four Lots	11,000 SF
Forty-One Lots	12,000 SF
Minimum Livability Space Per Lot:	
Lot 4, Block 1; Lots 2-6, Block 3	3,544 SF
Lot 5-11, all in Block 1; Lot 7-8, Block 2	5,272 SF
The remaining 30 lots in the subdivision	7,000 SF
Common livability space designed and located so as to be accessible to the dwelling units it is intended to serve:	36,290 SF

Staff finds that the request is minor in nature and that the character of the development is not substantially altered. Therefore, staff recommends **APPROVAL** of the request.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **HORNER** TMAPC voted 7-0-0 (Bayles, Carnes, Coutant, Harmon, Horner, Jackson, Ledford "aye"; no "nays"; none "abstaining"; Collins, Hill, Midget, Westervelt "absent") to **APPROVE** the minor amendment for PUD-675-1 per staff recommendation.

Application No.: PUD-542-6

MINOR AMENDMENT

Applicant: Roy D. Johnsen

(PD-18) (CD-8)

Location: Southwest corner of East 86th Place and South Norwood

STAFF RECOMMENDATION:

PUD-542 was recommended for approval by TMAPC on February 7, 1996 and approved by the City Council on February 23, 1996. The subdivision plat of Sheridan Oaks was recorded as Plat #5251 on February 9, 1998. With the exception of 86th Street (a public street), the interior streets are private and homeowners' association has been formed for the purpose of maintaining the private streets and other common areas.

As initially platted, Lot 7 and Lot 8, Block 2 were separated by a portion of Reserve A that was approximately 32 feet in width and provided access from Norwood to a detention facility located within Reserve A and to the west of Lot 8. Drainage facilities within the panhandle of Reserve A are underground. The homeowner's association is responsible for the maintenance of Reserve A and the detention facility located therein.

The purchaser of the new home located on Lot 7 desires to acquire additional land for the construction of a pool and related improvements. It is proposed that the portion of Reserve A abutting the south boundary of Lot 7 be conveyed to the owner of Lot 7 and a portion of Lot 8 be conveyed to the owner of Lot 7 and that both parcels be "tied" to Lot 7. It is further proposed that the existing easement for drainage and access remain on the Reserve A panhandle but that an

alternative access easement be established along the adjusted common boundary of Lots 7 and 8.

The proposed adjustment of lot boundaries would result in the following lot areas:

	Lot 7	Lot 8	Affected Portion Reserve A
Existing Area	22,569.00 SF	25,514.00 SF	4,652.50 SF
Proposed Adjustment	+5,404.50 SF +4,652.50 SF	-5,404.50 SF	-4,652.50 SF
Resulting Area:	32,626.00 SF	20,109.50 SF	-0-

As initially approved, a minimum lot size of 22,500 square feet was established and the proposed lot boundary adjustments would further require a minor amendment to permit a lot size of 20,109.50 square feet for Lot 8.

Attached are the implementing legal descriptions, a schematic drawing of the areas affected and a copy of the recorded subdivision plat.

Staff finds that the request would not substantially alter the character of the development and is minor in nature. Staff recommends **APPROVAL** of the request subject to approval of the drainage and access easement by the Public Works Department.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC COMMENTS:

Mr. Ledford asked Mr. Johnsen if there was an active homeowners association in place and if so, if they had time to respond to this request. In response, Mr. Johnsen answered affirmatively.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES** TMAPC voted 7-0-0 (Bayles, Carnes, Coutant, Harmon, Horner, Jackson, Ledford "aye"; no "nays"; none "abstaining"; Collins, Hill, Midget, Westervelt "absent") to **APPROVE** the minor amendment for PUD-542-6 subject to approval of the drainage and access easement by the Public Works Department per staff recommendation.

OTHER BUSINESS:

Application No.: PUD-667

DETAIL SITE PLAN

Applicant: Ricky Jones

(PD-26) (CD-8)

Location: 11301 South Delaware Avenue, Waterstone perimeter wall and gated entry

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan of a gated entry at 113th Street South and the perimeter wall.

The plat shows two entries into the subdivision, one at East 113th Street South and one at East 115th Street South. Only plans for the East 113th Street South gated entry have been submitted for review and have been approved by Traffic Engineer Darryl French, and Assistant Fire Marshall Fred Calkins, as required by development standards.

Staff recommends **APPROVAL** of the East 113th Street South gated entry and perimeter wall for the Waterstone development.

(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; 7 members present:

On **MOTION** of **HORNER** TMAPC voted 7-0-0 (Bayles, Carnes, Coutant, Harmon, Horner, Jackson, Ledford "aye"; no "nays"; none "abstaining"; Collins, Hill, Midget, Westervelt "absent") to **APPROVE** the detail site plan for PUD-667 per staff recommendation.

Mr. Ledford announced that he would be abstaining from the following application. Mr. Ledford excused himself from the meeting.

Application No.: PUD-573

DETIAL SITE PLAN

Applicant: Dwayne Wilkerson

(PD-18) (CD-8)

Location: 7712 South Yale Avenue

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan of an office building. Proposed uses are 14,695.5 square feet of general office and 2799 square feet of medical office and are in conformance with development standards.

This is an existing site. Detail Site Plan review is of measures to bring the site into compliance. At 855.10 feet mean sea level, the building is under the maximum height permitted. Building setbacks as shown on the detail site plan are in conformance with Development Standards as amended by PUD-573-1. Parking per the detail site plan meets minimum setback requirements. Current striping, however, is not in compliance with zoning code requirements. New striping is proposed to meet design requirements and additional spaces are proposed to provide in excess of the 61 spaces required.

Landscaped area per the site plan and detail landscaping per the landscape plan are in compliance with minimum street yard and minimum net lot area requirements. Per Minor Amendment PUD-573-1, screening is required on both the west and north boundaries. The proposed site and landscape plans show screening (set in a few feet) along the west boundary and for a short portion of the north boundary. The screening on the west boundary as proposed appears to conflict with planted landscaping and may not provide adequate screening in regard to the slope.

As located and with shielding as proposed per the detail lighting plan, the ten foot high pole-mounted parking lot lights are in compliance with development standards. The bulk trash container meets minimum setback requirements, but current screening appears to be supported by 2" x 4" boards.

Staff recommends **APPROVAL** of PUD-573 detail site and landscape plans with the following conditions: (1) that prior to occupancy, screening be located beginning at the northwest corner as shown on the landscape plan, then continued south toward the parking lot with the fence remaining west of the parking lot and planted landscaping, but generally following the curve of the parking lot and remaining east of the "Existing Tree Mass" as depicted on the landscape plan, then terminating at the 15' utility easement adjacent to the south boundary, as depicted on both the landscape and site plans; (2) that prior to

occupancy, screening be allowed on the north boundary as depicted on both the site and landscape plans on condition that if screening is removed from the adjacent residential lot to the north (Lot 7 Southern Heights), that it be provided along the property line in common with Lot 7 and connected with the section currently proposed along the northwest corner; (3) that prior to occupancy, the parking lot is re-striped per the approved detail site plan and the additional parking spaces constructed; (4) that prior to occupancy, screening of the bulk trash container be completed in such a way that all supporting braces face the interior.

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

Mr. Stump advised the Planning Commission that staff made an error on this application. It is the Planning Commission's policy for interested parties of record to receive notice of detail site plans that may be coming forth. Staff processed a notice for the minor amendment PUD-573-2, which had one of the interested parties actively participating, but failed to notify the second interested party. Mr. Stump concluded that the second interested party is present today, but he is requesting a continuance.

INTERESTED PARTIES:

Steve Schuller, 100 West 5th Street, Suite 500, Tulsa, Oklahoma 74103, stated that he filed a timely request for a continuance for his client, Steve Parks. There was no advanced notice of the detail site plan being on today's agenda and there were no meetings called in the neighborhood. He indicated that he received a copy of the detail site plan on Friday before today's meeting. He commented that he had been promised a site plan ten days prior to a TMAPC meeting.

Mr. Schuller explained that he expected the site plan to indicate a retaining wall, which has always been shown in the PUD. There has been no provision in the site plan for some grading violations, no provisions to protect his client from cars that might roll down the hill into his bedroom, nor provisions for controlling stormwater runoff from this property, especially since the parking lot is tipped toward the property. He explained that he has not had sufficient time to engage the services of an engineer to study the matter and prescribe reasonable solutions to these problems. He always assumed that the retaining wall would be in place and this would not be a problem.

Mr. Schuller stated that this site plan merits very careful consideration and not just a hasty and perfunctory review, especially given the applicant's consistent history of violating this Planning Commission's directives and the provisions of the Zoning Code. Mr. Schuller reminded the Planning Commission that one of the Planning Commission members did recommend that interested parties always be given notice of any site plan approval. Notice was not given to the interested parties and he needs more time to review this application and

prescribe solutions to the problems identified. He requested a continuance to September 3, 2003.

TMAPC COMMENTS:

Ms. Bayles announced that she did have ex parte communication. She stated that she supports a continuance.

Applicant's Comments:

Jeff Levinson, 35 East 18th, Tulsa, Oklahoma 74119, representing Landpoint, LLC, stated that he objects to the request for a continuance. He further stated that if he thought something could be worked out with Mr. Schuller's clients, he would be happy to do so, but he does not believe there is any way that this matter will ever be resolved by continuing it.

Mr. Levinson stated that there are complaints about the building sliding. This issue has absolutely nothing to do with the proposal on today's agenda. Whatever decision is made today will not affect any remedy or any action that the interested parties may take. The question today is whether PUD-573 site plan complies with the provisions of PUD-573, which it does.

Mr. Levinson stated that his client hired Mr. Wilkerson to prepare this application. He worked with staff at INCOG and performed a survey. The City of Tulsa approved the subject building and the plans. The issues that Mr. Schuller is protesting do not have anything to do with this application.

Mr. Levinson explained that time is of the essence for his client. He stated that he wouldn't be against a continuance if time were not an issue. He commented that his clients represent a group of physicians in Tulsa who are renting space to install an MRI facility. Until the site plan is approved, his client is unable to obtain a building permit and would be unable to move in. The staff recommendation is only for a building permit and not occupation of the premises. His client can't occupy the premises until all the issues are addressed. Nothing done today could affect what the interested party is talking about. He reiterated that he would object to a continuance.

Mr. Levinson stated that he personally dropped the site plan proposal at Mr. Schuller's office and then met with Mr. Schuller, his client and an engineer in his office on Monday.

TMAPC COMMENTS:

Mr. Jackson asked staff if the continuance of this application is because proper notice was not given to one person. In response, Mr. Stump stated that he was explaining that it is the Planning Commission's policy to give notice to interested parties of record and staff failed to do so. Mr. Stump explained that normally if notice is given, it would be sent Friday before the Wednesday meeting and it wouldn't be delivered until Saturday or Monday. One of the two people who

would receive notice has had notice at least that far and in detail and the other interested party is the owner on the north side of the property, who is present, but has not had a chance to review the site plan. Mr. Stump stated that this is a policy and not law with regard to the notice.

Mr. Jackson asked if the issues raised by Mr. Schuller would have anything to do with the subject detail site plan. In response, Mr. Stump stated that the earlier version did have some retaining walls on the north side of the building; however, they were not required. He believes that the applicant's concern is the steep slope on the southwest side of the site and staff are not qualified engineers to know whether retaining walls should be required.

Mr. Jackson asked Mr. Stump if the detail site plan before the Planning Commission today meet the requirements of the PUD. In response, Mr. Stump stated that it does meet the requirements with the conditions that have been stated in the staff recommendation.

Mr. Jackson asked Mr. Schuller what his client would gain if the retaining walls have nothing to do with the site plan. In response, Mr. Schuller stated that the site plan approved by this Planning Commission five years ago specifically shows a retaining wall along the western boundary of the property to protect the slope from further erosion. For five years there have not been any retaining walls installed and there have been many violations of the site plan and the minor amendment. The applicant has had five years to come into compliance and has not done so and now they have cited a time issue for needing to be approved today.

Mr. Jackson asked staff if Neighborhood Inspections enforced the site plan. In response, Mr. Stump stated that if the approved site plan showed a retaining wall, then the Neighborhood Inspections could cite them, but it would be unusual. Staff has no expertise to know when a retaining wall is required or not required and the applicant could return with an amended site plan that deleted the retaining wall if they felt it was not required. Interested parties would have an opportunity to debate whether it is appropriate or not. This is putting the Planning Commission in the realm of being engineering experts and they haven't in the past.

Mr. Schuller stated that the Planning Commission can hear the engineering experts, if there is an opportunity to bring them before the commission.

Mr. Stump explained that after a long meeting with the Neighborhood Inspections and Building Inspections it was determined that if the approved detail site plan indicates there should be a retaining wall and one is not present, then they could cite the property owner. Mr. Stump stated that he does not want to mislead anyone, because there is no PUD condition saying that there must be retaining walls.

Ms. Bayles stated that if the approved detail site plan indicated that there were retaining walls, then the applicant and interested parties would assume that they would be built. In response, Mr. Stump agreed with Ms. Bayles' statement and stated that that was the conclusion after a long debate that if a retaining wall is on the approved detail site plan, then it should be enforced to be built that way.

Mr. Harmon asked Mr. Schuller if he felt his client and the applicant could work toward an amicable solution. In response, Mr. Schuller stated that he did meet with Mr. Levinson on Monday, prior to today's meeting, and presented his concerns and his proposed solutions to the identified problems. The applicant objected the solutions and determined that he would not adopt any of the recommendations. He is hopeful that he would change his mind and listen to reasonable solutions and alternatives.

Mr. Carnes stated that it has been a policy of the Planning Commission to grant continuations and it appears that it is necessary to continue this application.

INTERESTED PARTIES:

Derek Prentice, 433 Northwest 15th Street, Oklahoma City, Oklahoma, representing the tenant, explained that the equipment that the physicians have purchased were purchased on the pricing based on delivery and installation of certain dates. He stated that his client is simply trying to get the equipment installed and finish out the space. He commented that he was not aware of this situation. If he were able to wait on a continuance he would, but he can no longer afford to wait. He explained that he has been delayed eight weeks and can not wait longer. If this application is continued it would terminate the project at the subject location.

Troy Gudgel, no address given, stated that time is of the essence. He further stated that there are engineers present that determined that the retaining walls are not required. The actual footprint of the building was reduced from what was originally submitted on the PUD, and therefore the retaining walls were not required. The retaining wall in question is below the parking lot and the engineers would testify to the fact that they are not required. It is important that this application be heard today in order to obtain a building permit. He commented that he would like to be a good neighbor and do whatever he can to do so. The most important thing needed today is a building permit in order to start the interior build-out of their space. He would be happy to work with the residents as much as possible within reason.

Gary Reel, 7644 South Winston, Tulsa, Oklahoma 74136, stated that his home is north of the subject project. He indicated that Mr. Ledford, Jr. and the architect for the original PUD was at his home to convince him that the retaining walls must be installed. There is a steep drop to his house and the retaining walls

were promised along with fencing. None of the retaining walls or fencing has been installed.

Mr. Reel stated that he attended three other meetings when a cell tower was proposed. He was promised that there would be no other structures built on the subject property when the original building was proposed. He explained that with all of the assurances he went along with the proposal and was being a good neighbor. The owner of the subject building did not keep his word. He commented that he doesn't trust the property owner.

Mr. Bayles asked Mr. Reel if he received notice. In response, Mr. Reel stated that he did not receive notice and he has never seen the site plan. He indicated that his property is one foot away from the subject property.

Mr. Stump stated that perhaps as a compromise since the building already existing. He suggested that the applicant needs a permit to do some internal work and would not be changing the outside at all. He suggested that the Planning Commission give the building and parking area site plan approval and continue the remainder of the site to a future time where a retaining wall and other screening and landscaping are determined to be done. This may clear the way for the applicant to obtain a building permit for internal work and leave open to debate on how much external areas have to be changed.

Mr. Carnes asked Mr. Romig if the neighborhood would still have protection if the Planning Commission did what Mr. Stump is suggesting. In response, Mr. Romig stated that he has worked with Neighborhood Inspections on this site plan, and at this point, he doesn't believe that there is any protection and he doesn't know if the retaining on the site plan would ever be built.

Mr. Harmon asked if the Planning Commission could require the retaining wall. In response, Mr. Romig stated that then the Planning Commission would be hearing the entire site plan.

Ms. Coutant asked Mr. Romig if Legal has a problem with Mr. Stump's solution. In response, Mr. Romig stated he did not have a problem with that solution. Mr. Romig explained that the Planning Commission could allow the interior work to be done and then in the future a decision would have to be made regarding the retaining walls need to be built.

Mr. Harmon recognized Mr. Levinson.

Mr. Levinson stated that Mr. Stump's suggestion would work for his client. He indicated that he has no problem with continuing the consideration of the retaining walls. He commented that his engineer does not believe that the retaining walls are required.

Ms. Bayles asked Mr. Levinson if the retaining walls were nothing but cosmetic, but gave the neighborhood piece of mind and assurance that what they were told would be built and would give them that consideration, would his client be willing to do that. In response, Mr. Levinson stated that he believes his client might entertain that concept.

Mr. Harmon asked Mr. Levinson if his client is willing to build the retaining walls whether they are required or for the neighbors' piece of mind. In response, Mr. Levinson stated that he would be agreeable to the retaining walls on the western side.

Mr. Carnes asked what assurances the Planning Commission would have, since the property owner proposed to build the retaining walls at one point and then never followed through.

Mr. Stump suggested that if the Planning Commission did approve the building and parking area and reserved approval of the remainder of the site that it requires that the outside be approved prior to obtaining an occupancy permit.

Mr. Romig agreed with Mr. Stump's suggestion and stated that holding the occupancy permit until the remainder of the site plan is approved would be the assurance the Planning Commission is looking for.

Ms. Bayles recognized Mr. Schuller.

Mr. Schuller stated that he has not had a chance to ask his client if he would consent to Mr. Stump's suggestion.

Mr. Jackson explained to Mr. Schuller that the Planning Commission may be inclined to: (a) grant a continuance for the exterior detail site plan; (b) allowing the applicant to obtain a building permit to finish the interior, and (c) hold the certificate of occupancy until the exterior detail site plan is approved. He reminded Mr. Schuller that this is the only power that the Planning Commission would have and has ever had in the past.

Mr. Schuller stated that there have been some violations cited and his client has pointed out that walls were to be required and the property owner was given notice regarding this on February 4, 2003. In response, Mr. Jackson stated that at the time the property owner was not trying to get a certificate of occupancy for their new tenant. In response, Mr. Schuller stated that he believes the property owner was trying to get their building into compliance, but failed to do so, even though they knew they had tenants coming. Mr. Schuller requested time to discuss this with his client.

Mr. Romig stated that there was a certificate of occupancy issued for this particular building at one point and it was issued by mistake. The permitting office is under notice to watch this more carefully because of that incident.

INTERESTED PARTIES:

Stephen Parks, 4625 East 78th Street, cited the various violations he believes have occurred over the past five years. Mr. Parks submitted photographs (Exhibit B-1). Mr. Parks stated that he does not believe that this site is safe due to the topography and lack of retaining walls.

Mr. Jackson explained to Mr. Parks that right now the Planning Commission is discussing whether to continue this application. In response, Mr. Parks stated that he would like to have a continuance.

In response to Mr. Jackson, Mr. Romig stated that there was a certificate of occupancy issued for a beauty shop or something similar within the building, but not for the entire building. It was a mistake and the permitting office understands that they are to watch this property more carefully.

Max Vowel, 7701 South Sandusky, Tulsa, Oklahoma 74135, stated that he has attended all of the meetings regarding the subject property. He commented that it is not the interested parties protesting this application who are causing the delay, but rather the failure to comply with the requirements, which they knew they were in violation as late as February 2003.

Mr. Vowel stated that he believes the continuance is appropriate because he has not had a chance to review the site plan.

Mr. Vowel commented that he is concerned about what the property owner does on the subject property. He indicated that the interior floor has been cut out without a building permit, which he thought would be required to start the interior renovations. He explained that he has concerns that the property owner would not do what he claims.

Mr. Schuller stated that his client has no faith that the property owner will take the action that is required and would not consent to the solution or the suggestion that Mr. Stump made regarding the approval for the building and parking lot in order to receive a building permit for the interior work. The problems that the property owner is facing is entirely of his own making and believes that in four to six weeks he would plead for an certificate of occupancy because of time issues and still not comply with the requirements. He insisted in a continuance of the site plan application.

Mr. Prentice stated that as a tenant, he did not know anything about the issues with the building. He signed a lease in good faith and he did have a demolition permit. He explained that he discovered the problems with the subject property

when he submitted his architectural plans for review and permit. As a tenant, he has acted in good faith and he is trying to be a good tenant and finish out the space.

Mr. Stump asked Mr. Prentice if he realizes, as a tenant, that if the Planning Commission approves this application contingent upon all other things being agreed to and done prior occupancy, then he could not use his space until all of the conditions are met. In response, Mr. Prentice stated that he does understand. He further stated that with the size of investment his group is making, he has faith that they will follow through. He assured the Planning Commission that he would put pressure on the landlord to finish out the detail site plan in order to obtain a certificate of occupancy. He indicated that the project he is proposing is in the neighborhood of three million dollars.

Mr. Levinson stated that he has conferred with his client, and in order to obtain the building permit, he will do whatever it takes, including building a retaining wall.

Ms. Bayles asked Mr. Levinson if the property owner is willing to build the retaining walls. In response, Mr. Levinson answered affirmatively.

Mr. Jackson asked Mr. Stump if there was anything else the Planning Commission needed to know about the subject property before making a decision on the continuance and the complexities thereof.

Mr. Stump stated that obviously there have been past problems, but he has more faith that there are a significant number of motivations for the owner to come into compliance as soon as possible. It would be reasonable, since there is an existing building and an existing parking lot (which needs additional spaces) to approve the building and parking lot in order to obtain a remodeling permit, and then give the interested parties time to develop whatever proposals from whatever experts they would like on additions to the grounds of the subject development.

Mr. Jackson stated that the outside of the existing building would not get any better just sitting there waiting on detail site plan approval. If the owner has way to start generating some income, then the pressure to comply with the outside would aid in its completion. The subject property owner's past behavior has not been a good thing, but hopefully it would not be indicative of their future behavior since they do have multimillion dollar operation underway. The certificate of occupancy would be needed before the multimillion dollar operation could begin providing services.

Mr. Carnes stated that he would not agree to allow the applicant to do the other two parking spaces at this time. If the parking spaces are not allowed, then they

can't comply. He suggested that the interior work should be the only thing allowed at this time.

Mr. Harmon stated that the owner has agreed to build the retaining wall. He doesn't understand why the Planning Commission can't require the retaining wall regardless of what the engineers state is necessary.

Mr. Stump stated that at this point he doesn't believe the Planning Commission has enough detail to know how long the retaining wall should be or high it should be. The door should not be closed on this issue until the information is available.

Mr. Harmon suggested stating that the retaining wall be required and built to future specifications.

Mr. Harmon asked if the parking lot should be left out of the approval until a later date. In response, Mr. Stump stated that he would not recommend that as a good thing, because it is insufficient in the way it is designed today. The lower floor is going to be used for medical purposes and it has a higher parking ratio than general office. The additional spaces are necessary to be in compliance.

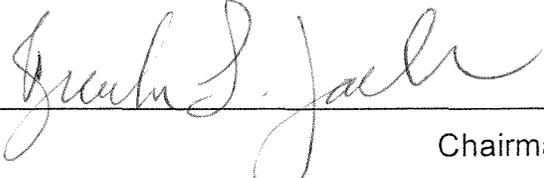
TMAPC Action; 7 members present:

On **MOTION** of **HARMON** TMAPC voted 4-2-0 (Bayles, Coutant, Harmon, Jackson "aye"; Carnes, Horner "nays"; none "abstaining"; Collins, Hill, Ledford, Midget, Westervelt "absent") to **APPROVE** the detail site plan for the office building and the parking lot area only, to allow an internal remodeling permit to be issued; subject to the condition that the applicant would not be allowed an occupancy permit until a site plan for the entire site is approved by TMAPC and construction per the approved plan. Such plans shall include a retaining wall built to some future specifications.

There being no further business, the Chair declared the meeting adjourned at 3:45 p.m.

Date Approved:

9.17.03


Chairman

ATTEST: Mary E. Liss
Secretary