

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2363

Wednesday, December 3, 2003, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Wednesday, November 26, 2003 at 10:43 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.

*Audio difficulty at the beginning of the meeting until Preliminary Plats began.*

### **SUBDIVISIONS:**

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

#### **REGULATIONS:**

**L-19597-Herbert A. Molyneux-RS (7408)**

(PD-19) (County)

12324 East 131<sup>st</sup> Street (continued from 11/19/03 Meeting)

**Applicant withdrew his application.**

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**FINAL PLAT:**

**Carbondale Assembly of God Parking Facility – (9234) OL (PD-9) (CD-2)**  
1921 West 51<sup>st</sup> Street

**STAFF RECOMMENDATION:**

This plat consists of one lot in one block on 3.8 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.**

**Ms. Bayles in at 1:32 p.m.**

**TMAPC Action; 8 members present:**

On **MOTION** of **WESTERVELT** TMAPC voted 7-0-1 (Carnes, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; Bayles "abstaining"; Collins, Coutant, Harmon "absent") to **APPROVE** final plat for Carbondale Assembly of God Parking Facility per staff recommendation.

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**MINOR SUBDIVISION PLAT:**

**Nordham East IV – (0431) (PD-16) (CD-3)**  
South of the Southwest Corner of East Pine Street and  
North Garnett Road (**Staff requests a continuance.**)

**STAFF RECOMMENDATION:**

All responses have been received and staff can now recommend **APPROVAL** of the minor subdivision plat.

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

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

**TMAPC Action; 8 members present:**

On **MOTION** of **CARNES** TMAPC voted 8-0-0 (Bayles, Carnes, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Coutant, Harmon "absent") to **APPROVE** the minor subdivision plat for Nordham East IV per staff recommendation.

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**PRELIMINARY PLAT:**

**Amos Electric – IL** (0320)

(PD-2) (CD-3)

3209 North Lewis Avenue

**STAFF RECOMMENDATION:**

The applicant has not been in contact with staff with regard to the issue of the Fire Department being able to serve this property. Staff recommends a continuation to December 17, 2003.

**The applicant was not present.**

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

**TMAPC Action; 8 members present:**

On **MOTION** of **LEDFORD**, TMAPC voted 8-0-0 (Bayles, Carnes, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Coutant, Harmon "absent") to **CONTINUE** the preliminary plat for Amos Electric to December 17, 2003 at 1:30 p.m.

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**Overland Park –** (2322)

(PD-13) (County)

North of East 146<sup>th</sup> Street North, East of U.S. 75

**STAFF RECOMMENDATION:**

This plat consists of 28 lots, three blocks, on 31.9 acres.

The following issues were discussed November 20, 2003 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned AG. Covenants must be cleaned up and references to other additions removed. Define reserves and responsibility for maintenance through the homeowners' association.
2. **Streets:** Label point of beginning. The legal description does not close. Use 30-foot radius for arterial intersection. Show Limits of No Access along the arterial. Note arterial right-of-way as "dedicated by this plat". Dimension Reserve A and identify and dimension private islands as Reserves. It would be preferable to take out the islands. If there is no park in the addition, then references to the park in the covenants should be removed. Get addresses from E911. Define reserves and maintenance responsibility.
3. **Sewer:** Aerobic systems are proposed.
4. **Water:** Washington County # 3 is to serve water.
5. **Storm Drainage:** Add verbiage for overland drainage easement, storm sewers, and surface drainage. Add the offsite stormwater pond and show its easement. Add overland drainage easement from the project site to the detention pond. Floodplain needs to be identified.
6. **Utilities:** Use standard language in the covenants. Additional easements may be needed.
7. **Other: Fire:** N/A. **TRAILS:** A trail is planned along Highway 20 and will be contained in the right-of-way.

The applicant stated that there are floodplain studies being completed on the western part of the property in future phases of the plat. The floodplain and its exact location cannot be tied down at the present time. The developer wants to proceed with the first phase of Overland Park as proposed in this preliminary plat.

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 County Engineer must be taken care of to his satisfaction.

**Standard Conditions:**

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A topography map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)

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

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

There were no interested parties wishing to speak.

**TMAPC Action; 8 members present:**

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

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**Audubon Village** – PUD 678(RS-3) (8323)

(PD-18) (CD-8)

East 98<sup>th</sup> Street, West of Memorial

**STAFF RECOMMENDATION:**

This plat consists of 31 lots, three blocks, on 12.28 acres.

The following issues were discussed November 6, 2003 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned under PUD-678 and the standards must be met and put in the covenants. Typos in the covenants need to be corrected. Clarify access to public trail. Separate Reserves E and D. Check livability space and lot frontage standards.
2. **Streets:** The plat needs the name and address of the surveyor. Correct the covenants, especially in 1-K. Put LNA along turnpike. Put language in covenants about public right-of-way dedication. Show the book and page dedication for 98<sup>th</sup> Street to Public Works Department per their final approval. Change sidewalk area to Reserve D to match covenants and include verbiage to convey Reserve D to the Homeowners' Association in section I.H. Change section I.J. (Reserve E) to read "Emergency Access Easement" and identify and dimension same on plat and describe its benefits, use, construction and maintenance. Proof that all property owners have dedicated the needed right-of-way for the public street needs to be shown. This includes dedication through the west end of the plat.

3. **Sewer:** Show the 16-inch sanitary sewer main installed under the South Springs SSID. It runs along the east property line and includes a 20-foot easement. It connects the 12-inch crossing pipe at the Creek Turnpike to the existing 12-inch on 98<sup>th</sup> Street. Show the existing 12-inch that the proposed line will tie into. City policy does not allow taps on 16-inch lines – check with Mark Rogers in Underground Collections for exceptions to the policy. The 7.5-foot wide easement in Lots 4 to 15, Block 3, is too small. The minimum width for sanitary easements is 15 feet. Reserve C needs an easement for the proposed sewer, or language in the deed of dedication allowing sanitary sewer.
4. **Water:** The conceptual plans need to show the existing six-inch waterline extended to the east. Standard development of waterline should be shown on south and east side.
5. **Storm Drainage:** Show Fry Ditch No. 2 FEMA Floodplain. Reserve B must include entire floodplain plus an additional 20 feet above the 100-year WSE for access. Do not place proposed utilities in Reserve B. Conceptual needs contours. Add the information on the plat. Use standard language for overland drainage easement. Address the fire lane. In the title section for I.F. include Reserve B. In the title for I.G. include Reserve C. No utilities can be in the reserve areas. Call out the floodway. Show clearly the regulatory floodplain in the City of Tulsa.
6. **Utilities: COX:** Additional easements needed. **ONG:** Use standard language in the covenants.
7. **Other: Fire:** Put the fire lane in an easement. Show the width. A 96-foot cul-de-sac is needed (corrected on plat handed out at TAC meeting 11/20/03). The turn-around as now shown on East 98<sup>th</sup> Street may not be in accordance with the PUD requirements and requires further discussion. Right-of-way is to be shown on an exhibit and the release letter from the City to activate dedication is forthcoming.

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

#### **Waivers of Subdivision Regulations:**

1. None requested.

#### **Special Conditions:**

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

2. Right-of-way dedication along 98<sup>th</sup> Street must be taken accomplished for a public street from the subdivision to Memorial. Turn-around must meet PUD conditions and be acceptable to the Planning Commission.

**Standard Conditions:**

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A topography map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)

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

**TMAPC COMMENTS:**

Mr. Jackson asked Mrs. Fernandez if she was requesting the applicant to dedicate the right-of-way and have the road constructed or just have the right-of-way dedicated. In response, Mrs. Fernandez stated that if they do not do that,

then they would need a minor amendment for the cul-de-sac and would need to come back to present their argument to the Planning Commission. Public Works had recommended the cul-de-sac.

Mr. Westervelt asked staff how the right-of-way of Memorial Drive to the subdivision was handled. In response, Mrs. Fernandez stated that it is her understanding that this has been accomplished.

**Applicant's Comments:**

**John W. Moody**, 1924 South Utica, Suite 700, Tulsa, Oklahoma 74104, stated that after meeting with Mr. Charles Hardt, this recommendation for the right-of-way was determined. The right-of-way could still be dedicated. He explained that Mr. Hardt has required all of the right-of-way to Memorial Drive. He stated that he would do whatever the Planning Commission wishes, but he wanted to present what Mr. Hardt is requesting. Mr. Moody stated that he could present through a PFPI and dedicate the street to the west end of the subject property or file a minor amendment. He commented that he would prefer to file a minor amendment.

**TMAPC COMMENTS:**

Mr. Westervelt stated that he understands that the applicant has the Memorial section resolved to the cul-de-sac, but if Mr. Hardt's suggestion is followed, wouldn't it leave the secondary access point without any way of getting back to the cul-de-sac. In response, Mr. Moody stated that access would still be on the existing private road easement that all of those lot owners have the legal right to use. It just wouldn't be dedicated all the way back, but it could be dedicated if that is the Planning Commission's choice.

Mr. Westervelt asked Mr. Moody why Mr. Hardt wanted to do this rather than simply dedicate so that the second point of access touched the dedicated road. In response, Mr. Moody stated that the primary reason was that the City didn't want to become involved at this point with having to accept the maintenance and a problem that is located farther to the west.

In response to Mr. Westervelt, Mr. Moody stated that he could dedicate to the west line of the property.

Mr. Westervelt stated that the dedication of right-of-way is needed to the fire lane.

Mr. Ledford stated that he believes it would better to get the cul-de-sac, which satisfies Mr. Hardt's issues, and to satisfy the Planning Commission issues, the right-of-way is needed to the west property line.

Mr. Moody stated that Mr. Hardt's concerns were whether all of the dedication would then have to be improved to public standards. He explained that his client

has agreed to pay for their portion and improve it to the cul-de-sac. He further explained that his client would give the dedication, but if a minor amendment is needed, he would like the record to state that he doesn't have to build the public street past the cul-de-sac.

Mr. Dunlap stated that staff is in agreement that the applicant could dedicate the right-of-way to the west boundary of the subject property, build the street as Public Works has requested, accept that portion as public street, and then there would be right-of-way dedicated past the public street for the time the street is completed. He doesn't believe the applicant would need a minor amendment.

**TMAPC Action; 8 members present:**

On **MOTION** of **WESTERVELT**, TMAPC voted 8-0-0 (Bayles, Carnes, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Coutant, Harmon "absent") to recommend **APPROVAL** of the preliminary plat for Audubon Village; subject to incorporating the cul-de-sac as it is shown on the exhibit, dedicating the full right-of-way to the west edge of the subject property, which encompasses the fire lane, and subject to special conditions and standard conditions per staff recommendation.

\* \* \* \* \*

**Pleasant Oaks 3 – RS** (9131)

(PD-18) (County)

Between West 161<sup>st</sup> Street and West 177<sup>th</sup> Street, North of 61<sup>st</sup> Street

**STAFF RECOMMENDATION:**

This plat consists of 19 lots, one block, on 23.67 acres.

The following issues were discussed November 6, 2003 and November 20, 2003 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned RS in Tulsa County.
2. **Streets:** A legal description and CA number are needed. A 30-foot radius is required at intersections. Show LNA and place LNA language in covenants. Include all perimeter line dimensions and darken plans so they can be read easily. Proposed residential lots with frontage (3) on an Arterial are contrary to good planning principles. The proposed entrance needs to be reworked. It is not clear whether this is a replat or not. Use 167<sup>th</sup> West Avenue as the street name.
3. **Sewer:** No comment. Septic is proposed.

4. **Water:** No comment. City of Sand Springs to provide water.
5. **Storm Drainage:** Please label creeks. Show any floodplain. Show storm sewer inlet structures. Complete the covenants and concept plan.
6. **Utilities:** OG&E and County Cablevision may serve this addition. SBC needs 17.5-foot easements.
7. **Other:** The applicant was not present to represent the case and the technical staff felt that there were too many issues to be resolved for this to go to the Planning Commission as a preliminary plat. The case would be revisited by TAC at their November 20<sup>th</sup> meeting.

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

**Waivers of Subdivision Regulations:**

1. A waiver to the length of the cul-de-sac is necessary.

**Special Conditions:**

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

**Standard Conditions:**

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

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

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

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

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

**TMAPC Action; 8 members present:**

On **MOTION** of **MIDGET**, TMAPC voted 8-0-0 (Bayles, Carnes, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Coutant, Harmon "absent") to recommend **APPROVAL** of the waivers of Subdivision Regulations to the length of the cul-de-sac for preliminary plat for Pleasant Oaks 3, subject to special conditions and standard conditions per staff recommendation.

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**PLAT WAIVER:**

**PUD 586-A/ Z-5888 SP-4 – (8418)**

(PD-18) (CD-8)

Northeast corner of East 91<sup>st</sup> Street and Mingo Valley Expressway

**STAFF RECOMMENDATION:**

The platting requirement was triggered by rezoning.

*Staff provides the following information from TAC at their November 20, 2003 meeting:*

**ZONING:**

TMAPC Staff: This request is to allow a plat waiver for an outdoor advertising sign in PUD 586. PUD's are typically platted, although there apparently have been plat waivers granted previously to sign uses.

**STREETS:**

No comment.

**SEWER:**

The sign should be outside of the future perimeter easement.

**WATER:**

No comment.

**STORM DRAIN:**

No comment.

**FIRE:**

N/A

**UTILITIES:**

No Comment.

The overall height is not shown in the table. Please add ten feet clearance and show ODOT right-of-way on elevation view. The sign needs to be clear of the right-of-way and easements. The applicant needs to make sure the 50-foot height proposed is in conformance with the approved PUD.

If the plat waiver is approved it should be for the one sign only and no other use.

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

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

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

	YES	NO
4. Is right-of-way dedication required to comply with Major Street and Highway Plan?	X	
5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived?	X	
6. Infrastructure requirements:		
a) Water		
i. Is a main line water extension required?		X
ii. Is an internal system or fire line required?		X
iii. Are additional easements required?		X
b) Sanitary Sewer		
i. Is a main line extension required?		X
ii. Is an internal system required?		X
iii. Are additional easements required?		X
c) Storm Sewer		
i. Is a P.F.P.I. required?		X
ii. Is an overland drainage easement required?		X
iii. Is on-site detention required?		X
iv. Are additional easements required?		X
7. Floodplain		
a) Does the property contain a City of Tulsa (Regulatory) Floodplain?		X
b) Does the property contain a F.E.M.A. (Federal) Floodplain?		X
8. Change of Access		
a) Are revisions to existing access locations necessary?		X

- 9. Is the property in a P.U.D.? X
  - a) If yes, was plat recorded for the original P.U.D. X
- 10. Is this a Major Amendment to a P.U.D.?
  - a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.?
- 11. Are mutual access easements needed to assure adequate access to the site? X
- 12. Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations? X

**Applicant's Comments:**

**John W. Moody**, 1924 South Utica, Suite 700, Tulsa, Oklahoma 74104, stated that the Planning Commission previously approved an amendment to this PUD specifically permitting the outdoor advertising sign. There is a restriction on the application that the plat waiver is for only the outdoor advertising sign and no other building permits would be issued unless the property is platted.

**TMAPC COMMENTS:**

Mr. Westervelt asked Mr. Moody if the sign is located outside of the 17.5-foot utility easement. In response, Mr. Moody answered affirmatively.

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

**TMAPC Action; 8 members present:**

On **MOTION** of **LED FORD** TMAPC voted 8-0-0 (Bayles, Carnes, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Coutant, Harmon "absent") to **APPROVE** the plat waiver for PUD-586-A/Z-5888-SP-4 per staff recommendation, subject to there being no other building permits issued except for the outdoor sign.

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**CHANGE OF ACCESS ON RECORDED PLAT:**

**Valley Bend Addition Lots 1 and 2, Block 1-** (837) (PD-2) (CD-18 )  
 1440 East 71<sup>st</sup> Street

**STAFF RECOMMENDATION:**

This application is made to allow a change of access along East 71<sup>st</sup> Street. The property is zoned CS.

Staff recommends approval of the change of access. The Traffic Engineer has reviewed and approved the request. Staff recommends **APPROVAL** of the change of access as submitted.

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

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

**TMAPC Action; 8 members present:**

On **MOTION** of HILL TMAPC voted 8-0-0 (Bayles, Carnes, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Coutant, Harmon "absent") to **APPROVE** the change of access on recorded plat for Valley Bend Addition Lots 1 and 2, Block 1 per staff recommendation.

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**CONTINUED ZONING PUBLIC HEARING:**

**Application No.:** CZ-332

**AG-R to AG**

**Applicant:** Dennis Bowers

(PD-15) (County)

**Location:** North Memorial Drive and East 112<sup>th</sup> Street North

**STAFF RECOMMENDATION:**

Ms. Matthews stated that this zoning case was continued in order to have the County Board of Adjustment's clarification of the terms "limited agricultural use". The County Board of Adjustment has left this decision up to the discretion of the County Zoning Official and he is to base his decision on whether it is of a scale that could be construed as commercial agriculture or animal raising versus hobby or a small number of livestock. If it is commercial, the County BOA felt it should come before the CBOA in a public hearing; however, if it is for hobby-type use, then the official can determine if it is limited agricultural use and would fit into the AG-R.

Ms. Matthews stated that the staff recommendation remains the same and staff doesn't see any reason, based on the facts heard to date, to recommend changing the zoning back to AG. The subdivision is platted and the property owners purchased their property knowing what the covenants were. The platting of a subdivision is an intent to urbanize. Therefore, staff stands by their recommendation to deny rezoning to AG.

**CZ-294 January 2002:** Upon the request from the homeowners within the Countryside Estate development, TMAPC requested the rezoning of the subject property from RE to AG-R. All concurred in the request.

**CZ-286 July 2001:** An application to rezone property located on the northeast corner of East 106<sup>th</sup> Street North and North Memorial Drive, south of the subject property from AG to RS was denied by TMAPC and RE zoning was recommended. The County Commission approved RE zoning upon appeal from the applicant.

**CZ-262 January 2001:** An application to rezone property located on East 106<sup>th</sup> Street North between North Memorial Drive and North Mingo Road from AG to RS was recommended for denial by TMAPC. The County Commission concurred in denial of RS and approved RE zoning.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 151 acres in size and is located on the east side of North Memorial Drive and on the north and south side of East 112<sup>th</sup> Street North. The property is sloping, partially wooded, the development contains large lots with single-family dwellings, grazing lands, farm buildings and is zoned AG-R.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design.</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
North Memorial Drive	Secondary arterial	100'	2 lanes
East 112 <sup>th</sup> Street North	Residential	50'	2 lanes

**UTILITIES:** Water to the site is served by the City of Owasso. Sewer is by septic systems or lagoons.

**SURROUNDING AREA:** The subject property is abutted on the north and west by large-lot, single-family residential homes and agriculture uses, zoned AG; to the south by vacant property zoned RE; to the east by vacant land, zoned AG and to the northeast by a residential development with single-family homes, zoned AG and is within the Owasso fence-line.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 15 Plan, a part of the Comprehensive Plan for the City of Owasso, designates the subject property as Rural Residential/Agriculture. According to the Plan Map and Land Use Descriptions in the Plan Text, the requested AG zoning is in accord with the Owasso 2010 Land Use Master Plan.

### **STAFF RECOMMENDATION:**

It was staff's understanding at the time this application was taken that most or all of the property owners in the subject boundaries supported this rezoning. Staff has since been contacted by a number of the property owners whose names and signatures appear on the petition of support to indicate they have changed their minds. This is not a TMAPC-sponsored application, and if the property owners do not in fact wish to have their properties rezoned, staff can see no benefit to the community in rezoning. Both the existing AG-R and the proposed AG are in accord with the Plan.

Absent of the support of all or most of the property owners, staff does not deem rezoning to AG to be in the public interest. According to the Zoning Code, one purpose of the AG district is to protect agricultural land until its transition to more urban types of development. This subdivision and others nearby appear to have begun that transition and rezoning to a lesser intensity at this point appears to be regression. Therefore, staff recommends **DENIAL** of AG zoning for CZ-332.

### **TMAPC COMMENTS:**

Mr. Westervelt asked if the CBOA determined that if a use is deemed not to be a commercial enterprise, they will then leave that judgement to the Building Inspector. In response, Ms. Matthews stated that she believes that the intent was to leave the judgement either way to the Building Inspector. In other words, the Building Inspector would advise the applicant if the applicant needed to go to the CBOA for a special exception.

Mr. Westervelt asked staff if the Building Inspectors determine that it is limited and if several homeowners do not agree with that, they could then go to the CBOA and appeal the decision. No one has given up the ability to seek what they think is fair or legal.

Ms. Matthews stated that there is always a source of relief available to the property owners.

### **Applicant's Comments:**

**Dennis Bowers**, 1006 North 92<sup>nd</sup>, Owasso, Oklahoma 74055, stated that he didn't feel that the issue before the CBOA was relevant to his case and believes that the property should be rezoned to AG and should have been AG for many years.

Mr. Bowers discussed CZ-294 and the lack of petitions available. He indicated that Mr. Trost visited the INCOG office today and was unable to collect the petitions or signatures of the property owners relevant to CZ-294.

Mr. Bowers submitted the a petition dated October 2, 2003, which states that people are withdrawing their support from the application (Exhibit B-3), which comes to a total of 16 opposing parties. INCOG advised that there should be

one signature per property and on this petition there are two signatures per property and one has been duplicated. There are only two wishing to withdraw from the application, the Segress property and the Wisser-Miller property. When all of these documents are added together, there are only two people withdrawing from the 18 original applicants and there are five people who are opposed (Exhibit B-2).

Mr. Bowers stated that the Planning Commission requires a super-majority of 70% for a rezoning and he believes he has met that 70%. Mr. Bowers requested that the application be approved.

**TMAPC COMMENTS:**

Mr. Westervelt asked Mr. Bowers if the CBOA decision be solved the issue that he is so intent on getting resolved. The Building Inspector would be making the decision and if the property owner doesn't agree with the decision he can go to the CBOA to appeal that decision. Further, if the neighbors believe the Building Inspector approved something more than limited agriculture, then they could appeal that decision. In response, Mr. Bowers stated that this decision will ultimately lead to more trips to the CBOA, and his prime interest is that he believes that this property was zoned to RE in 1980, and property owners purchased their property believing that their property was AG. The advertisement for the properties and appraisals were indicating the properties as AG. The County Assessor also indicates the property as being zoned AG. Mr. Bowers indicated that the City Planner in Owasso is prepared to retract his letter stating that they did not support this application.

Ms. Matthews stated that she would like to clarify Mr. Bowers's statement regarding the Owasso City Planner. She indicated that she did have a phone conversation with Duane Cuthbertson prior to today's meeting and he was to email his and the Owasso's Planning Commission's current thinking on this issue. The email would have stated, which was not received prior to this meeting, "that they would support the rezoning of the entire subdivision from AG-R to AG, but not a portion of it, unless an appropriate number (meaning a majority) would support AG". Ms. Matthews stated that she believes that the City Planner does not want spot zoning and unless a large number of the property owners are in agreement with the AG zoning, then Owasso would not support it.

**INTERESTED PARTIES:**

**Linda Segress**, 9034 East 112<sup>th</sup> Street North, Owasso, Oklahoma 74055, stated that she wanted to clarify that her petition has three pieces of paper, which indicates the two signatures belonging to one piece of property. There are ten households who are opposed to rezoning to AG. She explained that she was unaware of the requirement that there should be one signature per household, but she did combine them on her map. She did not try to mislead anyone on the number of households that signed the petition opposing the rezoning.



There were no interested parties wishing to speak.

**TMAPC Action; 8 members present:**

On **MOTION** of **BAKER** TMAPC voted 8-0-0 (Bayles, Carnes, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Coutant, Harmon "absent") to **APPROVE** the minor amendment and corridor site plan for PUD-405/Z-5722-SP-9-b per staff recommendation.

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**ZONING PUBLIC HEARING**

**Application No.: Z-6918**

**RS-3 to IL**

**Applicant:** Charles E. Norman

(PD-16) (CD-6)

**Location:** South of southwest corner of East Pine Street and North Garnett Road.

**STAFF RECOMMENDATION:**

**Z-6808 March 2001:** All concurred in approval of a request to rezone a 7.3-acre tract located in the northeast corner of East Independence and North Garnett Road extending from North Garnett Road to North 177<sup>th</sup> East Avenue, from RS-3 to IL.

**Z-6687 June 1999:** A request to rezone the 4.5-acre tract abutting the subject tract on the north, from RS-3 to IL for a machine shop. All concurred in approval of IL zoning.

**Z-6651 October 1998:** Approval was granted for a request to rezone a 4.5-acre tract abutting the subject property on the south from RS-3 to IL.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is flat, partially wooded, contains a vacant dwelling, and is zoned RS-3.

**STREETS:**

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

**UTILITIES:** The subject tract has municipal water and sewer.

**SURROUNDING AREA:** The property is abutted on the north by industrial and related office uses, zoned IL; to the west and south by industrial/related office uses, zoned IL; to the east by a truck rental company, zoned IL; and to the southeast by a large-lot single-family residential use, zoned RS-3. Note: This site is generally surrounded by Nordam Industries properties and apparently is one of the last vestiges of residential use on the west side of Garnett in this area.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 16 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Special District 2. This area is designated for industrial development consistent with the Industrial Plan section of the Comprehensive Plan. According to the Zoning Matrix, IL zoning **may be found** to be in accord with the Comprehensive Plan, provided the uses permitted by the zoning classification are consistent with the land use and other existing physical facts in the area, and supported by the policies of the District Comprehensive Plan.

**STAFF RECOMMENDATION:**

Based on the Comprehensive Plan and adjacent land uses, staff can support the requested rezoning and therefore recommends **APPROVAL** of IL zoning for Z-6918.

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

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

**TMAPC Action; 8 members present:**

On **MOTION** of **CARNES**, TMAPC voted 8-0-0 (Bayles, Carnes, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Coutant, Harmon "absent") to recommend **APPROVAL** of IL zoning for Z-6918 per staff recommendation.

**Legal Description for Z-6918:**

Lot 4, Block 1, Lakeside Gardens Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, and located south of the southwest corner of East Pine Street and North Garnett Road, Tulsa, Oklahoma, **From RS-3 (Residential Single-family High Density District) To IL (Industrial Light District).**

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**Application No.:** PUD-306-H-2

**MINOR AMENDMENT**

**Applicant:** Eric Sack

(PD-18) (CD-2)

**Location:** Southwest corner of Vensel Creek and South Riverside

**STAFF RECOMMENDATION:**

The applicant is requesting a minor amendment to allocate floor area within Tract B, which is a part of Lot 1.

PUD-306-H consists of 8.43 net acres located at the southwest corner of Vensel Creek and South Riverside Parkway. Uses permitted by right in a CS district have been approved for the PUD with a maximum building floor area of 180,000 SF.

The existing allocation of floor area is as follows:

<b>Maximum Building Floor Area for Development Area</b>	180,000 S.F.
Tract A in Lot 1 (Red Robin)	10,000 S.F.
Tract B in Lot 1	160,000 S.F.
Lot 2 (Outback Steakhouse)	10,000 S.F.

The applicant proposing the following allocation:

<b>Maximum Building Floor Area for Development Area</b>	180,000 S.F.
Tract A in Lot 1 (Red Robin)	10,000 S.F.
Tract B1 in Lot 1	140,000 S.F.
Tract B2 in Lot 1	10,000 S.F.
Tract B3 in Lot 1	10,000 S.F.
Lot 2 (Outback Steakhouse)	10,000 S.F.

Staff finds that the proposed minor amendment does not substantially alter the approved standards of the PUD. Therefore, staff recommends **APPROVAL** of the request subject to the condition that all other standards of PUD-306-H as amended shall remain unchanged.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

**TMAPC Action; 8 members present:**

On **MOTION** of **MIDGET** TMAPC voted 8-0-0 (Bayles, Carnes, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Coutant, Harmon "absent") to **APPROVE** the minor amendment for PUD-306-H-2 per staff recommendation.

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**Application No.:** PUD-405-I-2

**MINOR AMENDMENT**

**Applicant:** Hollis Allen, Jr.

(PD-18) (CD-8)

**Location:** South and west of southwest corner of East 92<sup>nd</sup> Street and South 78<sup>th</sup> East Avenue

**STAFF RECOMMENDATION:**

The applicant is proposing to eliminate the screening fence requirement along the western property line adjacent to the building.

The subject tract has been approved for an automobile paint and body shop. The tract has approximately 146 feet of frontage on East 93<sup>rd</sup> Street. The underlying zoning is CO. The tract is abutted on the southeast by a tract that is zoned CO/PUD-405-G and has been approved for automotive uses; on the southwest by a tract zoned CO/PUD-405, that is being used for drainage purposes; and on the northeast by a tract that is zoned CO/PUD-405 and approved for a credit union. To the northeast of the tract, across South 78<sup>th</sup> East Avenue, is a tract zoned CO/PUD-405-C that has been approved for automotive uses.

The existing screening standard states that "a six-foot high or higher screening wall or fence shall be provided as shown on the site plan" (See enclosed conceptual site plan). This conceptual site plan shows a screening fence along the entire western property line.

The applicant is proposing to eliminate the screening fence along the western property line adjacent to the building and extend the screening fence to the northwest corner of the building and also to the southwest corner. The area between the building and the west property line would be landscaped.

Staff finds that the request is minor in nature and is not a substantial deviation from the original approved plan. Therefore, staff recommends **APPROVAL** of the request per the submitted plan.

**RELATED ITEM:**

**Application No.:** AC-072

**Alternative Compliance Landscape Plan**

**Applicant:** Sack & Associates

(PD-18-C) (CD-8)

**Location:** South and west of southwest corner of East 92<sup>nd</sup> Street and South 78<sup>th</sup> East Avenue.

**STAFF RECOMMENDATION:**

The applicant is requesting approval of an alternative landscape plan for an automotive paint and body repair shop, specifically for waivers of Sections 1002.B.1 and 1002.C.2 of the Zoning Code regarding maximum distance of a parking space from a landscaped area with a tree. The applicant is proposing to relocate parking area trees, one to the street yard and one to the rear of the building. This proposal is in conjunction with a minor amendment request to setback screening of the west property line and would place trees outside the screened parking area. Therefore, the overall effect is better than (as the trees are more visible from the street and to adjacent properties) the requirements of the zoning chapter.

Staff recommends **APPROVAL** contingent upon approval of minor amendment request PUD-405-I-2.

**TMAPC COMMENTS:**

In response to Mr. Westervelt, Mr. Dunlap stated that there is a large drainage area with extensive vegetation on the subject property. The applicant is proposing to park all of the vehicles within a screened area and the property between the building and the back property line will be landscaped.

Mr. Westervelt asked staff what is the reason for the change. In response, Mr. Dunlap stated that he understands that the owner of the building would like for his employees to view the landscaped area and the drainage area to the rear during their breaks.

**Applicant's Comments:**

**Ted Sack**, Sack and Associates, 111 South Elgin, Tulsa, Oklahoma 74120, stated that this application is for Danny Myers Paint and Body Shop and the change is to implement a picnic area for the employees to have lunch and breaks. His client would like to keep the area opened. Mr. Sack submitted

photographs (Exhibit C-1) and described the open space area and distance between the proposal and the residential area.

**TMAPC COMMENTS:**

Mr. Westervelt stated that he didn't have any problems with this except that when there is no screening in the back of a paint and body shop, there seems to be difficulty at some point with parts and debris being stored outside and visible. In response, Mr. Sack stated that his client operates a clean operation. He reminded the Planning Commission that there is an alternative compliance provision of the landscaping requirement in association with this application to move the landscaping from the screened-in area and move trees that would have been required due to the number of parking spaces on the north side of the building to the street yard in the front and the other tree that would have been on the south side of the building is being moved to the landscaped area. His client is trying to concentrate the working area into an enclosed area and keep the rest of the site opened and pleasant to view.

Mr. Midget asked Mr. Sack if cars would be stored in the back of the building. In response, Mr. Sack stated that there would be no cars or car parts stored in the landscaped area.

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

**TMAPC Action; 8 members present:**

On **MOTION** of **CARNES**, TMAPC voted 8-0-0 (Bayles, Carnes, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Coutant, Harmon "absent") to **APPROVE** the minor amendment for PUD-405-I-2 per staff recommendation.

**TMAPC Action; 8 members present:**

On **MOTION** of **CARNES** TMAPC voted 8-0-0 (Bayles, Carnes, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Coutant, Harmon "absent") to **APPROVE** the alternative compliance landscape plan for AC-072 per staff recommendation.

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**OTHER BUSINESS:**

**Application No.:** PUD-664

**DETAIL SITE PLAN**

**Applicant:** Joyce Tuttle

(PD-12) (County)

**Location:** 9373 North Cincinnati

**STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for two single-story apartment buildings containing six units each. The proposed multi-family use, Use Unit 8, is in conformance with Development Standards.

The proposed apartment buildings comply with all development standards regarding maximum height permitted, building setbacks and minimum landscaped and street yard area requirements. The proposed light fixtures, however, are adjustable and are not directed downward. Staff recommends that a fixed shoe-box style fixture be used. The proposed pole and mounting height of 15 feet is in compliance with development standards.

Staff recommends **APPROVAL** of PUD-664 detail site plan on condition that shoe-box style light fixtures be used for the parking lot lighting.

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

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

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

**TMAPC Action; 8 members present:**

On **MOTION** of **WESTERVELT** TMAPC voted 8-0-0 (Bayles, Carnes, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Coutant, Harmon "absent") to **APPROVE** the detail site plan for PUD-664 per staff recommendation.

**RELATED ITEM:**

**Application No.:** AC-074

**ALTERNATIVE COMPLIANCE  
LANDSCAPE PLAN**

**Applicant:** Joyce Tuttle

(PD-12) (County)

**Location:** 9373 North Cincinnati

**STAFF RECOMMENDATION:**

The applicant is requesting approval of an alternative landscape plan for two single-story apartment buildings containing six units each, with the number of required trees being reduced from 34 to six and the use of hose attachments instead of an underground irrigation system.

The proposed internal landscaped area and street yard area comply with development standards and the zoning code. However, Section 1002.C.1 of the Zoning Code requires that one tree for each 1500 square feet, or fraction thereof, of street yard, be provided. The street yard is that area of a lot contained between the minimum required building setback line and an abutting public street. In this case the setback is 200 feet, with a street yard of 51,000 square feet and a total of 34 trees required. The standard setback for RM-zoned property is 35 feet. Based on this setback, the tree requirement would be six trees as proposed by the applicant. The trees shown on the alternative compliance landscape plan show the canopy of a more mature tree. Staff recommends that if the number of trees is reduced to six, that these trees be a minimum caliper of four inches and minimum height of 15 feet at the time of planting (no caliper or height designated on current plan).

Section 1002.D.2 requires that irrigation be provided by an underground sprinkling system or drip system. Plans using hose attachments require approval of TMAPC and the hose attachments must be within 100 feet of all landscaped areas. The applicant wishes to use hose attachments to irrigate the proposed landscaped areas. Due to the size of the required landscaped areas, staff recommends that an underground irrigation system be used in accordance with the Zoning Code. However, if hose attachments are approved, the applicant must provide at least two more attachments, as portions of the site would not be served by the current proposed system.

Staff recommends **APPROVAL** of the reduction of street yard trees as requested, **contingent** upon those trees being a minimum caliper of four inches and minimum height of 15 feet at the time of planting. Staff recommends **DENIAL** of the request for hose attachments in favor of an underground irrigation system. However, if hose attachments are approved, approval should be contingent upon provision of at least two more attachments, such that no landscaped area is more than 100 feet from such attachment.

**TMAPC COMMENTS:**

Mr. Midget asked staff how the proposal reduced 34 trees to six. In response, Mr. Dunlap stated that this is seen with PUDs and Corridor Site Plans. The Code would require a certain setback, but this could vary because of a PUD standard or the applicants suggestion that there be more setback than the normal street yard requirement.

**Applicant's Comments:**

**Bill Buffington**, 2930 East 51<sup>st</sup> Street, Tulsa, Oklahoma 74105, stated that there was some discrepancy in that the documents indicating that the building permit would be issued after approval of the landscaping plan. The building permit was issued and the buildings were built. The lawn is established and green. The hydrants are placed in the required positions so that every area is covered within the 100 feet. With respect to the trees, he is in agreement with the six trees, but

the original contract with the landscaper called for two-inch trees. His landscaper will not warrant four-inch trees because the two-inch trees have the same size ball as do four-inch trees. He requested that the Pin Oak trees be stricken and any tree that is on the approved list be allowed or that the size be required to be three inches so he would still be able to get a warranty on the trees. He further requested that the hose attachments be approved as in place.

**TMAPC COMMENTS:**

Mr. Horner asked Mr. Buffington if the lawn is already in and green. In response, Mr. Buffington answered affirmatively.

Mr. Midget asked staff how the applicant was able to install all of his landscaping without underground irrigation. In response, Mr. Dunlap stated that he could speculate on how this happened; however, he has not discussed this with the County officials. In theory the applicant should have applied for an alternative compliance for the landscaping prior to installing his landscaping.

Mr. Midget stated that he would be hard-pressed to approve the hose connections.

Mr. Carnes stated that the proposal indicates ten trees. In response, Mr. Dunlap stated that the alternative that is needed is for only the street yard requirement, which would be six trees. Mr. Dunlap stated that the landscape plan would have eight trees in the front of the building and two trees behind the building for a total of ten trees, but only six trees in the required street yard are being discussed for the alternative compliance.

Mr. Dunlap explained that the alternative compliance is for the required street yard, which involves six trees on the proposal. The landscape plan itself indicates ten trees for the entire project.

Mr. Jackson clarified that the issue is the six trees in the required front yard landscape. In response, Mr. Dunlap stated that the six trees are the problems.

Mr. Carnes asked if the applicant would want to trade for eight trees of three-inch diameter rather than the six trees at four-inch diameter.

Mr. Buffington explained that the property owner lives next to the apartments and would be on site to water the lawn and trees. He requests that the applicant not be forced to tear the lawn up and install irrigation.

In response to Mr. Horner, Mr. Buffington stated that the hose attachments were the original requirements in Sperry and he believes that in Tulsa, there must be a hose attachment within 100 feet of any place in the lawn and that is what his client did. This has been adequate in the past and he applauds the irrigation system, but it is not the only way to handle the watering system. If his client were

forced to tear up the lawn, then it would be six months before it would be recovered.

Mr. Dunlap stated that the irrigation system is the requirement.

Mr. Ledford stated that he could not support the hose bib because of the size of the landscaped areas.

Ms. Bayles stated that she could not support the hose attachments. She further stated that she would also be opposed to deleting the Pin Oaks for another type of tree.

Mr. Horner stated that he is absolutely opposed to the hose system.

**MOTION of MDIGET to APPROVE** the reduction of street yard trees as requested, **contingent** upon there being eight trees and those trees being a minimum caliper of three inches and minimum height of 15 feet at the time of planting, Pin Oak trees may be substituted with any tree on the approved tree and **DENIAL** of the request for hose attachments in favor of an underground irrigation system.

Mr. Jackson recognized the owner of the property.

**Toby Tuttle**, Route 1, Box 246, Sperry, Oklahoma 74073, stated that he is the owner of the apartment complex. He explained that he received the building permit, which he understands was in error; however, he is ready to lease his apartments and he doesn't feel that he should be punished for a mistake made by someone else. He stated that he cannot obtain an occupancy permit until the sprinkler system issue is settled.

**TMAPC COMMENTS:**

Mr. Ledford asked Mr. Tuttle if he was the owner of the property when the PUD was approved. In response, Mr. Tuttle answered affirmatively. Mr. Ledford stated that at the time the PUD was approved, these were guidelines put in the PUD. In response, Mr. Tuttle stated that it was not and he has the PUD that is signed, stamped and turned over to the building inspector to get his building permit.

Mr. Ledford explained to Mr. Tuttle that the landscaping requirements were part of the PUD when it was approved. In response, Mr. Tuttle stated that his PUD does not state that there is a sprinkler irrigation system required.

Mr. Dunlap stated that he doesn't believe that it is stated in the standard requirement in the text of the PUD. It does state that the landscaping has to meet the requirement of the Landscape Chapter, which does require the sprinkler system.

Mr. Tuttle stated that it is not his fault that he was issued a building permit by mistake and he doesn't believe that a hose attachment is that big a deal.

Mr. Midget stated that he sympathizes with Mr. Tuttle, but he cannot, in good conscience, waive the requirement.

Mr. Westervelt stated that properties change ownership and it cannot be guaranteed that the next owner would keep up with the watering. It would be in the best interest of the property owner and his tenants to install the sprinkler system. Mr. Tuttle stated that he agrees if he decides to turn the sprinkler system on. Mr. Westervelt stated that if the sprinkler system is never turned on, then it would become a Code enforcement issue.

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

**TMAPC Action; 8 members present:**

On **MOTION** of **MDIGET** TMAPC voted 8-0-0 (Bayles, Carnes, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Coutant, Harmon "absent") to **APPROVE** the reduction of street yard trees as requested, **contingent** upon there being eight trees and those trees being a minimum caliper of three inches and minimum height of 15 feet at the time of planting, Pin Oak trees may be substituted with any tree on the approved tree and **DENIAL** of the request for hose attachments in favor of an underground irrigation system.

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**Application No.: AC-073 ALTERNATIVE COMPLIANCE LANDSCAPE PLAN**

**Applicant:** Ben Samuels (PD-18) (CD-2)

**Location:** 6435 South Peoria

**STAFF RECOMMENDATION:**

The applicant is requesting approval of an alternative landscape plan for mini-storage to allow irrigation to be by hose attachment rather than by an underground sprinkling system or drip system as required by Section 1002.D.2. Per the plan, all 1,365 square feet of the landscaped area is within 100 feet of a hose attachment (one on the front of the manger's office, and one on the back) as required if an alternative compliance is approved. As this is a relatively small area and all areas are within 100 feet of the hose attachments, staff recommends **APPROVAL** of AC-073.

**TMAPC COMMENTS:**

Mr. Ledford stated that it is difficult to see on the submitted drawings where the landscaped areas are located.

Mr. Ledford asked staff how many square feet is involved. In response, Mr. Dunlap stated that there would be 1,365 square feet of landscaped area.

Mr. Westervelt stated that the Planning Commission just heard a case where it was recommended that the hose system not be approved. Granted there is a lot more area, but it was not going to be approved. He asked what staff found different in this case to recommend approval.

Mr. Dunlap stated that the difference in this application is the difference in the areas. In the previous case there was a very large area and the applicant was only proposing two hose bibs for the entire area. This case is a smaller area with limited landscape space and it is all within 100 feet of the two hose bibs.

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

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

Mr. Carnes stated that he agrees with Mr. Westervelt regarding this issue. The Planning Commission just asked for an irrigation system on a large piece of property and he doesn't feel comfortable with the next case being waived.

**TMAPC Action; 8 members present:**

On **MOTION** of **CARNES**, TMAPC voted 8-0-0 (Bayles, Carnes, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Coutant, Harmon "absent") to **DENY** the alternative compliance landscape plan for AC-073.

Mr. Jackson recognized the applicant.

**Applicant's Comments:**

**Ben Samuels**, 5350 East 46<sup>th</sup> Street, Tulsa, Oklahoma 74135, stated that the areas involved with this request are small. He explained that there are several areas, but the longest area is three feet wide and 100 feet long. There is a small area behind the residence, a small strip that is five feet wide and 25 feet long and a small island that is ten feet wide and ten feet long. It would take someone five minutes to water these areas by hose.

**TMAPC COMMENTS:**

Mr. Westervelt stated that nothing he just heard changes his vote. Peoria is a very important asset to this community and everyone has been working diligently to make Peoria look the best it can.



**TMAPC Action; 8 members present:**

On **MOTION** of **HORNER** TMAPC voted 8-0-0 (Bayles, Carnes, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Coutant, Harmon "absent") to **APPROVE** amended deed of dedication for Sheridan Oaks Estates as submitted.

\* \* \* \* \*

**Review and approve Open Records Policy regarding procedures and fees for services:**

**STAFF RECOMMENDATION:**

The Tulsa Metropolitan Planning Commission adopts the following policy for the production of records pursuant to the Oklahoma Open Records Act, 51 O.S. 24A.1. et seq.

Staff shall provide prompt, reasonable access to all records subject to the Open Records Act.

All requests for records shall be made to the Manager of Land Development Services at INCOG, 201 W. 5<sup>th</sup> Suite 600, Tulsa, OK 74103.

The following schedule of charges is adopted and shall be posted at INCOG in a place visible to the public during regular business hours:

Photo copy	\$ .25 each page
Microfilm copy	\$1.00 per page
Computer generated records/reports	\$ .25 each page
Audio cassette tape recordings	\$25.00 per hour for dubbing plus \$7.50 per 90 minute cassette
<u>CD burning (text only)</u>	<u>\$ .25 per page, plus \$7.50 for CD</u>
Document Search Fee	\$25.00 per hour

Audio tapes will be duplicated after the minutes of the meeting have been prepared in draft form.

Charges shall be paid when the records are received by the requesting party.

**TMAPC COMMENTS:**

Mr. Midget suggested that CD burning be added to the list.

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

**TMAPC Action; 8 members present:**

On **MOTION** of **WESTERVELT** TMAPC voted 8-0-0 (Bayles, Carnes, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Coutant, Harmon "absent") to **APPROVE** the Open Records Policy regarding procedures and fees for services per staff recommendation as modified by the Planning Commission. (Words deleted are shown as ~~strikeout~~; words added or substituted are underlined.)

\* \* \* \* \*

**Commissioners' Comments:**

Mr. Midget requested that staff update the Citizen's Guide to Zoning that was published in 1992. He suggested that it would be something that could be on the website for the public. He indicated that the petition issue could be addressed in this guide as well. The different departments could do their part of the updating to expedite this as soon as possible.

Mr. Ledford stated that he has received several complaints from consultants regarding the Zoning Atlas and the fact that it is no longer being updated on paper. In response, Mr. Alberty explained that this issue has been discussed at INCOG and it will be done in a different format (11" x 17") and a letter will probably be sent out soon to the previous subscribers to find out what their interest is.

Mr. Ledford requested that INCOG consider keeping what was produced in the past. In response, Mr. Alberty stated that the problem is that the CZMs are no longer updated and the old Atlas page was a photograph and reduction of the CZM. Everything is digital now, but he believes what is being proposed would be acceptable.

Mr. Ledford stated that the books were convenient to have in a conference room during a planning session. He explained that it is necessary to see what the zoning is on several different tracts of land.

Mr. Westervelt stated that he has tried to make contact several times with Mapping and Graphics to discuss the CD that replaced the Atlas. He explained that he uses the Atlas as a resource with regularity, but he was willing to go along with the new technology. He commented that he has tried to use the disc several times, but there is a fundamental problem with the index to find the general area. He explained that he has left two calls with the persons listed on the letter and has never received a returned call to talk about his problem.

Mr. Alberty stated that he believes this could be fixed and would bring it up with the staff at INCOG.

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

Date Approved:

Jan 21, 2004  
Lucho J. J. J.  
Chairman

ATTEST:

Nancy E. Hill  
Secretary

