

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2371

Wednesday, March 3, 2004, 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>
Carnes	Bayles	Alberty	Romig, Legal
Coutant	Harmon	Dunlap	
Hill		Fernandez	
Horner		Huntsinger	
Jackson		Matthews	
Ledford			
Midget			
Miller			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, March, 1, 2004 at 9:30 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 Westervelt called the meeting to order at 1:30 p.m.

### Minutes:

#### **Approval of the minutes of February 4, 2004, Meeting No. 2368**

On **MOTION** of **CARNES** the TMAPC voted 5-0-3 (Carnes, Coutant, Ledford, Jackson, Midget "aye"; no "nays"; Hill, Horner, Westervelt "abstaining"; Bayles, Harmon "absent") to **APPROVE** the minutes of the meeting of February 4, 2004, Meeting No. 2368.

### **REPORTS:**

#### **Director's Report:**

Mr. Alberty reported on the progress of the Citizen's Guide to Planning and Zoning. He indicated that it would be published on the website along with a letter from the Legal Department regarding a supermajority vote from the City Council.

Mr. Alberty reported on the City Council cases at the past City Council meeting and the upcoming City Council meeting.

Mr. Alberty reported that there was some discussion at the City Council level and they have requested that staff advertise, as quickly as possible, the amendment for the Sexually Oriented Businesses in addition to the spacing requirement. This amendment is proposing that a hearing be required for each of the SOBs regardless of what district they appear in. All of the details have not been worked out and hopefully in two weeks it will be decided.

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## **SUBDIVISIONS:**

### **MINOR SUBDIVISION PLAT:**

**Diversified Industrial Center II** (9430)

(PD 18) (CD 5)

9912 East 45<sup>th</sup> Place

### **STAFF RECOMMENDATION:**

This plat consists of two lots, one block, on one acre.

The following issues were discussed February 19, 2004 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned IL.
2. **Streets:** No comments.
3. **Sewer:** No comments.
4. **Water:** There is an existing ten-inch water main along East 45<sup>th</sup> Place.
5. **Storm Drainage:** Delete the word "general" in Section IA.
6. **Utilities:** No comment.
7. **Other: Fire:** No comment.

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

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

1. None requested.

**Special Conditions:**

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

**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 (Carnes, Coutant, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Harmon, Miller "absent") to **APPROVE** the minor subdivision plat for Diversified Industrial Center II, subject to special conditions and standard conditions per staff recommendation.

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**PRELIMINARY PLAT:**

**Brenton Wood Addition** (9224)

(PD 6) (CD 6)

Southwest corner of East 32<sup>nd</sup> Street South and South Peoria Avenue

**STAFF RECOMMENDATION:**

This plat consists of seven lots, one block, on 1.149 acres.

The plat was continued from the January 15, 2004 and the February 5, 2004 TAC meetings. The following issues were discussed February 19, 2004 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned RS-3. Proposed zoning is PUD 698. The City Council needs to determine the PUD development standards and maximum number of lots permitted for this development. The PUD may be scheduled to be heard by Council on February 26, 2004. Livability space must be shown per PUD requirements on the face of the plat.

2. **Streets:** A sidewalk is recommended along Peoria. It is recommended that the 0 foot building setback along Peoria be increased to allow for future utility needs behind the 35-foot urban arterial right-of-way. A waiver of the intersection radius as necessary is supported. A discussion about the need for future wider easements especially around the perimeter of the site was held. *(The utilities present did not need wider easements on this site.)*
3. **Sewer:** The existing 18-inch sanitary sewer main in East 32<sup>nd</sup> Street is not available for taps. Therefore, a main extension will be required to serve the proposed plat.
4. **Water:** A two-inch main line may not be able to supply the demand for this project. A water main extension (six-inch) may be needed.
5. **Storm Drainage:** If there is a 100-year drainage system from the site to the Arkansas River, then all runoff may be collected onsite and piped to said system. Crow Creek FEMA floodplain plus an additional 20-foot above 100-year WSE (water surface elevation) must be in a reserve. A conceptual site plan is needed.
6. **Utilities: PSO, Cox:** Okay as presented. **ONG:** Will need to discuss with applicant.
7. **Other: Fire:** N/A

Staff should be able to have a staff recommendation at the TMAPC meeting, if standards for the PUD have been approved by City Council before the meeting.

**Waivers of Subdivision Regulations:**

1. Waiver of intersection radius.

**Special Conditions:**

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

**Standard Conditions:**

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.

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

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

Mrs. Fernandez submitted a revised plat (Exhibit A-1).

**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 (Carnes, Coutant, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Harmon, Miller "absent") to **APPROVE** the preliminary plat and for Brenton Wood Addition and approve the waiver of Subdivision Regulations for the intersection radius, subject to special conditions and standard conditions per staff recommendation.

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**Memorial Trade Center** (9326)

(PD 18) (CD 5)

South side of East 41<sup>st</sup> Street, ¼ mile west of East 41<sup>st</sup> Street and Memorial Drive

**STAFF RECOMMENDATION:**

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

The following issues were discussed February 19, 2004 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned IL and PUD-661. This is the former Industrial Center Plat. Mutual access easements will be needed if lot-splits are contemplated in the future.
2. **Streets:** Include lot dimensions. In Section 3, identify the owner and maintenance of Reserve A.
3. **Sewer:** No comment.
4. **Water:** Remove "general" from Section I A. All water lines under pavement must be DIP (ductile iron pipe).
5. **Storm Drainage:** The e-mail address of the engineer/surveyor is needed. The current floodplain status is April 2003, not November 1999. The location map needs to identify surrounding subdivisions. The five-foot utility easement on the north side is too small. It needs to be a minimum of ten feet. Identify the purpose of the ten-foot easement from plat 2355. Why is there a ten-foot space between easements on the north side? The easement for the storm drain should end at the back of the inlet structure. On the conceptual plan identify where the water flows on the west side of the building. Indicate how flows from the roof drains reach the overland drainage easement. Indicate the size of the inlet on the northwest corner and ensure that it will fit into the easement. The storm drain outlet structures must be within property lines. The 100-year floodplain needs to be properly identified.

6. **Utilities: PSO:** A design engineer will meet with the applicant. **COX:** More easements will be needed. **ONG:** Standard language needs to be put in the covenants.
7. **Other: Fire:** Show Fire Department entrance, fire connection. The fire detector street vault will need to be properly located (in street right-of-way or dedicated easement). There will be separate permits required for sprinklers and alarms. Buildings must be sprinkled. **General:** Show geographic section for starting point. Define point of beginning. Clarify heavy dark lines on 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 Public Works Department staff must be taken care of to their satisfaction.

**Standard Conditions:**

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

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

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

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

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

**TMAPC Action; 8 members present:**

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

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**Commercial Center** (8314)

(PD 18) (CD 8)

North and West of East 91<sup>st</sup> Street and Memorial Drive

**STAFF RECOMMENDATION:**

This plat consists of two lots, one block, on three acres.

The following issues were discussed February 19, 2004 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned RM-0 and PUD 360 B. All PUD conditions must be met.

2. **Streets:** Show dimensions of mutual access easements.
3. **Sewer:** Increase the proposed 15-foot utility easement along the north property line to a 17.5-foot utility easement. Add language to the covenants (similar to Section 1, H and I) describing the sanitary sewer easement. On the conceptual plan show the four-inch service line shown to exist within the proposed 15-foot sanitary sewer easement, must be enlarged to an eight inch line through the SSID process.
4. **Water:** Change 20-foot R/WL/E to a 20-foot WL/E. Show book and page for existing waterline. Remove "general" from Section IA.
5. **Storm Drainage:** Use standard language in the covenants. Show contours. The e-mail address of the engineer is needed. The book and page for the stormwater easement is needed. It is not obvious what is proposed. Overland drainage easements may be needed. Fifteen-foot easements may be needed. (The applicant stated that they will write a stormwater easement if necessary.)
6. **Utilities:** Okay. **Valor:** The plat is acceptable as presented.
7. **Other: Fire:** Okay.

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

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

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

**Standard Conditions:**

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

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

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

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

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

**TMAPC Action; 8 members present:**

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

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East 46<sup>th</sup> Street and Skelly Drive

**STAFF RECOMMENDATION:**

This plat consists of four lots, one block, on 24 acres.

The following issues were discussed February 19, 2004 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned CS, OL, OM and PUD 650. Lot 3 does not appear to be a useable lot and it is suggested that it be reconfigured. All PUD conditions must be met. All setbacks should be shown appropriately.
2. **Streets:** Reduce 80-foot access to a 70-foot (approximately) access and modify the entry design. Discuss ODOT right-of-way and intersection radius. Lot 3 may need a mutual access easement. Show LNA along 46<sup>th</sup> Street, for Darlington access, and around cul-de-sac. Show centerline of Darlington intersection to the north. On the conceptual plan modify the island and adjust the approach lanes to minimize the intersection width and movements for the major entry on the service road. Shorten the access and work on possible turn-lane design.
3. **Sewer:** Nearly all the proposed pipe is under paving and therefore it will all be ductile iron pipe.
4. **Water:** Change R/WL/E to read WL/E. Remove "general" from Section IA. All water mains under pavement have to be ductile iron pipe.
5. **Storm Drainage:** The e-mail address for the engineer needs to be provided. Add adjacent subdivisions in the location map. Show point of beginning for legal description. Use standard covenant language. Show limits of detention pond. Storm sewer needs to be provided and placed in easements and maintained by a property association. Overland drainage easements may be needed.
6. **Utilities: PSO:** Okay. **Cox:** Additional easements may be necessary.
7. **Other: Fire:** Buildings may need to be sprinkled.

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

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

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

**Standard Conditions:**

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
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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.)
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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.)
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21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final plat.
23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.
24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

The applicant indicated his agreement with staff's recommendation.

**INTERESTED PARTIES:**

**Gary Kruse**, 4501 S. Kingston, Tulsa, Oklahoma 74135, asked if the traffic diverter would be reinstalled or the speed humps would remain in place. In response, Mr. Dunlap stated that the PUD standards were not changed and would be in force as approved. Off-site traffic calming devices are subject to City approval and this would be considered an off-site improvement.

**Applicant's Comments:**

**Ted Sack**, Sack & Associates, 111 South Elgin, Tulsa, Oklahoma 74120, stated that he understands that the City has the final say on what type of traffic calming device is installed. He explained that there was funding for a temporary device that was installed on Hudson, but the neighborhood decided it wasn't what they wanted and it was removed. There are speed humps in the subject area now and are being tested as traffic calming devices.

**TMAPC Action; 8 members present:**

On **MOTION** of **HORNER** TMAPC voted 8-0-0 (Carnes, Coutant, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Harmon, Miller "absent") to **APPROVE** the preliminary plat for Skelly Drive Center, subject to special conditions and standard conditions per staff recommendation.

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**Hillcrest Medical Center One** (9307)

(PD 4) (CD 4)

East 11<sup>th</sup> Street and Trenton Avenue

**STAFF RECOMMENDATION:**

This plat consists of one lot, one block, on 4.7 acres.

The following issues were discussed February 19, 2004 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned CH, OL, PK and RM-2.
2. **Streets:** Show 30-foot intersection radius at St. Louis. A waiver of the radius requirement may be needed at Trenton. Traffic Engineering supports Trenton as a private street (application is pending). The Board of Adjustment may have to approve setbacks. (The applicant stated that the waiver is warranted per the Vision 2025 plan and because of its proximity to Historic Route 66.)

3. **Sewer:** Sanitary sewer service exists and available, however, the existing lines need to be inspected and approved before the proposed three-story medical building is tied in. Any service line that is eight inches or larger must be approved under an SSID. A vacated Trenton Avenue will require a 15-foot easement retained over sanitary sewer. (The applicant stated that the line had just been replaced.)
4. **Water:** Water vaults and cans to be in the street right-of-way or a dedicated easement.
5. **Storm Drainage:** The e-mail address for the engineer is needed. Add adjacent subdivisions in the location map. Show point of beginning for legal description. Indicate vacate number book and page for the vacating of Trenton Avenue. Use standard language in the covenants. On the conceptual plan show the existing parking lot. Show how the roof drainage gets to the storm drains. In the northwest corner of the property, it appears that two 18-inch pipes join a 24-inch pipe. The 24-inch then connects to a ten-inch pipe. This would overload the ten-inch pipe. Therefore, it may be necessary to replace the ten-inch pipe to reach the manhole located in the middle of the intersection. The existing offsite system must be checked to see that it can handle the additional flow. If not, then detention may be required.
6. **Utilities:** **PSO:** The applicant needs to meet with the design engineer. **COX:** More easements may be necessary.
7. **Other: Fire:** The buildings need to be sprinkled. The Fire Department connection needs to be reviewed and approved by the Fire Marshal or his representative.

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

**Waivers of Subdivision Regulations:**

1. A waiver of the 30-foot radius is necessary.

**Special Conditions:**

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

**Standard Conditions:**

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

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

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

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

**TMAPC Action; 8 members present:**

On **MOTION** of **HARMON** TMAPC voted 8-0-0 (Carnes, Coutant, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Harmon, Miller "absent") to **APPROVE** the preliminary plat for Hillcrest Medical Center One and waiver of Subdivision Regulations for the 30-foot intersection radius, subject to special conditions and standard conditions per staff recommendation.

\*\*\*\*\*

**Gilcrease Hills Estates** (0234)

(PD 11) (CD 1)

North 24<sup>th</sup> West Avenue, ¼ mile south of Newton Street

**STAFF RECOMMENDATION:**

This plat consists of one lot, one block, three reserve areas on 21.6 acres.

Mrs. Fernandez stated that the City Council will be considering PUD-699 on March 4, 2004. It is her understanding, through Council Committee and staff, that it appears that the PUD standards would be approved as recommended, but technically this Preliminary Plat is before the Planning Commission early, but staff does not have a problem with it being considered at this time. Staff is trying a new process with the PUD requirements in the platting process.

The following issues were discussed February 19, 2004 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned RM-1 and RS-3. PUD 699 is pending. All PUD conditions will need to be met.
2. **Streets:** Show proper lot dimensions. Include standard language for Reserve C in II.B (suggested) for the greenbelt.
3. **Sewer:** Clarify boundaries of reserve areas. If the reserve area is to be also a utility easement, then the 17.5-foot utility easement in the reserve is not needed. Where the 17.5-foot perimeter easement is provided, it needs to be continuous and shown clearly. In the covenants, include language for the utility easement as identified on the face of the plat. Reserve C needs to be defined in the covenants. We need language describing restrictions on the use of the areas dedicated as sanitary sewer easement and rural water line easements.
4. **Water:** Change R/WL/E to read WL/E. Remove "general" from Section IA. A variance may be required for not extending a water main line along the total property frontage of North 24th West Avenue.

5. **Storm Drainage:** Delete utility easement from three reserve areas. The reserve areas should end at the common line of the detention easement and the utility easement and the sides must be collected onsite and carried to the storm drainage systems. Note the comments about the reserve easements on the plat. Identify lighter lines on face of plat close to perimeters. It appears that the storm drainage structure on the northeast corner extends offsite. An easement may be required. Concern was expressed about the wall. Roof drainage to detention area should be identified. On the northeast and south sides water could go to adjacent properties.
6. **Utilities: PSO:** If these are rental units, then a blanket easement will be needed and a conduit plan. **COX:** Okay.
7. **Other: Fire:** Locate hydrants per Fire Marshal or his representative. Use 14-foot clearance near island.

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

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

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

**Standard Conditions:**

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

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

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

**TMAPC COMMENTS:**

Mr. Westervelt asked staff what would happen with this preliminary plat if the PUD standards are not followed and there is an inconsistency with today's preliminary plat and the PUD approved. In response, Mr. Alberty stated that what staff is attempting to do is to change some of the past policies, which is to expedite the whole development process. He explained that if the developer has to wait till the City Council approves it, then this delays the project a month or two. This procedure will not allow the final plat to be released until everything has been complied with. The developer is at his own risk, and if the submittal doesn't get approved, then it would have to be revised at preliminary plat level and resubmitted. The Planning Commission and the public are protected because it wouldn't be released until everything the City Council has approved is complied with.

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

**INTERESTED PARTIES:**

**Larry Duke**, 1919 West Seminole, Tulsa, Oklahoma 74127, requested that the Planning Commission give a 30-day delay on this project. He explained that over the past year he has had correspondence and discussion with the applicant and certain representations have been made to the neighbors that satisfied their concerns. In the last few days, some things have come up that are inconsistent and he would like to have some answers.

Mr. Westervelt asked Mr. Duke to give some more details about what the inconsistencies might be. This is a preliminary plat and the PUD is going to be heard at City Council this Thursday.

Mr. Duke stated that the type of construction, where the units would be located, age requirements, the name of the development. The representations that were made to the association do not appear to be coming true at this point.

Mr. Westervelt asked staff or Legal to assist with these issues. In response, Mr. Dunlap read the PUD standards and conditions that will be before the City Council on Thursday. Mr. Dunlap explained that this is a very low intensity development with 84 units, which is low for the type of zoning that is in place. Mr. Dunlap stated that he is not sure if the PUD standards can address Mr. Duke's concerns regarding age and the name of the development.

Mr. Ledford stated that the only way to answer some of these questions would be during the detail site plan. The exterior of the buildings, setbacks, etc. would be decided at the detail site plan. However, the issue about the age of residents allowed to live in the proposal cannot be settled by zoning.

Mr. Westervelt informed Mr. Duke that the best place to settle these details would be at the detail site plan review. He further informed Mr. Duke that he could attend the City Council meeting on Thursday when the PUD is being presented. In response, Mr. Duke stated that he understands.

Mr. Westervelt directed staff to notify Mr. Duke of the detail site plan approval.

**TMAPC Action; 8 members present:**

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

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**Newton Plaza** (0227)

(PD 11) (CD 1)

Nogales and West Newton Street

**STAFF RECOMMENDATION:**

This plat consists of two lots, one block, on one acre.

The following issues were discussed February 19, 2004 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned CS with a Special Exception (19510) for multifamily uses. This is part of the Hope VI project for Tulsa.
2. **Streets:** Limits of No Access may be required. Show building line on the west side of Lot 1, Block 2. Confirm the east curb as 13 feet east of the centerline. A 15-foot radius is acceptable but a waiver is needed for the intersection.
3. **Sewer:** Increase the sanitary sewer easement on Lot 1, Block 1, to 15 feet and the utility easement along the north property line of Lot 1, Block 2 to 15 feet. Add language to the covenants describing the sanitary sewer easement. Coordinate with underground collections to have the existing line inspected to determine whether condition is okay for new connections.
4. **Water:** List existing water main line sizes. There was discussion and concern about whether two-inch or six-inch water lines would be used for the project and further discussion will need to take place, and issues resolved, with the applicant and the Public Works Water Department before the TMAPC meeting on March 3, 2004.
5. **Storm Drainage:** Add adjacent subdivisions in the location map. Show point of beginning for legal description. Easements will be required from the storm drain inlets to the right-of-way of the public streets. Supply e-mail for engineer.
6. **Utilities: ONG, PSO, COX:** Okay.
7. **Other: Fire:** Water suppression system and master meter system will need to be reviewed and approved through the Fire Marshal's office. Show legal bearings properly. Add book and page numbers for existing easements. Clarify lot and block numbers.

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

**Waivers of Subdivision Regulations:**

1. A waiver of the radius requirement is needed.

**Special Conditions:**

1. The concerns of the Public Works Department staff must be taken care of to their satisfaction, especially for the water system and fire protection system.

**Standard Conditions:**

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

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

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

**INTERESTED PARTIES:**

**Dorothy Shurtleff**, 9108 East 38<sup>th</sup> Street, Tulsa, Oklahoma 74145, stated that she has a rental home on 1338 North Nogales, which is located on the west side of the street. She explained that she is trying to get the home ready for rental and wanted to know if they are tearing everything down on the west side. She asked if there would be another entrance and exit to Tisdale Expressway.

Mr. Alberty stated that he can't speak to anything outside of the application. The existing commercial uses that are on the subject property now will be cleared and there is new construction planned. The proposal is for four-plex/six-plex type units, which will be new construction. He indicated that he is unaware of any demolition outside of the application area.

Mr. Ledford suggested the engineer for this development speak on these issues.

**Applicant's Comments:**

**Mike Marrara**, Harden and Associates, 10759 East Admiral Place, Tulsa, Oklahoma 74138, stated that any on/off ramps are outside of the scope. This is an infill development of six existing lots. The existing commercial property would be destroyed and replaced with the proposed units.

Mr. Marrara stated that he is unaware of anything outside of the proposal to be demolished. He indicated that his client owns all of the subject property and that is the only proposal before the Planning Commission today.

**George Proctor**, Tulsa Housing Authority, 415 East Independence, Tulsa, Oklahoma 74103, stated that he represents the Housing Authority on the Hope VI project as their construction manager. There are no plans to take property on the west side of the street for demolition. There is nothing on the table to purchase more property in the subject area and there are no future plans for access into the subject area.

Mr. Proctor stated that the new plans would have approximately the same number of units as was originally on the subject property.

**TMAPC Action; 8 members present:**

On **MOTION** of **MIDGET** TMAPC voted 8-0-0 (Carnes, Coutant, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Harmon, Miller "absent") to **APPROVE** the preliminary plat for Newton Plaza and the waiver of Subdivision Regulations for the intersection radius, subject to special conditions and standards conditions per staff recommendation.

\* \* \* \* \*

2700 North Sheridan Road

**STAFF RECOMMENDATION:**

This plat consists of one lot, one block, on 2.57 acres.

The plat was continued from the January 15, 2004, and February 5, 2004 TAC meetings. The following issues were discussed February 19, 2004 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned IL (not IM per the application). The owner had requested that the plat be considered as a minor subdivision plat. The plat is to be considered as a preliminary plat because there were no release letters received for the plat on or before the TAC meeting. The airport had expressed concern about the height of any structure being built on the property. Appropriate setbacks to buffer the residential area to the west need to be shown. (Applicant stated that he is working on a permit for the airport concerning the height issue.)
2. **Streets:** Enlarge plat site plan and clarify easements. Show LNA along Arterial. Show mutual access easement. Identify book and page number of street vacation. A better scale is recommended. Add language for "Enforcement of LNA". Identify "27<sup>th</sup> Street North" in dedication as "vacated". Provide language for mutual access easement in the covenants.
3. **Sewer:** A 17.5-foot easement is needed along the south perimeter. The west easement should be eleven feet. Add standard language for utility easements and for sanitary sewer, water, and stormwater. Covenants are needed.
4. **Water:** Enlarge plat and clarify easements. Correct word in fourth line of first paragraph. Label the right-of-way dimension along Memorial.
5. **Storm Drainage:** An overland drainage easement must be shown on the conceptual plan for this development. A PFPI will be needed. Use standard language in covenants.
6. **Utilities: PSO, Cox:** Okay as presented. **ONG:** Will need to meet with consulting engineer.
7. **Other: Fire:** No comment.

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

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

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

**Standard Conditions:**

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

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

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

**TMAPC Action; 8 members present:**

On **MOTION** of **CARNES** TMAPC voted 8-0-0 (Carnes, Coutant, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Harmon, Miller "absent") to **APPROVE** the preliminary plat for Barton Industrial 2<sup>nd</sup>, subject to special conditions and standard conditions per staff recommendation.

\* \* \* \* \*

**AUTHORIZATION FOR ACCELERATED RELEASE OF BUILDING PERMIT:**

**Newton Plaza-**(0227)

(PD 11) (CD 1)

513 North Newton

**STAFF RECOMMENDATION:**

The property is zoned CS in Tulsa County. A preliminary plat has been filed for the property.

The applicant offers the following explanation of the extraordinary and exceptional circumstances that serve as the basis for this request: The Tulsa Housing Authority must meet a short construction schedule in order to receive HUD funding.

**The following information was provided by the Technical Advisory Committee in its meeting February 19, 2004.**

**ZONING:**

TMAPC Staff: A specific site plan should be provided before the TMAPC meeting on March 3, 2004.

**STREETS:**

A building setback should be shown on the west side of Lot 1, Block 2.

**SEWER:**

Public Works, Wastewater: No comment.

**WATER:**

Public Works, Water: There is an existing six-inch waterline along Newton Street and an existing two-inch waterline along Nogales.

**STORM DRAIN:**

Public Works, Stormwater: No comment.

**FIRE:**

Public Works, Fire: No comment.

**UTILITIES:**

Franchise Utilities: No comment.

Review of this application must focus on the extraordinary or exceptional circumstances that serve as a basis for the request and must comply in all respects with the requirements of the approved preliminary plat per Section 2.5 of the updated Subdivision Regulations. The Preliminary Plat is to be reviewed at the Planning Commission meeting before the accelerated building permit is heard on the agenda.

Staff can recommend **APPROVAL** of the accelerated permit, because the project is part of the Hope VI housing project, per the attached site plan.

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

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

**TMAPC Action; 8 members present:**

On **MOTION** of **MIDGET** TMAPC voted 8-0-0 (Carnes, Coutant, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Harmon, Miller "absent") to **APPROVE** the accelerated permit per staff recommendation.

\*\*\*\*\*

**ZONING PUBLIC HEARING**

Application No.: Z-5722-SP-17 (PUD-405)      **DETAIL CORRIDOR SITE PLAN**  
**PUD DETAIL SITE PLAN**

Applicant: Matt Cooper      (PD-18) (CD-8)

Location: Southeast corner of East 91<sup>st</sup> Street and South 73<sup>rd</sup> East Avenue

**STAFF RECOMMENDATION:**

The applicant is requesting a Corridor Site Plan/PUD Detail Site Plan to permit the expansion of an existing medical office building. The existing building is located on Lot 1 and the proposed addition would extend into Lot 2. The total

building floor area, including the addition, would be 23,249 square feet. This is less than the approved floor area ratio .35.

The proposed site plan meets or exceeds the minimum requirements of PUD-405 in which it is located except for minimum parking. A minimum of 93 parking spaces are required and the applicant is proposing 91 spaces.

Staff finds that the proposed Corridor Site Plan with the conditions listed below would be consistent with PUD-405 and the Corridor Chapter of the Zoning Code. Therefore staff recommends **APPROVAL** of the request subject to the following conditions:

1. Provide a minimum of 93 spaces or provide parking as required within the applicable use units.
2. Driveway onto 73<sup>rd</sup> East Avenue subject to approval by Traffic Engineering.
3. Show limits of overland drainage easement and stormwater detention easement on site plan.

**TAC comments for TAC meeting February 19, 2004:**

**Z-5722-SP1/PUD 405, 7316 East 91<sup>st</sup> Street:**

**Water** – twelve-inch water line exist along South 91<sup>st</sup> Street. An eight-inch water line exists along 73<sup>rd</sup> East Avenue.

**Stormwater** – Show limits of overland drainage easement and stormwater detention easement. Must have detention.

**Wastewater** – No comments.

**Transportation** – No comments.

**Traffic** – Redesign the over-width drive for safety.

**General** – No comments.

**INCOG Transportation Planner:**

Z-5722-SP1 – LRTP: planned four-lane.

**Applicant's Comments:**

**Matt Cooper**, Cooper Medical Buildings, 7100 North Classen Boulevard, Oklahoma City, Oklahoma 73116, stated that he believes this has been addressed. There are 91 parking spaces on the site plan and he has requested a consideration to be reviewed as regular office and not medical office. He explained that this is a two-story building, which has medical offices on the first floor and on the second floor are offices and an exercise room for the staff.

Mr. Westervelt asked Mr. Cooper if he had any problems with the other two conditions regarding the driveway and drainage. In response, Mr. Cooper stated that there shouldn't be any problems with those two.

Mr. Dunlap stated that the last conversation he had with staff was that the applicant needed to provide information to designate which parts of those floors are used for what uses. The uses need to have specified square footage.

Mr. Westervelt asked Mr. Dunlap if the Planning Commission were to anticipate that the applicant would have the right ratio of non-medical space in order to have two fewer parking spaces, there would be adequate controls. In response, Mr. Dunlap stated that the applicant will have to demonstrate where the uses are located, what the uses are and the square footage. If it meets the requirements of the use units for parking, then it would meet the PUD standards.

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

**TMAPC Action; 8 members present:**

On **MOTION** of **MIDGET** TMAPC voted 8-0-0 (Carnes, Coutant, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Harmon, Miller "absent") to **APPROVE** the detail corridor site plan/PUD detail site plan for Z-5722-SP-17 (PUD-405), subject to the conditions recommended by staff.

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**Application No.: CZ-335**

**AG to IL or CG**

**Applicant:** Kenneth Ellison

(PD-15) (County)

**Location:** East of southeast corner of East 116<sup>th</sup> Street North and Highway 75

**STAFF RECOMMENDATION:**

**CZ-333 January 2004:** A request to rezone a 21-acre tract located on the southwest corner of East 116<sup>th</sup> Street North and U. S. Highway 75 from AG to IL or CG was filed. Staff and TMAPC recommended to deny CG and approve IL zoning on the north 660'. The Board of County Commissioners approved IL zoning on the north 660' on February 17, 2004.

**CZ-328 and CZ-329 November 2003:** Requests were filed to rezone two separate five-acre tracts from AG to CS. One tract was located on the northeast corner of East 96<sup>th</sup> Street North and Highway 75 and the second tract was located on the northeast corner of 106<sup>th</sup> Street North and Highway 75. Both requests were withdrawn by the applicants upon determination that both properties had street frontage but did not have rights-of-way to access.

**CZ-325 August 2003:** A request to rezone a 2.5-acre tract located on the southeast corner of East 146<sup>th</sup> Street North and Highway 75 from AG to CS was

denied. The site did not qualify as a Medium Intensity node under the terms of the Development Guidelines.

**CZ-324 August 2003:** A request to rezone a 342-acre tract located south and east of the southeast corner of East 146<sup>th</sup> Street North and Highway 75 for residential development was approved for RE zoning.

**CZ-264 May 2000:** A request to rezone a 3.4-acre tract located on the northwest corner of East 96<sup>th</sup> Street North and Highway 75 North from RS to CS was approved for CS zoning on the south 150' with the remainder remaining RS.

**CZ-173 June 1989:** A request to rezone a 12.6-acre tract located in the southeast corner of East 106<sup>th</sup> Street North and U. S. Highway 75 and extending south along the Highway 75 right-of-way for approximately 1,463 feet for automobile sales. All concurred in denial of CG zoning and CS zoning was approved in the alternative.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 20 acres in size and is located on the south side of East 116<sup>th</sup> Street North and west of North Yale Avenue. The property is flat, non-wooded, vacant and zoned AG.

**STREETS:**

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
North Yale Avenue	Secondary arterial	100'	2 lanes
East 116 <sup>th</sup> Street North	Secondary arterial	100'	2 lanes

**UTILITIES:** The subject tract is served with water from a rural water system and sewer would have to be serviced through a septic system or some alternative.

**SURROUNDING AREA:**

The subject property is abutted on the south and east by vacant land, zoned AG; to the northeast by a single-family dwelling, zoned AG; to the north by a vacant tract and a dental office, zoned CS; and to the west by a nonconforming automobile salvage, zoned AG.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The North Tulsa County Comprehensive Plan, a part of the Comprehensive Plan of the Tulsa Metropolitan Area, designates that portion of the property located in the southeast corner of North Yale and East 116<sup>th</sup> Street North as being Medium Intensity – No Specific Land Use with the balance of the tract designated at Low Intensity – No Specific Land Use. Based on the Zoning Matrix, the requested IL and CG zoning **may be found** in accord with the Medium Intensity – No Specific Land Use and **are not** in accord with the Low Intensity – No Specific Land Use.

**STAFF RECOMMENDATION:**

Based on the Comprehensive Plan and surrounding uses/intensities, staff can support the requested rezoning in part. Except for the auto salvage use to the west, all surrounding uses are low intensity/low density. The CS-zoned property to the north is partially vacant, with a small, one-story dental office on the east side. Remaining nearby uses are single-family residential and agriculture/vacant. Therefore, staff cannot support IL or CG on the entire property. Staff recommends **APPROVAL** of IL zoning (due largely to the more stringent setbacks from the arterials and AG properties than with CG) on the western portion of the site, to line up with the existing CS zoning to the north, **DENIAL** of CG zoning on the entire site, and **DENIAL** of IL zoning on the eastern portion of the site.

**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 (Carnes, Coutant, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Harmon, Miller) "absent") to recommend **APPROVAL** of IL zoning for CZ-335 (due largely to the more stringent setbacks from the arterials and AG properties than with CG) on the western portion of the site, to line up with the existing CS zoning to the north, **DENIAL** of CG zoning on the entire site, and **DENIAL** of IL zoning on the eastern portion of the site per staff recommendation.

**Legal Description for CZ-335:**

The west one-half (W-1/2) of the north one-half (N-1/2) of the northwest quarter (NW-1/4) of the northwest quarter (NW-1/4) of Section ten (10), Township 21 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, According to the US Government Survey thereof, containing ten acres more or less. **From AG (Agriculture District) To IL (Industrial Light District)**

\*\*\*\*\*

**Application No.: CZ-336**

**AG to RE**

**Applicant:** Eric Sack

(PD-15) (County)

**Location:** North of northwest corner of East 146<sup>th</sup> Street North and North 97<sup>th</sup> East Avenue

**STAFF RECOMMENDATION:**

**CZ-330 November 2003:** Approval was granted for a request to rezone an 80-acre tract located east of the northeast corner of East 146<sup>th</sup> Street North and Highway 75 North from AG to RE.

**CZ-326 August 2003:** An application was filed to rezone an 11-acre tract located on the southwest corner of East 146<sup>th</sup> Street and North Sheridan Road from AG to CS. Approval was granted.

**CZ-302 APRIL 2002:** The TMAPC and County Commission approved rezoning from AG to AG-R on a property located north of East 136<sup>th</sup> Street North and east of the North Sheridan Road alignment.

**CZ-267 JUNE 2000:** Both Commissions approved rezoning from AG to RE on an 80-acre parcel north of East 146<sup>th</sup> Street North and east of the North Sheridan Road alignment.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately nine acres in size and is located north of the northwest corner of East 146<sup>th</sup> Street North and North 97<sup>th</sup> East Avenue. The property is gently rolling, partially wooded, vacant and zoned AG. A wetland area is at the northwest corner of the property.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design.</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
North 97 <sup>th</sup> East Avenue (Mingo Road)	Secondary arterial	100'	2 lanes

**UTILITIES:** The subject tract is served with water from a rural water system and sewer would have to be serviced through a septic system or some alternative.

**SURROUNDING AREA:**

The subject property is surrounded by agricultural property with scattered single-family dwellings. The Verdigris Valley Electric Company is located on a tract southwest of the subject tract.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The Collinsville Comprehensive Plan – 1981 – 2000, designates the property as Low Intensity Residential and Development Sensitive. The requested RE zoning is in accord with the Comprehensive Plan.

**STAFF RECOMMENDATION:**

Based on the Comprehensive Plan, surrounding uses and zoning trends in the area, staff can support the requested rezoning and recommends **APPROVAL** of RE zoning for CZ-336.

**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 (Carnes, Coutant, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Harmon, Miller) "absent") to recommend **APPROVAL** of RE zoning for CZ-336 per staff recommendation.

**Legal Description for CZ-336:**

The Easterly 396.00' of the NE/4 of the SE/4 of Section 24, T-22-N, R-13-E, Tulsa County, Oklahoma, less and except the Northerly 330.00' thereof, and located north of the northwest corner of East 146<sup>th</sup> Street North and North 97<sup>th</sup> East Avenue, Collinsville, Oklahoma, **From AG (Agriculture District) To RE (Residential Single-family, Estate District).**

\*\*\*\*\*

**Mr. Midget out at 2:26 p.m.**

**Application No.: Z-6933/PUD-702**

**AG to RS-2/PUD**

**Applicant:** Ted Sack

(PD-26) (CD-8)

**Location:** North of the northwest corner of East 111<sup>th</sup> Street and South Sheridan Road

**STAFF RECOMMENDATION Z-6933:**

**Z-6807/PUD-645 May 2001:** A request to rezone the ten-acre node, located on the northwest corner of East 111<sup>th</sup> Street and South Sheridan Road from AG to CS and OL for future commercial and office development. TMAPC recommended approval of the request as submitted but City Council denied the request for rezoning. The request was appealed to district court and the district court upheld the decision of City Council.

**Z-6753/PUD-450-A March 2000:** Staff and TMAPC recommended approval of a request for a major amendment and the rezoning of the 4.5-acre tract located on the southwest corner of East 111<sup>th</sup> Street and South Sheridan Road and south of

the subject tract from CS/PUD-450 to RS-4/PUD-450-A. City Council concurred in approval of the request.

**Z-6730/PUD-627 March 2000:** A request to rezone a ten-acre tract located on the southwest corner of East 108<sup>th</sup> Street South and South Sheridan Road from AG to RS-2/PUD for single-family development. Staff and TMAPC recommended denial of RS-2 and recommended approval of RS-1 with PUD-627. City Council concurred in approval per TMAPC recommendation.

**Z-6702 September 1999:** All concurred in approval of a request to rezone a ten-acre tract located on the northwest corner of East 121<sup>st</sup> Street South and South Sheridan Road from AG to CS and RS-3. Staff and TMAPC recommended CS zoning on the 467' x 467' corner node with the surrounding 195' fronting both on East 121<sup>st</sup> Street South and South Sheridan Road as a wraparound of RS-3 zoning. City Council concurred with TMAPC and staff recommendation.

**Z-6700/PUD-611 June 1999:** All concurred in approval of a request to rezone a 20-acre tract located west of the northwest corner of East 111<sup>th</sup> Street South and South Sheridan Road from AG to RS-2/PUD for a residential development.

**BOA-17569 November 1996:** A request to allow a 110' cellular tower on property located north of the northwest corner of East 111<sup>th</sup> Street South and South Sheridan Road, and zoned AG, was denied.

**Z-6525/PUD-543 April 1996:** A request to rezone a 14.6-acre tract located north of the subject tract between East 104<sup>th</sup> Street and East 106<sup>th</sup> Street from AG to RS-2/PUD. All concurred in approval of RS-2/PUD for single-family development.

**Z-6249/PUD-450 July 1989:** A request to rezone a 4.5-acre tract located on the southwest corner of East 111<sup>th</sup> Street South and South Sheridan Road and south of the subject tract, from AG to CS/PUD for commercial shopping center. The request was approved subject to the PUD standards and conditions.

**Z-6249 May 1989:** An application was filed to rezone a 44.6-acre tract located on the southwest corner of East 111<sup>th</sup> Street South and South Sheridan Road, from AG to RS-2 and CS. TMAPC recommended approval of RS-1 on the west 140' of the tract, RS-2 on the balance of the tract less the proposed commercial node (675' x 290'). All concurred in approval of the residential zoning and recommended the applicant submit a PUD along with the rezoning application for CS on the 4.5-acre node of the property.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is sloping, wooded, vacant, and zoned AG.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design.</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
South Sheridan Road	Secondary arterial	100'	2 lanes

**UTILITIES:** The subject tract has access to municipal water and sewer by extensions from the south.

**SURROUNDING AREA:**

The property is abutted on the north and east by single-family dwellings on large lots, zoned AG; to the south and west by vacant property, zoned AG.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 26 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Special District 1 – an area of steep slopes and erodible soils, and Low Intensity-No Specific land use. According to the Zoning Matrix, the requested RS-2 zoning **may be found** in accord with the Plan in Special District 1 by virtue of the property's location within the Special District. The rezoning **is** in accord with the Low Intensity-No Specific land use portion. Plan policies call for development within the Special District to be no higher than RS-1, however, unless a PUD overlay zone is approved. In this case, there is an accompanying PUD application (PUD-702).

**STAFF RECOMMENDATION:**

Based on the Comprehensive Plan, development trends in the area and the submittal of an accompanying PUD, staff can support RS-2 rezoning for Z-6933 if the TMAPC recommends approval of PUD-702 or some variation of it. Staff therefore conditionally recommends **APPROVAL** of RS-2 for Z-6933.

**RELATED ITEM:**

**STAFF RECOMMENDATION FOR PUD-702:**

The PUD proposes a maximum of 12 detached single-family residences on approximately 4.64 net acres located north of the northwest corner of East 111<sup>th</sup> Street and South Sheridan Road. The proposed access to the PUD is from a gated private street to South Sheridan Road. An access easement is also proposed that would stub to the south.

The subject tract is zoned AG and concurrently an application (Z-6933) has been filed to rezone the tract to RS-2. The tract is abutted on the north, south and west by undeveloped AG-zoned property. There is also AG-zoned property to the east across South Sheridan Road.

If Z-6933 is approved as recommended by staff, then staff finds the uses and intensities of development proposed and as modified by staff to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds PUD-702 as modified by staff, to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD-702 subject to the following conditions:

1. The applicant's Outline Development Plan and Text be made a condition of approval, unless modified herein.

2. **Development Standards:**

**Net Land Area:** 4.64 acres

**Permitted Uses:**

Detached single-family residences.

**Maximum Number of Dwelling Units:** 12

**Minimum Lot Area:** 13,500 SF

**Maximum Building Height:** 35 FT

**Minimum Required Yards:**

From private street right-of-way 20 FT\*

Side 5 FT

Rear 25 FT

From Sheridan right-of-way 35 FT

**Other Bulk and Area Requirements:**

As provided within an RS-2 district.

\*Garages fronting the private street shall be set back 25 feet from private street right-of-way.

3. All access shall be approved by TMAPC, the Fire Department and Public

## Works

4. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.
5. A homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain all private streets and common areas, including any stormwater detention areas, security gates, guard houses or other commonly owned structures within the PUD.
6. All private roadways shall have a minimum right-of-way of 30' and be a minimum of 26' in width for two-way roads and 18' for one-way loop roads, measured face-to-face of curb. All curbs, gutters, base and paving materials used shall be of a quality and thickness which meets the City of Tulsa standards for a minor residential public street. The maximum vertical grade of private streets shall be ten percent.
7. The City shall inspect all private streets and certify that they meet City standards prior to any building permits being issued on lots accessed by those streets. The developer shall pay all inspection fees required by the City.
8. No building permit shall be issued until the requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.
9. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
10. Entry gates or guardhouses, if proposed, must receive detail site plan approval from TMAPC, Traffic Engineering and Tulsa Fire Department, prior to issuance of a building permit for the gates or guard houses.
11. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.

**Development Services Comments for TAC meeting February 19, 2004:**

**Water:** A looped water line required. A 12-inch water line exists on east side of Sheridan Road.

**Stormwater:** Detention required. Increased flow to the north from lots on north side of street must be collected and not allowed to flow onto adjacent landowners.

**Wastewater:** No comments.

**Transportation:** No comments.

**Traffic:** Gated entry looks somewhat narrow. Traffic Engineer to approve final detail. Utility easement adjacent to arterial may require 17.5 feet rather than 15 feet.

**General:** No comments.

**INCOG Transportation Planner:** PUD-702 – LRTP designates both Sheridan and 111<sup>th</sup> as existing two-lane.

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

**INTERESTED PARTIES:**

**Jan Thompson**, 11010 South Sheridan, Tulsa, Oklahoma 74133, stated that she shares an east/west boundary with the subject property. She indicated that she is in favor of the zoning, but she has concerns regarding water runoff.

Mr. Westervelt advised the Ms. Thompson that the Planning Commission does not regulate floodwater and she should discuss this issue with Mr. Sack and the County Engineer.

Ms. Thompson asked if there would be a privacy fence on the north border or property line.

**Applicant's Comments:**

**Ted Sack**, Sack & Associates, 111 South Elgin, Tulsa, Oklahoma 74120, stated that there is no requirement for screening, but there may be a security-type fence.

Mr. Sack stated that he is very aware of the drainage issues and they would be addressed during platting.

**TMAPC Action; 7 members present:**

On **MOTION** of **HORNER**, TMAPC voted 7-0-0 (Carnes, Coutant, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Harmon, Midget, Miller) "absent") to recommend **APPROVAL** of RS-2 zoning for Z-6933 and recommend **APPROVAL** for PUD-702, subject to conditions per staff recommendation.

**Legal Description for Z-6933/PUD-702:**

The North 305' of the SE/4, SE/4, SE/4 of Section 27, T-118-N, R-13-E, of the IBM, City of Tulsa, Tulsa County, State of Oklahoma, and located north of the northwest corner of East 111<sup>th</sup> Street South and South Sheridan Road, Tulsa, Oklahoma, **From AG (Agriculture District) To RS-2/PUD (Residential Single-family Medium Density District/Planned Unit Development [PUD-702]).**

\* \* \* \* \*

**Mr. Midget in at 2:35 p.m.**

**Application No.: Z-6935**

**RM-2/PK/OL/CH to OH/OMH**

**Applicant:** Charles Norman

**(PD-4) (CD-4)**

**Location:** West of southwest corner of East 11<sup>th</sup> Street and South Trenton

**STAFF RECOMMENDATION:**

**PUD-432-E September 2000:** A request for a major amendment to PUD-432 to add land formerly occupied by the day-old bakery store; to reallocate floor area from the original PUD to the new area; and to add Use Unit 13, Convenience Goods and Services, and Use Unit 14, Shopping Goods and Services as allowed uses within the new Development Area C area. All concurred in approval.

**PUD-588 June 1998:** A Planned Unit Development was proposed and approved for a convenience store on a two-acre tract located on the northwest corner of East 11<sup>th</sup> Street South and South Utica Avenue.

**Z-6613 February 1998:** A request was filed to rezone a 4.4-acre tract located on the northeast corner of East 12<sup>th</sup> Street and South Trenton Avenue, zoned RM-2 and OL, and a smaller tract consisting of two small lots located south of the southeast corner of East 11<sup>th</sup> Street and South Utica Avenue and zoned CH. The larger tract is east, across South Trenton Avenue, from subject property. CH or OH zoning was requested for a proposed medical center; staff and TMAPC recommended OH zoning on both tracts and City Council concurred.

**BOA-17860 October 1997:** The Board of Adjustment approved a special exception to allow a parking garage as an accessory use to a hospital in a CH-zoned district and a variance of the setback from the centerline of East 11<sup>th</sup> Street, for the structure. The property is located on the southeast and southwest corners of East 11<sup>th</sup> Street and South Troost Avenue.

**PUD-432-D August 1995:** All concurred in approval of a major amendment, subject to conditions, to expand the existing PUD to the east, allowing for additional medical office and hospital buildings.

**PUD-432-C January 1991:** All concurred in approval of a request for a major amendment to expand the boundaries of the PUD to the east and to reallocate allowable floor area to the new area.

**Z-6244 August 1989:** A request to rezone an 0.06-acre tract located on the east side of South Utica Avenue and South E.11<sup>th</sup> Street from CH to OH. All concurred in approval of OH on the north 288' and OMH on the balance.

**PUD-432-B May 1989:** All concurred in approval of a request for a major amendment to allow a second medical office building in an area originally designated for parking and to reduce parking requirements.

**Z-6213 January 1989:** All concurred in approval of a request to rezone an 0.4-acre tract located on the southeast corner of East 12<sup>th</sup> Street and South Utica Avenue from OL, RM-2 and PUD-432 to OMH/PUD-432-A.

**PUD-432 November 1987:** Approval was granted to develop a 4.5-acre tract located between South Utica Avenue and South Victor Avenue, East 12<sup>th</sup> Street and East 13<sup>th</sup> Street for office use for Hillcrest Hospital.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is flat, non-wooded (paved), contains a parking lot and vacant/cleared commercial uses, and is zoned RM-2, PK, OL, and CH.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design.</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
East 11 <sup>th</sup> Street South	Urban arterial	80'	4 lanes
South St. Louis Avenue	Residential	60'	2 lanes
South Trenton Avenue	Residential	60'	2 lanes

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

**SURROUNDING AREA:**

The property is abutted on the north by automotive-related commercial uses, zoned CH; on the south by parking, zoned PK and single-family residential uses, zoned RM-2; on the west by mixed residential and office uses (some of which are part of the Hillcrest campus) and vacant land, zoned OL and by commercial uses, zoned CH; and on the east by one of the Hillcrest Healthcare System main facilities, zoned OH.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 4 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Hillcrest Healthcare Systems Special District. The Plan envisions that future uses and reuses will be related to or compatible with hospital and other medical uses. The requested OH and OMH **may be found** in accord with the Comprehensive Plan by virtue of the site's location within a Special District.

**STAFF RECOMMENDATION:**

Based on the Comprehensive Plan, surrounding land uses and trends in the area, staff can support the requested rezoning and recommends **APPROVAL** of OH for the eastern two-thirds (207') of the site (adjacent to existing OH) and OMH zoning on the western one-third (103') of the site for Z-6935.

**Applicant's Comments:**

**Charles Norman**, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, representing Hillcrest Medical Center, stated that his client has acquired all of the block and the last parcel was a machine shop in the northeast corner. The plan is to start three medical office buildings on the east side of the subject block. He indicated that he has applied for the closing of Trenton Avenue from 11<sup>th</sup> to 12<sup>th</sup> Street, which would become a part of the major entrance to the campus and into the plaza area where the main lobby is located. If the property is developed to the intensity that is permitted, it would obviously require a parking structure to provide adequate parking.

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

**TMAPC Action; 8 members present:**

On **MOTION** of **MIDGET**, TMAPC voted 8-0-0 (Carnes, Coutant, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Harmon, Miller) "absent") to recommend **APPROVAL** OH for the eastern two-thirds (207') of the site (adjacent to existing OH) and OMH zoning on the western one-third (103') of the site for Z-6935 per staff recommendation.

**Legal Description for Z-6935:**

**OH Zoning:** ALL OF BLOCK 3 AND THE VACATED ALLEYWAY IN BLOCK 3 OF "RE-AMENDED PLAT OF FOREST PARK ADDITION", CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO RECORDED PLAT NUMBER 49 THEREOF, AND THE WESTERLY 10.00' OF VACATED SOUTH TRENTON AVENUE ADJACENT TO SAID BLOCK 3, **LESS AND EXCEPT** THE WESTERLY 103.00' THEREOF. (OH ZONING) **From RM-2, PK, OL, & CH (Residential Multifamily Medium Density District, Parking District, Office Low Intensity District, and Commercial High Intensity District) To OH (Office High Intensity District).**

**OMH Zoning:** THE WESTERLY 103.00' OF BLOCK 3 IN "RE-AMENDED PLAT OF FOREST PARK ADDITION", CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO RECORDED PLAT NUMBER 49 THEREOF. From RM-2/PK/OL/CH (Residential Multifamily Medium Density District, Parking District, Office Low Intensity District, and Commercial High Intensity District) to OMH (Office Medium - High Intensity District.)

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**Planning Commissioner Dell Anna Coutant announced that she would be abstaining from the following item:**

**Application No.:** CZ-337 **IL to RS/RM-2/CG**  
**Applicant:** Kevin Coutant (PD-15) (County)  
**Location:** Southeast corner of East 76<sup>th</sup> Street and North Sheridan Road

**STAFF RECOMMENDATION:**

**CZ-217 October 1994:** A request to rezone 988 acres located on the southeast corner of East 76<sup>th</sup> Street North and North Lakewood Avenue from IL to IM. This application was filed by the Tulsa Metropolitan Area Chamber of Commerce. IM zoning was approved for the tract except the north 300' east of Sheridan Road and west of North Yale Avenue, and excluding eight acres belonging to Amoco, which remained IL.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 110 acres in size and is located on the southeast corner of East 76<sup>th</sup> Street North and North Sheridan Road. The property is flat, partially wooded, vacant and zoned IL. It appears to have at least two internal wetlands areas, one partially in Tract 2 and one in Tract 3. It lies within the Cherokee Industrial District, established in 1977 for future industrial growth and development.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design.</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
East 76 <sup>th</sup> Street North	Secondary arterial	100'	2 lanes
North Sheridan Road*	Secondary arterial	100'	2 lanes

\*(does not extend south of East 76<sup>th</sup> Street North)

**UTILITIES:** The subject tract has municipal water available along East 76<sup>th</sup> Street North. The nearest sewer is along East 71<sup>st</sup> Street North. Oklahoma

Natural Gas has a ten-inch gas line along the east side of North Sheridan Road serving Owasso and Collinsville, with sufficient capacity to service additional development.

**SURROUNDING AREA:**

The site is surrounded by industrial/related uses, primarily on large lots; single-family residential uses, also on large lots; and vacant land. The subject property is abutted on the north by vacant land and large-lot single-family residential uses, zoned AG; on the west by vacant land, zoned IM, and office/industrial uses, zoned IL; on the east and south by vacant land, zoned IM; and on the southwest by industrial uses, zoned IM.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The property lies within the Cherokee Special District. According to the Cherokee Special District Plan, an adopted part of the Comprehensive Plan for the Tulsa Metropolitan Area, the District was created to accommodate future growth and to develop a major industrial employment concentration. The Cherokee District is unique in Tulsa because it provides needed larger-site (40 acres and more) industrial tracts that have adequate infrastructure. Development of the District to date has been through a joint public/private partnership involving the Metropolitan Tulsa Chamber of Commerce, the City and County of Tulsa, and others.

While the Plan does designate some areas within its boundaries for other uses, this site is designated as Industrial. The requested RS, RM-2 and CG **are not** in accord with the Plan.

**STAFF RECOMMENDATION:**

This area has been planned and partially developed in industrial uses over the past 25 years. It is part of a district that has been envisioned as part of the future expansion land for industry, serving not only the City and County of Tulsa, but other communities in northeastern Oklahoma as well. Existing surrounding industrial uses, some of which generate noise, traffic and other effects, would make this area unsuitable for residential development. Staff therefore cannot support the requested non-industrial zoning and recommends **DENIAL** of RS, RM-2 and CG for CZ-337.

**Applicant's Comments:**

**Kevin Coutant**, 320 South Boston, Suite 500, Tulsa, Oklahoma 74103, submitted Maps and Presentation (Exhibit B-3), stated that there are 87 acres that are developable and there is significant floodplain along the westerly boundary. The subject property is not within the platted portion of the Cherokee Expressway Industrial District, which lies adjacent to and east. The subject property is currently zoned IL along the northerly portion and IM for the balance. The zoning request is for RS, CG and RM-2.

Mr. Coutant stated that the significant floodplain would be a practical buffer between the subject property and the property to the west, which is the balance of the Cherokee Industrial Park. Mr. Coutant described the Comprehensive Plan Map.

Mr. Coutant stated that the Comprehensive Plan does speak to the need for a large-tract industrial development in the subject area and it also speaks to the need for adjacent and affordable housing alternatives as an integral part of the development of the subject area. This would be required to have a successful industrial development in this part of the community.

Mr. Coutant stated that he understands that the staff recommendation states that this proposal is not in accordance with the plan. He cited how the designated areas are treated under Comprehensive Plans, generally. He described the general rules regarding downzoning for lesser intensities. He indicated that the subject property is in a special district. He stated that he wanted to make sure the Planning Commission understood that the system for special districts is to designate all uses within a special district as a "may be found", which means that it is up to the Planning Commission to decide. Mr. Coutant concluded that the subject proposal is in the "may be found" category. The generalization of the policies stated within the Comprehensive Plan "a property that can be appropriately utilized to achieve the goals of the Comprehensive Plan for the purpose of providing residential uses adjacent to the industrial development that has occurred and is planned to occur in that part of the community". The subject proposal is achieving the objectives of the Comprehensive Plan by providing affordable housing for the people who would work in the district and for the companies that would bring new industry into the district.

**Buddy Coleman**, 1133 East 8<sup>th</sup> Street, Tulsa, Oklahoma 74120, stated that the parent company is out of Fort Smith, Arkansas and Oklahoma City. His company has built ten thousand apartments in Arkansas, Oklahoma, Kansas, Missouri and New Mexico. He stated that his company has built approximately ten thousand houses and a portion has been in Bartlesville, Owasso, Claremore and the immediate area.

Mr. Coleman stated that his purpose is to provide housing for working families. This is not subsidized housing. These are market-rate housing that is provided for people who normally do not find new housing in the Tulsa area. Mr. Coleman cited the jobs and professions, along with their predicted incomes, of persons who would be eligible for the housing proposed. He further cited the problems that could occur by not having affordable housing in the subject area.

Mr. Coutant stated that the proposal contemplates the commercial use along the frontage of the arterial street; abuts the node across the street to the north (which is contemplated to be commercial); the multifamily is along the east, which would

be contiguous with existing industrial zoning and the balance of it would be buffered on the left by the existing floodplain. He requested that the Planning Commission consider that strict compliance, in a technical way, with a plan that has been around and working, but not as well as hoped for, is probably not in the best interest of Tulsa and the plan is really where the focus is needed by providing housing and the services necessary to support an industrial development.

Ms. Matthews stated that she would like to clarify one of the points that Mr. Coutant made and perhaps she didn't emphasize it enough. Technically, Mr. Coutant is correct that a use within a special district is a "may be found" by terms of the matrix; however, that directs to a special district plan (if one has been completed or the section of the district plan). For example, in the District One Plan, the downtown area has a special district designation and everything is a "may be found", so that portion of the District One Plan has to be reviewed. There is a Kendall-Whittier Plan, a TU Master Plan, and in this case, the Cherokee Special District Plan. In this case, the Plan calls for the area in question to be an industrial district. It supersedes what is on the matrix and the matrix directs to the special district plan.

**INTERESTED PARTIES IN OPPOSITION TO CZ-337:**

**Johnny West**, 7077 East 76<sup>th</sup> Street North, Owasso, Oklahoma 74055; **Scott Winn**, 7900 North Sheridan, Owasso, Oklahoma 74055; **Daniel Urman**, 7205 E. 76<sup>th</sup> Street North, Owasso, Oklahoma 74055, (Petition from property owners and employees from Cherokee Industrial Park Exhibit B-2; Map indicating commuter time Exhibit B-3); **Payton Pangburn**, 7717 North 71<sup>st</sup> East Avenue, Owasso, Oklahoma 74055; **Mike Maxwell**, 6622 East 80<sup>th</sup> Street North, Owasso, Oklahoma 74055; **Frank Smith**, 5405 East 94<sup>th</sup> Street, Owasso, Oklahoma 74055.

**COMMENTS OF INTERESTED PARTIES OPPOSING CZ-337:**

The property surrounding the subject property are on five-acre lots with house-size and construction restrictions, which are zoned AG; rezoning would destroy the wetland area; multifamily residential is not needed, Owasso is the fastest growing city in the State; medium density would be a detriment to the subject area; there is no need to crowd in units on the subject property; bring the jobs in because the people are already available; building homes would not bring industry; drive time for most commuters are ten to fifteen minutes; Mr. Coleman is trying to take advantage of existing utilities in the area so that they wouldn't have to pay the bill to install the utilities; the applicant had a ten-to-twenty page booklet that he handed out to the Planning Commissioners and cannot understand how he could be so disrespectful to hand something to them to review this minute and to take action on it; the proposal would be out of place with the subject area; there are more than enough homes in Owasso, Broken Arrow, Tulsa, and Catoosa in the low range for families to live and commute to work; oppose straight zoning; the Owasso schools would be overcrowded if this

were approved; businesses are not attracted by housing; this proposal would generate additional traffic and there are no City services available; west side of the tract is floodplain and concerned how this would be dealt with.

**Eric Wiles**, Community Development Director for the City of Owasso, 111 North Main Street, Owasso, Oklahoma 74055, stated that the City of Owasso supports and is in agreement with the TMAPC staff that the subject property retain its industrial zoning.

**Applicant's Rebuttal:**

Mr. Coutant stated that the development guidelines state "...any zoning classification may be found in accordance with the special district designation provided that 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". He explained that he is resistant to the notion that this is, in a categorical way, contrary to the Comprehensive Plan. This definition points to policies of the plan and interestingly not the map. He stated that one can find almost anything in a Comprehensive Plan because there is so much general language. It is important to note that among the major policies at the very beginning of the Comprehensive Plan language "...as an objective that there is convenient close by residential housing opportunities that provide a range of housing alternatives for those employed at the complex (meaning the industrial area of the plan) the desire to reduce commuting time and distances".

Mr. Coutant stated that through this process he has attempted to have a dialogue with the neighbors. He indicated that there was a meeting earlier in the week. This is not an industrial park because it is undeveloped land. There is an industrial park platted to the west of the subject property. This is in a Comprehensive Plan area that is designated for an industrial use, but to say that his client is proposing to plop something down in the middle of an industrial park is missing the point. It is fact that the surrounding property is zoned for industrial use and the subject property is zoned for industrial uses. He believes that the proposal meets the objectives of the Comprehensive Plan and is a good use.

Mr. Coutant stated the floodplain would be a natural barrier and it is something that makes the transition good sense. The subject site has 86 acres of developable land. The subject property has not been selling, and as he understands, there hasn't been a sale in the Cherokee Park since the year 2000. The owner has to contemplate at what point this property is put to use and how.

Mr. Coutant stated that this is affordable housing that would be sold at market rates and apartments that would be rented at market rates. It is not a low-income subsidized project.

Mr. Coutant stated that the neighbors demonstrated that they all live on large lots and that this would not be compatible. This reinforces the point that the objective of the plan to provide affordable housing is being frustrated by the development pattern that already exists in the yellow area of the plan. There is a need for some alternative and that is what is presented today. This is an opportunity to provide infrastructure in this industrial development area of our community. The infrastructure is not streets that would be done with public money, it is not sewers and water because it has been done with public money.

**TMAPC COMMENTS:**

Mr. Midget stated that generally, under any other circumstances, he would be supportive of lowering the intensity of the use, particularly for housing. However, Cherokee Park was created for a particular special purpose, to provide a readily-available site for industrial development. Unfortunately, we live in this urban-type of environment and there are not a lot of close-in industrial sites readily available outside the Cherokee Industrial Park, particularly with the utilities available and the like. While he can appreciate the development of housing, and he is a strong supporter of building affordable housing, he doesn't think this particular site is the place for those houses. When 3M or a large company calls nine months from now, Tulsa needs to be in a position to show them a site that readily available with the utilities. If a company visits Tulsa for a potential site and they have to wait for utilities and streets to be developed, then the window of opportunity is missed. Cherokee Industrial Park offers this today and should remain as such. Mr. Midget concluded that he would be supportive of the staff recommendation for denial.

Mr. Midget made a motion to deny this application.

Mr. Ledford stated that there is input from the Chamber of Commerce and then there are bond issues put together to pay for the infrastructure in that particular area to have readily available property for industrial businesses. He expressed concerns with residential being developed around railroads.

**TMAPC Action; 9 members present:**

On **MOTION** of **MIDGET**, TMAPC voted 8-0-1 (Carnes, Hill, Horner, Jackson, Ledford, Midget, Miller, Westervelt "aye"; no "nays"; Coutant "abstaining"; Bayles, Harmon) "absent") to recommend **DENIAL** of RS, RM-2 and CG zoning for CZ-337 as recommended by staff.

\* \* \* \* \*

Ms. Coutant announced that she would be abstaining from the following item:

**Application No.:** PUD-541-C

**MAJOR AMENDMENT**

**Applicant:** Kevin Coutant

(PD-6) (CD-9)

**Location:** South of southeast corner of East 42<sup>nd</sup> and South Peoria

**STAFF RECOMMENDATION:**

The Major Amendment proposes to add as a permitted use within PUD-541-B automobile painting.

The subject tract was originally Development Area B of PUD-541 and the following uses were permitted:

Uses as permitted by right in the CS district, except Use Unit 12A and 19 are not permitted with the exception of health clubs, which are permitted.

PUD-541-B (Major Amendment) was approved by the City Council in August, 1998. This Major Amendment permitted the following additional uses:

Light repair and service of new and used motor vehicles within an enclosed building, including sale of parts and accessories and such other items as are incidental to motor vehicle repair and service, but excluding the sale, lease, storage, and display of new and used motor vehicles and excluding paint and body work.

The subject tract is abutted on the east by single family dwellings within PUD-541 and to the northeast by single family dwellings zoned RS-3. The tract is abutted on the north by a child care facility within PUD-541 and a restaurant zoned CH and on the south by a banking facility within PUD-541. To the west of the subject tract, across South Peoria Avenue, are office and commercial uses zoned CH and CS.

Staff finds that PUD-541-C is not (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; or (3) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends **DENIAL** of PUD-541-C.

Mr. Dunlap reminded the Planning Commission that the neighborhood had a lot of input regarding this original PUD and this particular use.

**Development Services Comments for TAC meeting February 19, 2004:  
PUD-541-C, 4247 South Peoria**

**Water:** 12-inch water line exists along Peoria Avenue. Also frontage along 43<sup>rd</sup> exist a six-inch water line.

**Stormwater:** No comments.

**Wastewater:** No comments.

**Transportation:** No comments.

**Traffic:** No comments.

**General:** No comments.

**INCOG Transportation Planner:** PUD-541-C – LRTP existing four-lane.

**Mr. Carnes out at 3:42 p.m.**

**Applicant's Comments:**

**Kevin Coutant**, 320 South Boston, Suite 500, Tulsa, Oklahoma 74103, stated that in 1998, an amendment was brought before the Planning Commission by the Ford Motor Company for their Auto Collection light repair facility. There was a dialogue and agreement regarding the limitations that would be associated with the use. Mr. Coutant submitted a packet of his proposal (Exhibit C-3). He indicated that he is not proposing to change the development standards. He requested the Planning Commission to consider the limitations proposed on Exhibit C-3, pages 3, 4 and 5, which would carry forward and restrict in a significant way the sort of activities that would occur. He stated that he attempted to meet with the community within the area and had a good meeting. He commented that during the meeting, he learned that there didn't seem to be any problems with the previous facility.

**Mr. Midget out at 3:45 p.m.**

Mr. Coutant stated that the proposal is to add the use for automobile body repair and painting. The language on page 8 of Exhibit C-3 is language that was determined after the neighborhood meeting. It reflects all of the expressed concerns of the neighbors to the extent they were articulated to him. Mr. Coutant listed the following uses and restrictions proposed: permitted uses: Level 1 paint and body automobile repairs (minor repair on drivable vehicles, which would not include repairs that would require structural automobile components); all painting must occur in a fully enclosed paint booth; no outdoor public address system. Limited work would be conducted in this facility.

**County Commissioner Miller out at 3:51 p.m.**

**TMAPC COMMENTS:**

Mr. Ledford asked Mr. Coutant if he would continue with the standard that the work area shall be heated and air conditioned and the doors shall remain closed

during while working. In response, Mr. Coutant stated that he is not changing those conditions. Mr. Ledford asked Mr. Coutant if vehicles would be stored outdoors. In response, Mr. Coutant stated that he understands storage in the Zoning Code to mean something other than transient use. Mr. Coutant further stated that the cars on site would be cars needing immediate repair. Mr. Ledford stated that the PUD was set up to prevent storage of cars in the interim.

**Todd Fox**, Fox Collision, 4247 South Peoria, Tulsa, Oklahoma 74105, stated that typically when a car is going from body to paint, it would be staged outside or parked and this would not happen on the subject property. The only time the vehicle would stop with any damage on it is when the customer first pulls the car in to make arrangements.

Mr. Ledford asked Mr. Fox if the body work is done in a particular section of the shop, then the door is opened and it is moved down three or four doors to a paint room. Mr. Ledford stated that he doesn't want to have an interim situation where the car is parked outside then moved to a paint room. In response, Mr. Fox stated that he understands Mr. Ledford's concerns. Mr. Fox explained that on a Level 1 repair the body work is done first and the paint work done second in the same area. It doesn't necessarily have to go two places, but that is not to say it never would.

Mr. Ledford asked Mr. Coutant if the repairs and services be limited to automobiles, vans and light trucks. In response, Mr. Coutant answered affirmatively. Mr. Coutant stated that it is not the ambition to be servicing large vehicles.

Ms. Hill asked Mr. Coutant what the capacity of the facility would be. In response, Mr. Coutant stated that the existing building has 9,000 SF and eight garage doors on each side (16 bays). He further stated that the subject site meets the Zoning Code with regard to parking.

Mr. Dunlap stated that the original PUD was approved that within the 40 feet of the east building wall service bay shall be limited to tune-up, oil and lube services. If paint and body work is approved on the subject site and this isn't dealt with, then it couldn't be performed in the 40 feet of the east building.

Mr. Coutant stated that it was his thought that permitting the use would generally address this issue, but addressing it specifically is fine. He further stated he believes that the 40-foot limitation was from a noise concern. He explained that with automotive repair there are air-powered hammers and devices that the residents did not want in the easterly part of the building. Mr. Dunlap concurred with Mr. Coutant's statement.

Mr. Westervelt stated that most cars in Level 1 repair are taken apart with air tools, cutters, etc. In response, Mr. Coutant stated that he has had that conversation with the neighbors and can clarify that.

Mr. Fox stated that Ford Auto Collection used impact tools and his company uses air-ratchet power tools, which are very quiet. He further stated that his company uses a plasma cutter, which is actually a laser and only hisses.

**INTERESTED PARTIES OPPOSING PUD-541-C:**

**Mark Savage**, 1406 East 43<sup>rd</sup> Court, Tulsa, Oklahoma 74105; **Phil Marshall**, 4319 South Quincy Place, Tulsa, Oklahoma 74105; **Jack Unger**, 1333 East 43<sup>rd</sup> Place, Tulsa, Oklahoma 74105; **Mitchell Trotter**, 1357 East 43<sup>rd</sup> Place, Tulsa, Oklahoma 74105; **Chip Winter**, 501 Northwest Grand, Oklahoma City, Oklahoma 73118 (representing Mid-First Bank and submitted a letter of opposition Exhibit C-2).

**COMMENTS OF INTERESTED PARTIES OPPOSING PUD-541-C:**

The neighbors do not want a paint and body shop on the subject property; there are 50 homes behind this facility, a daycare next door and a bank across the street; five residents out of 50 homes attended the meeting with the applicant and one of them does business with Fox Collision; Ford wasn't much of a problem because they didn't have any business; Brook Town board voted 4-2 in favor of the staff recommendation to deny this application; the Brookside Neighborhood Association concurs with the Brook Town Homeowners Association that this should be denied; the uses allowed and standards shouldn't be amended; the Ford Motor Company assured the neighborhood they would never leave the facility, but it didn't work, which is why the neighborhood wanted the restriction that no paint and body shops be allowed; the proposal would damage property value; environmental concerns; second floor of homes look into the parking lot and would not want wrecked cars in the parking lot; familiar with the volume of work Mr. Fox does; keep the integrity and intent of the original PUD and a body shop is an industrial use; nothing has changed in the area or the original PUD to warrant a change to the PUD.

**INTERESTED PARTIES IN FAVOR OF PUD-541-C:**

**Phillip Monhaut**, 1367 East 43<sup>rd</sup> Court, Tulsa, Oklahoma 74105; **Raymond Taylor**, 1341 East 43<sup>rd</sup> Court, Tulsa, Oklahoma 74105; **Max Tankersley**, (representing two strip centers across the street) 4240 South Peoria, Tulsa, Oklahoma 74105; **Mike Roberson**, 4318 South Quaker, Tulsa, Oklahoma 74105 (Owns a printing company and does printing for Fox Collision); **Mike Spivey**, 4307 South Owasso, Tulsa, 74105 (Field Representative for AAA).

**COMMENTS OF INTERESTED PARTIES IN FAVOR OF PUD-541-C:**

Important to have a successful business neighbor that would not impact a homeowner; four out of five attendees of the meeting with the applicant walked away with a positive attitude about this application; toured the existing Fox Collision

facility on 61<sup>st</sup> Street and the tools made less noise than expected; this would be no worse than the currently approved use and the tools produce less noise; this is a modern facility and would be a Level 1 shop and the paint booth would not allow paint to fly out into the air; the paint booth is fully enclosed to prevent contamination; the exterior esthetics do not detract from the neighborhood; impressed with the existing Fox Collision facility and in support of this application; noise level would be less than the original occupant; business partnership with the applicant does not determine support of this project; the building has been vacant for over one year and this is less intrusive than what could go into the building; if the appropriate restrictions were applied to this regarding the color of the building (Fox Collision has a brightly-colored blue building) and the rigid EPA regulations were maintained, a Level 1 repair shop would work in this facility; the applicant is willing to work with the neighbors regarding restrictions; Fox Collision Center is one of the AAA-approved auto repairs; Mr. Fox does everything in a professional manner; the subject site will not have a bullpen to secure cars at night so they would not be able to park them outside for storage; a tire shop would like to move in the subject site and would be noisier than Fox Collision; air is filtered and would not smell like paint.

**TMAPC COMMENTS:**

Mr. Jackson asked Mr. Savage why he didn't want this facility to be approved. In response, Mr. Savage stated that he visited the 61<sup>st</sup> and Highway 169 operation and during certain parts of the day, it is a mess due to storage outside, traffic, etc. There is no room on the subject site for storage and all of the things they are proposing to do. He doesn't like the idea of any painting going on and he doesn't like the idea of vehicles being parked in and around the subject location. This is a very nice residential neighborhood and stored cars would not be very esthetically pleasing.

Mr. Ledford asked Mr. Monhaut where he lived in relationship to the subject property. In response, Mr. Monhvat stated that he lives in the center of Brook Town (600 feet away from the subject property).

Mr. Westervelt asked Mr. Monhaut if he was a member of the Neighborhood Association. In response, he stated that he is a member of the Board, but he is speaking on his own behalf.

Mr. Jackson asked Mr. Marshall why he didn't want the proposal approved. In response, Mr. Marshall stated that it wouldn't be good city planning to allow a paint and body shop next to a residential neighborhood without a buffer. The applicant wants his foot in the door with a Level 1 repair shop in order to eventually have a Level 3 facility. Staff has pointed out to the Planning Commission that this wouldn't be good planning.

Mr. Jackson asked Mr. Unger how long he has lived in his home. In response, he stated that he moved in two years ago when the Ford Auto Collection was in

place, but they were seldom busy. He indicated that there was some noise from the former occupant.

**Applicant's Rebuttal:**

Mr. Coutant submitted a letter of support from the childcare facility to the north (Exhibit C-1). It is important to deal with the specifics of what would be permitted and not the fears of what might be permitted. The development guidelines and standards are already in place and are significantly restrictive. The body shop type of work that is being proposed is minor in its scope and less noisy, intrusive and would be considered an improvement from the past facility. This is a land planning decision and the development standards are specified and have been offered by the applicant, plus the applicant has expressed a willingness to do more if there is a specific concern. If the painting and colors of buildings could be regulated, he would be glad to do so. There is no ambition to turn the subject facility into a neon-striking color.

Mr. Coutant stated that he understands the concerns from the neighbors that his client would be getting his foot in the door and expanding his business. This is not what is happening at the subject site, because his client understands that it would not be easily passed through the Planning Commission. He indicated that his client would be happy to have a restriction that work-in-progress vehicles not be allowed to be parked outdoors. The building is large and could accommodate several vehicles inside. It is not a facility being purchased to duplicate the facility at 61<sup>st</sup> Street. This would be more limited and more retail-oriented, which would appeal to the neighborhood.

**TMAPC COMMENTS:**

Mr. Westervelt stated that there was a lot of passion about this application when it was originally approved. He remembered being concerned for the neighbors and the daycare center. Mr. Westervelt stated that he would have to support the staff recommendation for the following reasons: 1) the daycare located to the north, 2) the residential homes to the east, 3) the Comprehensive Plan and surrounding uses and the fact that it is not consistent with the original PUD. He clearly remembers the 98<sup>th</sup> and Memorial application and the exclusion of the paint and body shop was a major factor. He would have to agree with the statement of one of the interested parties who stated they deserve the same treatment as the residents at 98<sup>th</sup> and Memorial.

Mr. Jackson asked Mr. Westervelt if he felt the same since this would be a Level 1 rather than a Level 3 shop. In response, Mr. Westervelt answered that he feels the same, regardless of the level.

Mr. Jackson stated that he finds himself straddling the fence on this. The existing building was in place when some of the interested parties moved into the neighborhood. There are automobile sales and repair shops along Peoria that probably make more noise than the proposal.

Mr. Ledford stated that any time a staff report recommends denial, it means that staff does not consider any other option other than denial. This would mean that staff didn't look at any new restrictions placed on the PUD by the proposed use. If the Planning Commission is considering this type of use within the PUD, then it should be continued after being returned to staff. He concluded that he wouldn't vote to approve this without some type of staff report on how to restrict the use. He stated that it concerns him that only four or five people attended the meeting of the applicant and the neighbors.

Mr. Jackson asked staff if their denial position was steady after hearing the presentation. In response, Mr. Dunlap stated that staff does not feel this is an appropriate place for a paint and body shop. Mr. Dunlap further stated that staff has based their decision on the Zoning Code and how body shops are handled in the Zoning Code.

**TMAPC Action; 6 members present:**

On **MOTION** of **LEDFORD**, TMAPC voted 4-1-1 (Hill, Horner, Ledford, Westervelt "aye"; Jackson "nays"; Coutant "abstaining"; Bayles, Carnes, Harmon, Midget, Miller) "absent") to recommend **DENIAL** of the major amendment for PUD-541-C per staff recommendation.

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**Application No.:** PUD-586-A-3

**MINOR AMENDMENT**

**Applicant:** Tripp Boswell

(PD-18) (CD-8)

**Location:** 10505 East 91<sup>st</sup> Street

**STAFF RECOMMENDATION:**

The owner proposes to install an etched cast-stone panel (sign) within an existing retaining wall with an area that will be allowable when 109<sup>th</sup> Street is extended to the full frontage of owner's property, but is not currently allowable with frontage on 109<sup>th</sup> Street as built.

The approved sign standard that applies to this request within Development Area A-1 is as follows:

Business signs on lots abutting a public or private interior street shall not exceed an aggregate display surface area of two-tenths of one square foot for each lineal foot of street frontage.

The requested 91.25 square foot sign would be in compliance with the approved PUD standards when the extension of East 109<sup>th</sup> East Avenue is completed.

Staff finds that the request does not substantially alter the size, location, number and character of the signs approved and could be permitted under the requirements of the PUD chapter. Therefore staff recommends **APPROVAL** of the request subject to the condition that no additional ground signs be permitted on 109<sup>th</sup> East Avenue until the extension is completed.

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

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

**TMAPC Action; 6 members present:**

On **MOTION** of **JACKSON** TMAPC voted 6-0-0 (Coutant, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Harmon, Midget, Miller "absent") to **APPROVE** the minor amendment for PUD-586-A-3 subject to the condition that no additional ground signs be permitted on 109<sup>th</sup> East Avenue until the extension is completed as recommended by staff.

\*\*\*\*\*

**Application No.: PUD-527-B-2**

**MINOR AMENDMENT**

**Applicant:** David Blackburn

(PD-8) (CD-2)

**Location:** 5008 East 91<sup>st</sup> Street

**STAFF RECOMMENDATION:**

The applicant is requesting a reduction in the required rear yard of the above-described lot from 15 feet to 12.4 feet to permit the construction of a detached single-family dwelling.

Staff finds that the request to reduce the required rear yard on Lot 2, Block 2, The Villas of Tuscany from 15 feet to 12.4 feet does not substantially alter the approved PUD standards or the character of the development and is minor in nature. Therefore staff recommends **APPROVAL** of the request.

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

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

**TMAPC Action; 6 members present:**

On **MOTION** of **HILL** TMAPC voted 6-0-0 (Coutant, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Harmon, Midget, Miller "absent") to **APPROVE** the minor amendment for PUD-527-B-2 per staff recommendation.

\*\*\*\*\*

**OTHER BUSINESS:**

**Application No.:** PUD-375-B

**DETAIL SITE PLAN**

**Applicant:** Eric Sack

(PD-8) (CD-2)

**Location:** 2433 West 61<sup>st</sup> Street

**STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for a new High School classroom building and gymnasium. The proposed uses are in conformance with PUD development standards.

The proposed buildings comply with all development standards regarding maximum floor area and height permitted, building setbacks and minimum landscaped area requirements.

No new parking lot or site lighting is proposed. Parking proposed is in compliance with development standards and the Zoning Code.

Staff recommends **APPROVAL** of PUD-375-B detail site plan as proposed.

*(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; 6 members present:**

On **MOTION** of **HORNER** TMAPC voted 6-0-0 (Coutant, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Harmon, Midget, Miller "absent") to **APPROVE** the detail site plan for PUD-375-B as proposed per staff recommendation.

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**Application No.: AC-075 ALTERNATIVE COMPLIANCE LANDSCAPE PLAN**

**Applicant:** Eric Sack (PD-8) (CD-2)

**Location:** 2433 West 61<sup>st</sup> Street

**STAFF RECOMMENDATION:**

The applicant is requesting approval of an alternative compliance landscape plan for a new high school classroom building and gymnasium.

The street yard of Development Area A between the existing school drive west to the Development Area's eastern boundary is in the FEMA floodplain and contains an AEP easement, which was cleared by the electricity provider. At the northern boundary of the street yard begins a densely-wooded area that Riverfield would prefer to retain as a buffer for their campus and be considered as meeting the landscape requirements for both the street yard and parking area.

If this wooded area is retained as proposed, the existing tree mass would exceed the tree requirements for the adjacent parking area and would be an appropriate alternative to tree plantings in the actual street yard. Because this is an established natural area, no underground irrigations system would be necessary.

Staff recommends **APPROVAL** of **AC-075** Alternative Compliance Landscape Plan as proposed, on condition that if any portion of the tree mass located between the proposed high school's south parking lot and West 61<sup>st</sup> Street South, and between the existing drive and the development area's east boundary is removed, that a new detail landscape plan be submitted in compliance with the zoning code and development standards.

*(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; 6 members present:**

On **MOTION** of HILL TMAPC voted 6-0-0 (Coutant, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Harmon, Midget, Miller "absent") to **APPROVE** the alternative compliance landscape plan as proposed on condition that if any portion of the tree mass located between the proposed high school's south parking lot and West 61<sup>st</sup> Street South, and between the existing drive and the development area's east

boundary is removed, that a new detail landscape plan be submitted in compliance with the zoning code and development standards, per staff recommendation.

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**Commissioners' Comments:**

Mr. Westervelt thanked all of the Planning Commissioners for being present and serving today.

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There being no further business, the Chair declared the meeting adjourned at 4:50 p.m.

Date Approved:

4.07.04

*Gene Galt*

Chairman

ATTEST

*Mary E. Hill*  
*2nd Vice Chair* Secretary

