

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2364

Wednesday, December 17, 2003, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, December 15, 2003 at 9:45 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 1:35 p.m.

Minutes:

Approval of the minutes of November 5, 2003, Meeting No. 2364

On **MOTION** of **HILL** the TMAPC voted 4-0-3 (Collins, Hill, Jackson, Westervelt "aye"; no "nays"; Coutant, Horner, Ledford "abstaining"; Bayles, Carnes, Harmon, Midget "absent") to **APPROVE** the minutes of the meeting of November 5, 2003, Meeting No. 2364.

REPORTS:

Chairman's Report:

Mr. Jackson reported that the preliminary plat for Amos Electric has been withdrawn from today's agenda. He indicated that Z-6919 would be taken out of order. He stated that an interested party has requested a continuance.

Ms. Matthews stated that staff has not received a written request for a continuance from the applicant.

Mr. Romig explained that an interested party has requested the continuance. He further explained that the interested party has a child running a 106-degree fever and needs this item taken at the beginning of the agenda.

Mr. Jackson asked Mr. Fernandez if he would have a problem with a continuance.

Applicant's Comments:

Shane Fernandez, 345 South Lynn Lane Road, Tulsa, Oklahoma 74108, stated that he has an option on the contract for the proposed property, which could be a problem if this were delayed.

INTERESTED PARTIES:

Bruce Lemmon, 1524 South Cheyenne, Tulsa, Oklahoma 74119, stated that he would like to defer to his Homeowner's Association Attorney. He indicated that he would be in favor of a continuance.

Tracy Horner-Shears, representing the Riverview Neighborhood Association, stated that she opposes this application and is requesting a continuance on her behalf. She explained that she is the one who has prepared the materials in opposition.

Mr. Jackson asked Ms. Horner-Shears if she could remain to hear this application if it were moved to the front of the agenda. In response, Ms. Horner-Shears answered affirmatively.

Representative Lucky Lamons, 205 West 17th, Tulsa, Oklahoma 74119, stated that he is present to speak in opposition to the application.

TMAPC COMMENTS:

Mr. Westervelt suggested that this application be moved up to the front of the agenda.

Worksession Report:

Mr. Jackson reported that there would be a worksession immediately following the TMAPC meeting in Room 1102.

Director's Report:

Mr. Alberty reported that there 41st and Harvard (Wal-Mart Neighborhood Market) application will be on the City Council agenda Thursday, December 18, 2003.

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Application No.: Z-6919

RM-2 to OM

Applicant: Shane Fernandez

(PD-7) (CD-4)

Location: South of southeast corner of West 15th Street and South Carson

STAFF RECOMMENDATION:

Z-6785 October 2000: All concurred in approval of a request to rezone the 130 x 250 lot located on the southwest corner of West 14th Street and South Carthage a two-story office building.

Z-6707 August 1999: Upon the request of numerous property owners within the Riverview Neighborhood lying between the Broken Arrow Expressway on the north to Riverside Drive on the south; and from the west side of South Jackson Avenue to South Elwood Avenue, TMAPC recommended approval of RS-4 zoning from RM-2. This "blanket" zoning included over 53 acres.

Z-6477 February 1995: All concurred in approval of a request to rezone a lot located north of the northeast corner of West 18th Street and South Carson Avenue from RM-2 to OL for office use.

Z-6311 July 1991: All concurred in approval of a request to rezone the northeast corner of West 15th Street and South Denver Avenue from CH and OL to CS to allow a QuikTrip facility

Z-6158 July 1987: A request to rezone a lot located on the southeast corner of South Denver Avenue and West 16th Street South from RM-2 to OM was approved.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is flat, non-wooded, vacant, and zoned RM-2.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
South Carson Avenue	Collector	60'	2 lanes

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA: The property is abutted on the north by a parking lot, zoned OM; to east by a parking lot, zoned OM; to the south by single-family

dwellings, zoned RM-2; and to the west by single-family residences, zoned RM-2.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 7 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Stonebraker Heights Office-Residential Area (Special District Area C).

According to the Zoning Matrix, OM zoning **may be found** to be in accord with the Comprehensive Plan, due to its location within a Special District.

STAFF RECOMMENDATION:

Based on adjacent land uses and zoning to the south and west, staff cannot support the requested rezoning and therefore recommends **DENIAL** of OM zoning for Z-6919. This property directly faces single-family residential uses (one of which is the former Santa House, now in single-family residential use) and abuts single-family residential uses to the south. To date, the nonresidential boundary has been held to the first frontage lots along 15th Street, and approval of this lot for OM would represent an intrusion into an otherwise residential neighborhood. Note: Should this property be approved for an OM-Use Unit 11 office use, it will require screening along the lot line or lines in common with the R district. It is furthermore unclear why the OM-zoned parking lot adjacent to this property on the east was not required to screen the portion adjacent to the R district within which this property lies.

Applicant's Comments:

Shane Fernandez, 345 South Lynn Lane Road, Tulsa, Oklahoma 74108, stated that he is in partnership with Bill Knight and saw an opportunity to take a vacant lot and put a 3500 square foot professional office space on the lot. He believes that with the rezoning and the existing buildings that have been converted to light office this proposal would not be an intrusion to the neighborhood. It would also develop a lot that had been vacant for several years.

TMAPC COMMENTS:

Mr. Jackson asked Mr. Fernandez what he would like the Planning Commission to consider regarding this application other than it has been vacant.

Mr. Fernandez stated that he doesn't want to build an intrusive business office, but rather develop something similar to the present structures. This would help develop the neighborhood and he understands the residents concerns with the OM zoning. However, the situation to the north and to the east of the subject property and some of the properties already within the RM-2 district consistent with his proposal, he felt that this wouldn't be too much out of the question.

Mr. Jackson asked Mr. Fernandez what would be located on the second floor. In response, Mr. Fernandez stated that the second floor could be a one-person firm, three partners or split up between two businesses or conference room.

Mr. Westervelt asked Mr. Fernandez if he would be controlling the lot immediately north of the subject property. In response, Mr. Fernandez answered negatively.

Mr. Westervelt asked Mr. Fernandez where he would access the lot. In response, Mr. Fernandez stated that there is an alley behind the subject property on the east side, as well as some street parking. Parking could be located in the back. The lot is wide enough to install a drive aisle off of the street if needed, on the north side adjacent to the surface lot and give access to the back.

INTERESTED PARTIES:

Tracy Horner-Shears, 1522 South Carson Avenue, Tulsa, Oklahoma 74119, stated that Riverview Association opposes this application. The neighborhood is substantially patch-worked by heavy commercial uses across the street. The neighborhood has not been successful in their battles with the Board of Adjustment. The applicant's reasoning is that IL and OM are prevalent in the area, but not because it was supported by the neighborhood.

Ms. Horner-Shears submitted an aerial map (Exhibit C-1) depicting locations with minor children living in the surrounding area. She indicated that there is a problem with the District 7 Plan that does not target the intersection as one of the higher intensity activity centers. There is a plan in development that has been submitted by city planners, landscape architects and city representatives for a revision to the District 7 Neighborhood Plan. She stated that Councilor Tom Baker is the sponsor of the plan, which substantially prohibits any further continued business development in this particular area. Ms. Horner-Shears submitted a District 7 map (Exhibit C-2) and Riverview Neighborhood Plan (Exhibit C-3).

Ms. Horner-Shears stated that there have been many battles over the subject lot in the past three to five years. It is her concern that it may have to be relinquished to office in the future, but she would prefer it not be. In the alternative, she would like to see the applicant be required to work with a panel of professionals from the neighborhood to develop a plan.

Applicant's Comments:

Bill Knight, 436 East 47th Place, Tulsa, Oklahoma 74105, stated that directly across the street from the subject property a variance and special exception was granted for the use of an office for one of the existing residential structures. The northeast corner of 16th and Carson has also been given a variance and special exception for a counseling clinic.

Mr. Knight stated that he plans to build an office that would look very similar to the residences in the neighborhood. He indicated that he would be willing to work with a landscape architect and the neighborhood to keep the esthetics similar.

INTERESTED PARTIES:

Lucky Lamons, representing House District 66, member of Riverview Homeowner's Association, 205 West 17th Street, Tulsa, Oklahoma, 74119, stated that the neighborhood is seeing more encroachment of businesses coming into the single-family homes. In the last month, a new law firm has moved into a single-family dwelling. Mr. Lamons described the surrounding single-family homes that have been changed to businesses. He indicated that the individuals never contact the neighborhood association to see how they would be received. He stated that he would like to see the subject area as a single-family residential neighborhood. The businesses move in without asking permission from the neighborhood association and the surrounding property owners. The University of Oklahoma recently made a proposal for a revitalization of the neighborhood. The homes in the subject area were built during the turn of the century, from 1900 to the newest being built two or three years ago.

Bruce Lemmon, 1524 South Cheyenne, Tulsa, Oklahoma 74119, stated that the last single-family home that was converted into a counseling office was not renovated in any way to alter its ability to support a family. The property owner did come to the homeowners association prior to moving in. Someday that house could be a single-family dwelling again, which is acceptable. He concluded by stating that he is in favor of denying this application.

TMAPC COMMENTS:

Mr. Jackson asked Mr. Lemmon how long the subject property has been vacant. In response, Mr. Lemmon stated that it had been vacant for the last 20 years.

Applicant did not have a rebuttal.

Mr. Westervelt stated that he is familiar with this area, and noting that there is RM-2 zoning in place, the applicant could go before the Board of Adjustment. The Board of Adjustment could put conditions on this that would allow the building to someday transition back into single-family.

TMAPC Action; 7 members present:

On **MOTION** of **WESTERVELT**, TMAPC voted 7-0-0 (Collins, Coutant, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Harmon, Midget "absent") to recommend **DENIAL** of OM zoning for Z-6919 per staff recommendation.

TMAPC COMMENTS:

Mr. Jackson informed the applicant that he could apply through the Board of Adjustment to obtain a variance with the RM-2 zoning.

SUBDIVISIONS:

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

L-19632 – Darrell Jones (9205) (PD 23) (County)
6418 West Edison

STAFF RECOMMENDATION:

Ms. Chronister stated that it has been brought to staff's attention that there may be some questions regarding the legal description and survey. The applicant has requested a continuance to the January 7, 2004 meeting in order to determine the correctness of the survey.

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 **WESTERVELT**, TMAPC voted 7-0-0 (Collins, Coutant, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Harmon, Midget "absent") to **CONTINUE** L-19632 to January 7, 2004, at 1:30 p.m.

LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-19561 – Pat Garner (9214) (PD 9) (CD 2)
704 West 23rd Street

L-19597 – Herbert Molyneux (7408) (PD 19) (County)
12324 East 131st Street

L-19603 – Kevin Coutant (9332) (PD 18) (CD 9)
2916 East 51st Street

<u>L-19604 – R. L. Reynolds</u> (2333)	(PD 14) (County)
Southwest corner 136 th Street North and Yale Avenue	
<u>L-19606 – Orville Sanders, Jr.</u> (8210)	(PD 8) (CD 2)
7919 South Yukon	
<u>L-19610 – Heidi Churchill</u> (7335)	(PD 20) (County)
17232 South Memorial Drive	
<u>L-19611 – Real Property Dynamics Inc.</u> (0335)	(PD 16) (CD 3)
805 North 91 st East Avenue	
<u>L-19612 – Malek Elkhoury</u> (8316)	(PD 18) (CD 8)
West of southwest corner East 81 st Street and Yale Avenue	
<u>L-19613 – Brenda Flanary</u> (2324)	(PD 14) (County)
15474 North 89 th East Avenue	
<u>L-19615 – Sack & Associates, Inc.</u> (9319)	(PD 6) (CD 9)
2104 East 37 th Street	
<u>L-19616 – Stephanie Baker</u> (0330)	(PD 3) (CD 3)
1531 North Xanthus	
<u>L-19618 – Sisemore Weisz & Associates</u> (9403)	(PD 17) (CD 6)
Southwest corner East Admiral Pl. and 161 st East Avenue	
<u>L-19620 – Judy Zachary</u> (1419)	(PD 15) (County)
East of northeast corner 92 nd Street North and 97 th East Avenue	
<u>L-19621 – Tulsa Development Authority</u> (9306)	(PD 4) (CD 4)
Northwest corner East 4 th Street and Lewis Avenue	
<u>L-19622 – Tulsa Development Authority</u> (9306)	(PD 4) (CD 4)
Southwest corner East 4 th Street and Lewis Avenue	
<u>L-19623 – Tulsa Development Authority</u> (9306)	(PD 4) (CD 4)
Northwest corner East 4 th Street and Lewis Avenue	
<u>L-19624 – Tulsa Development Authority</u> (9306)	(PD 4) (CD 4)
Southwest corner East 4 th Street and Lewis Avenue	
<u>L-19626 – Manufactured Home Mortgage Corp.</u> (2325)	(PD 14) (County)
8327 East 143 rd Street North	

L-19627 – Sack & Associates, Inc. (8320) (PD 18) (CD 2)

98th and Riverside

L-19633 – Tulsa Development Authority (0225) (PD 2) (CD 1)

514 East Seminole

L-19635 – Tulsa Development Authority (0225) (PD 2) (CD 1)

1635 North Greenwood Place

L-19638 – Guaranty Abstract Co. (9303) (PD 5) (CD 4)

5734 East Archer

STAFF RECOMMENDATION:

Ms. Chronister stated that all of these lot-splits are in order and staff recommends **APPROVAL**.

TMAPC Action; 7 members present:

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

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FINAL PLAT:

USO Venture – PUD 312 (IL) (9430) (PD-18C) (CD-5)

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

STAFF RECOMMENDATION:

This plat consists of one lot in one block on 5.05 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 **LEDFORD** TMAPC voted 7-0-0 (Collins, Coutant, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Harmon, Midget "absent") to **APPROVE** the final plat for USO Venture per staff recommendation.

Tulsa Bone and Joint – PUD 312 (IL) (9430)

(PD-18C) (CD-5)

East of Highway 169, North of East 51st Street

STAFF RECOMMENDATION:

This plat consists of one lot in one block on 16.5 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 **HILL** TMAPC voted 7-0-0 (Collins, Coutant, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Harmon, Midget "absent") to **APPROVE** the final plat for Tulsa Bone and Joint per staff recommendation.

APAC 11th Street Facility – PUD 668 (0494)

(PD-17) (CD-6)

13521 East 11th Street South

STAFF RECOMMENDATION:

This plat consists of one lot in one block and four reserve areas, on 19.5 acres.

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

INTERESTED PARTIES:

James Mautino, 14628 East 12th Street, Tulsa, Oklahoma 74108, stated that he believes that this plat is premature. Mr. Mautino read an email from Michael Skates, which was sent to Patrick Boulden, City Legal Department. Mr. Mautino submitted photographs and maps (Exhibit B-1). He expressed concerns that the approval of this final plat would be transmitted to the judge who is determining a suite on this property. He stated that the approval of this final plat would release it without the pond completion. Mr. Mautino listed several items that have not been completed and reiterated that the final plat should not be released. He expressed concerns that the 1977 floodplain elevations have not been restored as directed by the judge.

Mr. Mautino concluded that the plat should be delayed until all the projects are completed and inspected.

TMAPC COMMENTS:

Mr. Jackson asked Mr. Mautino why he was concerned about a wall that is located in the interior. In response, Mr. Mautino stated that he is concerned about the pond that was built in a floodplain and the people in the subject area are concerned about the flooding aspects that are created by the wall being built. The property owner redirected a creek, which makes it more of a floodprone area for residents on the east. If this pond were restored to the 1977 floodplain elevations, then it would reduce the threat of flooding to the east.

Mr. Jackson asked Mr. Mautino if he received his information from Stormwater Management. In response, Mr. Mautino stated that he has been in contact with Stormwater Management.

Mr. Jackson asked Mr. Mautino if Stormwater Management informed him that if all of the projects were completed he would have a less chance of flooding. Mr. Jackson asked Mr. Mautino who gave him the information that he is stating today regarding the floodplain, elevations etc. In response, Mr. Mautino stated that it is obvious to see that the pond is in a floodplain.

Mr. Jackson stated that the applicant has a permit for the wall and asked Mr. Mautino if he is claiming that Stormwater Management didn't look at the wall when they were looking at the pond. Mr. Jackson asked Mr. Mautino where he obtained his technical information.

Mr. Mautino stated that he didn't get his technical information from anyone to give to the Planning Commission. He explained that he researched it with Mr. Skates and Mr. Zachary, and he has been to the floodplain management people. All of this was determined through their conversations and they agreed that this does affect the floodplain and would cause the water to flood those people. This is why the judge was influenced to grant the order that the pond be returned to the 1977 floodplain.

Mr. Romig stated that if the judge ordered the property owner to return his property to the 1977 floodplain, then he will have to comply whether the plat is approved today or not. The judge has the authority to enforce her order.

Mr. Westervelt asked Mr. Romig if he is satisfied that the judge has enough authority to assure that the projects are completed and properly. In response, Mr. Romig stated that if the judge has ordered something to be done, it will have to be completed. Mr. Romig further stated that there would be code enforcement issues regarding walls, etc., and it would be an enforcement problem, as opposed to land use problems.

Patrick Boulden, 200 Civic Center, City Legal Department, stated that the email that Mr. Mautino was referring to has one of the following comments from Mr. Skates: "the final certification letter with the survey has not been provided by the consultant to this date and I have emailed the consultant and requested the document per the agreement and the original certification letter on APAC site. We were waiting for all the permitted improvements to be completed before this resurvey could occur. He does not believe the stone retaining wall is located in the revised floodplain and he has met with Mr. Mautino on numerous occasions and reviewed the issued permits for the wall site and the PFPI. The walls were part of the agreements in the law suit and the wall was permitted by Building Inspections. The same holds true with the block wall, all of which were permitted, signed, sealed and completed." Mr. Boulden stated that currently he is waiting for the block wall to be finished and Mr. Sack will do his final check and certify the construction. He explained that Councilor Justis is monitoring this project and the final plat will have to go to the City Council. Mr. Boulden concluded that he wanted to clarify the email so that the information couldn't be misconstrued.

Mr. Westervelt stated that the inference that there is something missing at Public Works that would not allow or be improper for the Planning Commission to move forward on the plat is not correct based on Mr. Skates' communication. In response, Mr. Boulden stated that this is an interpretation of Mr. Skates' communication. Mr. Boulden further stated that once all of the projects are completed and inspected, then the court case can be dealt with and finally conclude it.

Mr. Westervelt expressed concerns that the projects are not completed.

Applicant's Comments:

Ted Sack, Sack & Associates, 111 South Elgin, Tulsa, Oklahoma 74120, stated that the stormwater issues have been submitted to the City and they have been reviewed and looked at very closely. None of the items that are outstanding are platting issues. All of the release letters have been received and the release of the plat is necessary in order to file the final plat. The certificate that was

mentioned is a condition of the watershed development permit and once everything is completed, he will perform an "as built survey" and certify that the elevations have been met.

TMAPC COMMENTS:

Mr. Westervelt asked Mr. Sack how much longer it would be before this property is back into compliance with the PUD that was designed. In response, Mr. Sack stated that it is his understanding that the stucco work has started on the walls and it should be completed in the next couple of weeks. There is some rip-rap that needs to be installed at the base of one of the walls. He expected this to be completed within one month and then several areas need to be re-vegetated.

Mr. Ledford asked Mr. Sack if there was any reason why the Planning Commission should not approve the final plat. What type of guarantee is there that everything required would be completed? In response, Mr. Sack reminded the Planning Commission that this property is in litigation and the property owner has to report to the court on a periodic basis.

Mr. Ledford asked if there would be a problem if the final plat was not approved today, since it will be a month before the project is completed. In response, Mr. Sack stated that it wouldn't cause a problem, but the plat is in signature form now and there wouldn't be an additional Council meeting until January 8th, 2004. The final plat wouldn't be filed until the middle of January because of the timing. Mr. Ledford asked if the final plat would be filed before the certification has been approved. In response, Mr. Sack stated that there is nothing in the certification that is going to change anything on the face of the plat. It has nothing to do with the plat. In response, Mr. Ledford stated that he realizes that the certifications wouldn't change the face of the plat, but it would satisfy all of the requirements of the property. In response, Mr. Sack stated that this is true, but he also has permits and they wouldn't be finalized until such time the certification is provided.

Mr. Alberty stated that with regards to the Planning Commission's authority and responsibilities, all of those conditions for the filing of the plat have been met. What seem to be bridging over are perhaps some enforcement issues, which the Planning Commission doesn't have any authority over. It is his recommendation that the Planning Commission approve the plat so that it could be filed of record, whereby, those binding restrictive covenants become a part of the record and there is some enforcement issue. He further stated that Mr. Mautino may have some very good points, but they are not to the plat. All of the conditions for the plat have been met and there is no reason why the Planning Commission could not approve this final plat.

Mr. Westervelt expressed his displeasure regarding the length of time it is taking the property owner to come into compliance. However, after listening to both Legal and staff, he is convinced that the Planning Commission has ample ability to enforce the restrictive covenants. He stated that he hopes that the budgeting

can be improved for Neighborhood Inspection because without it, it is difficult to zone. Much of the complaints the Planning Commission hears are to do with enforcement and very little to do with zoning.

Ms. Hill agreed with Mr. Westervelt regarding the length of time it has taken for the property owner to come into compliance and the code enforcement issues.

Mr. Ledford stated that it is important what staff brought up. What occurs with a lot of these projects when they drag on is that they spill over into other areas, which really have no effect on the final plat and the requirements of the final plat. This is a PUD with very restrictive requirements and the property owner will have to satisfy the court. Releasing the final plat, even though he is dissatisfied with the timeframe to complete this project, would not do any harm.

TMAPC Action; 7 members present:

On **MOTION** of **WESTERVELT** TMAPC voted 7-0-0 (Collins, Coutant, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Harmon, Midget "absent") to **APPROVE** the final plat for APAC 11th Street Facility per staff recommendation.

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Trinity Creek – RS-3 (9426)

(PD-17) (CD-6)

Northeast Corner of East 51st Street South and South 161st
East Avenue

STAFF RECOMMENDATION:

This plat consists of 488 lots, 24 blocks, on 160 acres.

The following issues were discussed December 4, 2003 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is proposed to be zoned RS-3. Waivers to the block lengths must be requested. Check on livability space as required by the Zoning Code. Setbacks in the subdivision covenants should be consistent with zoning code requirements. Clarify where sidewalks are to be located. Label secondary arterial widths. *The applicants' engineer stated that sidewalks would be throughout the addition.*

2. **Streets:** Requires 30-foot radius at the major arterial intersection. Limits of No Access will be required along both arterials. Put Limits of No Access around the traffic circle. Dimension all curves, radius, and islands. Include Deed of Dedication for public street right-of-way and easements. Put Limits of No Access provisions in the covenants. The collector street shall consist of a 36-foot pavement in a 60-foot right-of-way. It is suggested that the arterial striping be modified to create a left-turn bay at 167 East Avenue.
3. **Sewer:** Add standard language for water, sanitary sewer, storm sewer and utility easements. There will be a \$700 per acre charge as system development fees for the City of Broken Arrow accepting the additional flow from the City of Tulsa. The Utility Board for the City of Tulsa will have to approve the proposal. Lot 12, Block 10, does not appear to be served. Some other design issues will be addressed in the SSID review. *The applicant mentioned his agreement with the City of Broken Arrow, which would lessen his per-acre fee because he is participating to bring infrastructure to the addition.*
4. **Water:** Standard language is needed in the covenants.
5. **Storm Drainage:** Show complete easements. An overland drainage easement will be needed for offsite water. The reserve is not clearly shown and the creeks are not labeled. Use standard covenant language. The concept plan should show the offsite water and how it will be handled. Where are the detention facilities? The existing and proposed floodplain must be shown as there are numerous lots in the floodplain.
6. **Utilities: ONG:** Use standard language. Additional easements will be needed. **Valor:** Additional easements will be needed.
7. **Other: Fire:** No comment.

It was suggested that there be an effort by the engineer for the project to coordinate the access between Trinity Creek and the tie-in to the Oxford Park Addition. Special attention to the variety of grades is important.

The planned phases of development should be shown.

The County Engineer stated that 51st Street is a County-maintained road.

The applicant requested that there be some feedback given about 161st Street. The Traffic Engineer said that a functional report from the applicants' engineer as to why the street could not be opened, or with other details, would be a good idea to open this dialog. The collector street size and a suggested redesign was further discussed with the Traffic Engineer and a separate meeting on these issues was suggested to be held before the Planning Commission meeting on this plat.

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

Waivers of Subdivision Regulations:

1. Waivers to block length are needed.

Special Conditions:

1. The concerns of the Public Works Department staff must be taken care of to their satisfaction. This includes the 36-foot wide collector street as recommended by the City Traffic Engineers and agreed to by the owner of the property.

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 **WESTERVELT**, TMAPC voted 7-0-0 (Collins, Coutant, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Harmon, Midget "absent") to recommend **APPROVAL** of the waiver of Subdivision Regulations and the preliminary plat for Trinity Creek, subject to special conditions and standard conditions per staff recommendation.

PLAT WAIVER:

BOA-19700

(PD-16) (CD-3)

5601 East 36th Street North

STAFF RECOMMENDATION:

The platting requirement was triggered by the Board of Adjustment approval for a new monopole tower. In keeping with the policy of TMAPC of approval for this type of use, staff recommends **APPROVAL** of the plat waiver requested.

(Section J.2 of TMAPC Rules of Procedure states that "It is the TMAPC's policy to waive the platting requirement for Antennas and Supporting Structures (Use Unit 4. Public Protection and Utility Facilities).

Applicant was not present.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **HORNER** TMAPC voted 7-0-0 (Collins, Coutant, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Harmon, Midget "absent") to **APPROVE** the plat waiver for BOA-19700 per staff recommendation.

* * * * *

BOA – 18826

(PD-5) (CD-5)

7718 East 11th Street

STAFF RECOMMENDATION:

The platting requirement was triggered by the Board of Adjustment approval for a new communications tower. In keeping with the policy of TMAPC of approval for this type of use, staff recommends **APPROVAL** of the plat waiver requested.

(Section J.2 of TMAPC Rules of Procedure states that "It is the TMAPC's policy to waive the platting requirement for Antennas and Supporting Structures (Use Unit 4. Public Protection and Utility Facilities).

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 (Collins, Coutant, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Harmon, Midget "absent") to **APPROVE** the plat waiver for BOA-18826 per staff recommendation.

* * * * *

BOA – 18832

(PD-9) (CD-2)

1602 West 51st Street

STAFF RECOMMENDATION:

The platting requirement was triggered by the Board of Adjustment approval for a new communications tower. In keeping with the policy of TMAPC of approval for this type of use, staff recommends **APPROVAL** of the plat waiver requested.

(Section J.2 of TMAPC Rules of Procedure states that "It is the TMAPC's policy to waive the platting requirement for Antennas and Supporting Structures (Use Unit 4. Public Protection and Utility Facilities).

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 (Collins, Coutant, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Harmon, Midget "absent") to **APPROVE** the plat waiver for BOA-18832 per staff recommendation.

* * * * *

CONTINUED ZONING PUBLIC HEARING:

Application No.: PUD-312-A-4

MINOR AMENDMENT

Applicant: Shane Fernandez

(PD-18) (CD-6)

Location: Northeast corner of East 51st Street and South 109th East Avenue

STAFF RECOMMENDATION:

The applicant is requesting an allocation of floor area within Development Area C of PUD-312-A.

Development Area C consists of approximately 5.65 acres located at the northwest corner of East 51st Street and South 109th East Avenue. The following uses have been approved for the development area:

Uses included within Use Units 11, Offices, Studios and Support Services; 12, Eating Establishments Other Than Drive-Ins; 13, Convenience Goods and Services, 14, Shopping Goods and Services; 16, Gasoline Service Stations; and uses customarily accessory to permitted principal uses.

The maximum building floor area for Development Area C is 52,500 SF.

The applicant is proposing the following allocation of floor area:

Maximum Building Floor Area for Development Area	52,500 SF
Tract A (Bank)	18,500 S.F.
Tract B	34,000 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-312-A as amended shall remain unchanged.

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 (Collins, Coutant, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Harmon, Midget "absent") to **APPROVE** the minor amendment for PUD-312-A-4 per staff recommendation.

OTHER BUSINESS:

Application No.: PUD-579-A

DETAIL SITE PLAN

Applicant: Dave Huey

(PD-18) (CD-8)

Location: Northwest corner of East 81st Street and South Highway 169

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a multi-story, 191,170 sq. ft. cancer treatment facility and hospital. The proposed use, a

hospital and offices (Use Unit 11), and uses customarily accessory to permitted uses are in conformance with development standards.

Proposed building height, maximum building floor area ratio and building land coverage are in compliance with PUD-579-A development standards. In addition, the multi-story buildings are in compliance with setback requirements.

The site plan also meets minimum landscaped open space and street yard requirements. A six-foot wood screening fence is provided on the west property line as required and all mechanical equipment areas are screened. The bulk trash container/compactor is located on the west side of the treatment center in the loading dock area, facing the adjacent (future) residential area. The trash container is screened from public view as required, however its proximity (and that of the loading dock) to the adjacent planned residential area may be of concern. Development Standard #9 states that "the appropriate location of such containers shall be established during detail site plan approval". Staff recommends that if the bulk trash container and loading dock are permitted at this location and that no future request (if any) for removal of site screening be permitted.

Staff recommends **APPROVAL** of PUD-579-A detail site plan on condition that the proposed location of the bulk trash container and loading dock be approved subject to screening of the west property line.

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

Applicant's Comments:

Charles Norman, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, stated that he is representing the applicant in this case. He explained that currently no development has occurred adjacent to the subject property and it is heavily wooded. He requested that at some point in the review process he might request an amendment to the site plan, during construction, to delete the requirement for the screening fence against the woods if nothing has been developed (as a temporary basis). Mr. Norman concluded that he is pleased with the staff recommendation and requested that it be approved.

TMAPC Action; 7 members present:

On **MOTION** of **WESTERVELT** TMAPC voted 7-0-0 (Collins, Coutant, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Harmon, Midget "absent") to **APPROVE** the detail site plan for PUD-579-A per staff recommendation.

TMAPC COMMENTS:

Mr. Horner stated that it pleases him to see the growth of this facility. He is happy to see the treatment center take root. This is a wonderful opportunity for Tulsa.

Application No.: PUD-498-B/Z-6714-SP-1b

DETAIL SITE PLAN

Applicant: Tim Zellner

(PD-18) (CD-8)

Location: 10008 South 73rd East Avenue

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a new three-story hotel. The proposed use, Use Unit 19, is in conformance with development standards.

The 40,246.98-square foot hotel comprises of 72 rooms plus one resident manager's apartment unit per approved minor amendment request PUD-498-B-1/ Z-6714-SP-1b. The proposed hotel meets setbacks and minimum landscaped area per that same minor amendment. Proposed parking and parking lot lighting are in compliance with PUD development standards and the zoning code.

The proposed street yard is in compliance with development standards, and internal landscaped area of 24.68% is per the above-mentioned minor amendment. A six-foot wood screening fence is proposed on the west and south boundaries as required. The outdoor trash receptacle is also screened per PUD development standards.

Staff recommends **APPROVAL** of PUD-498-B/ Z-6714-SP-1b detail site plan as proposed.

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

Applicant was not present.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **HORNER** TMAPC voted 7-0-0 (Collins, Coutant, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Harmon, Midget "absent") to **APPROVE** the detail site plan for PUD-498-B/Z-6714-SP-1b per staff recommendation.

Application No.: PUD-355-C

DETAIL SITE PLAN

Applicant: Doug Huber

(PD-18) (CD-8)

Location: Northwest corner of East 91st Street and South Yale Avenue

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a two-story, 8,000 square foot office building. The proposed use, general office, Use Unit 11, is in conformance with development standards.

The proposed building complies with all development standards regarding maximum floor area and height permitted, building setbacks and minimum landscaped area requirements. The proposed parking lot lighting is in compliance with development standards and the zoning code.

Staff recommends **APPROVAL** of PUD-355-C detail site plan as proposed.

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

Applicant was not present.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **HORNER** TMAPC voted 7-0-0 (Collins, Coutant, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Harmon, Midget "absent") to **APPROVE** the detail site plan for PUD-355-C per staff recommendation.

Staff Requests a reconsideration for AC-073 – Ben Samuels

Location: 6435 South Peoria

STAFF RECOMMENDATION:

Mr. Alberty stated that this was placed on the agenda in anticipation of assisting Mr. Samuels; however, he does not want this assistance or reconsideration. He indicated that Mr. Samuels will be applying to the Board of Adjustment. Staff recommends that this item be stricken from the agenda.

TMAPC COMMENTS:

Mr. Ledford stated that it is unfortunate to have an ordinance and then start allowing irrigation and non-underground irrigation. The Planning Commission needs to come to some solution of where this is cut off. He requested some direction from staff or possibly a change on the Zoning Code to allow this type of irrigation in the areas where there less than a certain area that a hose is allowed rather than underground irrigation.

Mr. Jackson stated that it is difficult to request that an applicant spend thousands of dollars for a sprinkler system to water a 100' x 50' strip of lawn.

Mr. Westervelt requested Chairman Jackson to add this issue to the Work Program. In response, Mr. Jackson requested staff to add this issue to the Work Program.

AC-073 STRICKEN.

* * * * *

Request from University of Tulsa to approve proposed amended TU Master Plan as part of District 4 Plan Map and Text.

Applicant's Comments:

Charles Norman, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, stated that he wanted to introduce this subject to the Planning Commission today. He requested the Planning Commission to send this item to committee and then set a public hearing for consideration.

Mr. Norman referred to the letter from Dr. Lawless and the accomplishments pursuant to the adopted plan. This has created an incentive for the renovation and rehabilitation of the entire area in the vicinity of the TU campus. He indicated that all of these things have been accomplished since 1987 when the plan was adopted.

Mr. Norman stated that he is looking forward to bringing the new plan to the Planning Commission. He explained that the new plan has been an enormous task and he thanked them for the assistance of Dane Matthews.

Mr. Norman stated that TU would be reviewing the proposed plan with all of the public agencies involved and the neighborhood associations.

Mr. Norman indicated that one of the proposals would be to create a new formal entrance to the TU campus from 11th Street.

Mr. Jackson directed staff to send this request to the worksession and add to the Work Program.

Mr. Westervelt stated to Mr. Norman that he has been most complimentary of staff and the Planning Commission and the University for their hard work on the TU Master Plan. He further stated that TU is fortunate to have Mr. Norman to aid them in their land use decisions and planning.


Mr. Norman thanked Mr. Westervelt for his words and stated that it has been a pleasure working for the University of Tulsa. The quality of the institution is improving in every aspect. He vowed to continue to work with the Planning Commission and the neighborhoods to further the process.

* * * * *

There being no further business, the Chair declared the meeting adjourned at 2:45 p.m.

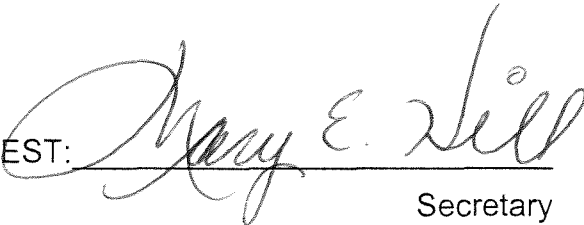
Date Approved:

Jan 20, 2004



Chairman

ATTEST:



Secretary