

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2380

Wednesday, June 2, 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>
Bayles	Miller	Alberty	Romig, Legal
Carnes		Chronister	
Coutant		Fernandez	
Harmon		Huntsinger	
Hill		Mariboho	
Horner			
Jackson			
Ledford			
Midget			
Westervelt			

The notice and agenda of said meeting were posted in the reception area of the INCOG offices on Friday, May 28, 2004 at 2:10 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

After declaring a quorum present, Chair Westervelt called the meeting to order at 1:40 p.m.

**TAPE WAS INAUDIBLE THROUGHOUT THE MEETING.**

### **Minutes:**

#### **Approval of the minutes of May 19, 2004, Meeting No. 2378**

On **MOTION** of **HILL** the TMAPC voted 6-0-2 (Carnes, Coutant, Harmon, Hill, Horner, Midget, "aye"; no "nays"; Ledford, Westervelt "abstaining"; Bayles, Jackson, Miller "absent") to **APPROVE** the minutes of the meeting of May 19, 2004, Meeting No. 2378.

### **REPORTS:**

#### **Worksession Report:**

Mr. Harmon reported that the Planning Commission had a good worksession regarding the Crutchfield Neighborhood. Ms. Hill concurred.

**Director's Report:**

Mr. Alberty welcomed Mr. Westervelt back to the Planning Commission. He reported that there are no items on the City Council agenda.

Mr. Alberty reported that the Planning Commission has received a letter from Jim Norton of the Downtown Tulsa Unlimited regarding rezoning part of the downtown area to CBD. He commented that staff agrees with Mr. Norton and requests that the Planning Commission sponsor this rezoning application.

**Ms. Bayles in at 1:43 p.m.**

After discussion the Planning Commission directed staff to start the process for the CBD rezoning requests for parts of downtown.

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**Mr. Jackson in at 1:44 p.m.**

Mr. Westervelt turned the meeting over to Mary Hill, 2<sup>nd</sup> Vice Chair.

**SUBDIVISIONS:**

**LOT-SPLIT TO RESCIND TIE AGREEMENT LANGUAGE:**

**L-19698 – Douglas Techanchuk** (8215) (PD-8) (CD-2)

8140 South Yukon

**STAFF RECOMMENDATION:**

On November 1, 2001, L-19301 was approved that split the west 175' off Tract 1 and tied it to Tract 2. The applicant is now requesting to reverse that action and put the tracts back as they originally were. However, the original lot-split was approved with the condition that the west 175' of the north 110' of the south 333' could not be conveyed separately without Tract 2 unless the Tulsa Metropolitan Area Planning Commission approved such action.

The applicant is requesting that the tie agreement for L-19301 be rescinded to allow the west 175' of the north 110' of the south 333' of Lot 6 to be split off Tract 2, with the condition that it then be tied to the east 130.55' of the north 110' of the south 333' of Lot 6.

Staff believes this lot-split would not have an adverse effect on the surrounding properties and recommends **RESCINDING** the tie language of L-19301 and recommends **APPROVAL** of the current lot-split request, L-19698, subject to tie language being added to Tract 1.

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

There were no interested parties wishing to speak.

**TMAPC Action; 10 members present:**

On **MOTION** of **CARNES**, TMAPC voted 10-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Miller "absent") to **RESCINDING** the tie language of L-19301 and recommends **APPROVAL** of the lot-split L-19698, subject to tie language being added to Tract 1, per staff recommendation.

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**LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:**

<b><u>L-19560 – Lester Furr</u></b> (9026) 20819 Coyote Trail	(PD-23) (County)
<b><u>L-19656 – Paul Moffett</u></b> (9026) 4530 South 208 <sup>th</sup> West Avenue	(PD-23) (County)
<b><u>L-19666 – Charlie Hope</u></b> (9011) 1123 South 196 <sup>th</sup> West Avenue	(PD-23) (County)
<b><u>L-19675 – Home Reality Ventures</u></b> (9418) 10935 East 23 <sup>rd</sup> Street	(PD-17) (CD-5)
<b><u>L-19680 – Jeffrey Levinson</u></b> (9329) 2510 East 45 <sup>th</sup> Street	(PD-6) (CD-9)
<b><u>L-19686 – Mary Colebrook</u></b> (9229) 6130 West 41 <sup>st</sup> Street	(PD-9) (County)
<b><u>L-19691 – Kevin Harris</u></b> (0201) 6306 North Madison Avenue	(PD-24) (County)
<b><u>L-19694 – Charlie Ray</u></b> (6203) 19071 South 29 <sup>th</sup> West Avenue	(PD-21) (County)
<b><u>L-19695 – Tanner Consulting</u></b> (8332) 11101 South Harvard	(PD-26) (CD-8)
<b><u>L-19969 – Ralph Gray</u></b> (0394) 15625 East 11 <sup>th</sup> Street	(PD-17) (CD-6)
<b><u>L-19697 – Elizabeth Hart</u></b> (8309) 4253 East 72 <sup>nd</sup> Street	(PD-18) (CD-8)

3132 South Owasso Avenue

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

**TMAPC Action; 10 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **10-0-0** (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Miller "absent") to **RATIFY** these lot-splits given prior approval, finding them in accordance with Subdivision Regulations as recommended by staff.

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**PRELIMINARY PLAT:**

**Avalon Park at Memorial –** (8326)

(PD-26) (CD-8)

10600 South Memorial

**STAFF RECOMMENDATION:**

This plat consists of 25 lots, one block, on approximately 9.02 acres.

The following issues were discussed March 18, 2004, May 6, 2004, and May 20, 2004 at the Technical Advisory Committee (TAC) meetings. (Also a staff meeting was held on March 25, 2004 in the Development Services Department to help in the revision of the original plans, which did not reflect the PUD standards.):

1. **Zoning:** The property is zoned RS-2, RM-1 under PUD 370 (B). Recently, CS and OL zoning were added under the PUD. Reserve B needs to be defined. The building lines need to be shown properly from the property lines. The number of lots are not per the PUD. Signage needs to be allocated and not per lot. Hammerheads are not desirable nor in sync with the original concept plan for the PUD. The eight-foot wall is not mentioned in the covenants. Staff has many concerns about the plat and cannot feel comfortable with the plat moving forward without major changes. The PUD standards need to be incorporated into the plat. All PUD conditions must be met, and there are many items not detailed in the plat.

Show the centerline of Memorial. Meet all PUD conditions. Compute square footages of office and commercial uses and adhere to PUD conditions for setbacks. Complete location map and show Trinity Addition Amended plat for required setbacks. Define the reserve areas.

Streets need to be in a reserve or in an easement where the maintenance is clearly defined. Show appropriate setbacks per PUD and all PUD standards must be shown on plat and/or in covenants. A minor amendment to the PUD is being processed to allow different setbacks and two-story buildings. Any new standards per the minor amendment will need to be reflected in the plat.

2. **Streets:** Reserve Area C is not clearly shown. The date of preparation is omitted. A street will not be allowed through the cell tower. Geometric data for all property line curves are required. Increase access limits up to 50 feet "with median". Extend mutual access easement to south property line at Lot 14 and to north property line at Lot 9. Show all appropriate building setback lines per PUD and remove others. In the covenants, include enforcement language for limits of no access in Section I.F. Include roadway construction standards for the private street. Include standard language to grant the home owners' association responsibility of adequate maintenance of the private street rather than each lot owner. On the conceptual design, widen the entry to provide two outbound lanes. Recommend increasing the 13-foot one-way roadway to an 18-foot minimum. Design reverse curves into the expanded islands for safety and modify the west end of the west island with a safe transition.

Please use conventional drafting practices on plat for items such as line type and weight usage, dimensioning, labeling, curve data, etc. Dimension right-of-way to South Memorial Drive centerline reference with a minimum 60-foot required. Label medians on South Memorial. Recommend placing private street in reserve, labeling "private street" and convey to owners association. This will clarify setbacks. Show extent of mutual access easement at southwest corner of property. The 80-foot building line extends through cul-de-sac and drafting corrections are needed. Reduce limit of access to 40 feet. Show driveway dimensions; clearly show existing features of and near medians in South Memorial that may impact inbound and outbound traffic to/from the property. Remove "streets" in dedication for public use. Include standard language relieving City of any future responsibility for streets. Pavement design is not City standard. Generally incomplete geometric data for all property line curves are required. Decrease access limits up to 40 feet. The west line on Lot 21 is wrong. Include standard language for the City to have "No Duty to Maintain" said private street. Define communication tower mutual access easement bubble boundary.

Reduce limits-of-no-access to 40 feet. Include standard language for City to have no duty to maintain private roadways.

- 3. Sewer:** Identify an easement on the plat along the west line of Reserves A and B. It must be at least 15 feet in width since sanitary sewer main is proposed in the easement. On the conceptual design, it does not appear that there is enough depth to extend the sanitary sewer all the way to Lots 12 and 13.

Show a 15-foot easement instead of ten feet. Additional easements are needed between Lots 1-4. An easement is needed across the mutual access easement. Use proper language in Section 1.

- 4. Water:** A book and page is needed for right-of-way on 106<sup>th</sup>, the total size of parcel, total number of lots, and the block number added. In the covenants, clarify the language in Section III, E (move to Section I). On the conceptual design, show easements for Lots 3, 6, 18 and 19. Show an offsite easement for unplatted land adjacent to Lot 12.

Show offsite utility easement in Bridle Trails. All main lines under pavement to be in ductile iron pipe.

- 5. Storm Drainage:** Location map needs to show subdivisions that surround this development. Show the CA number for the surveyor. Show the e-mail address for the engineer. Numerous mutual access easements are shown, and their purposes need to be identified. Describe what is occurring on the west side of the property for ingress and egress. What happens to the cell tower? In the covenants, show the standard language for detention, overland drainage easements, etc., related to stormwater to be used. On the conceptual plan, the information provided is inadequate to evaluate stormwater from offsite as well as onsite.

Reserve areas A and B should also be labeled as detention ponds. Show 15-foot drainage easement across the main driveway to connect the two ponds. The 17.5-foot overland drainage easements are more like 150 feet. Please correct either the dimension line or the value. Standard language is needed for detention and drainage easements. Language needs to be added to have all roof drains flow to the street, detention ponds or stormwater pipes. Show the stormwater drainage system for the development to include inlets, pipes and retention pond exists. Add note that all street flow will go to the detention ponds.

On the final plat: Reserve areas A and B should also be labeled as stormwater detention facilities. Do not use the word "pond" on the plat or in the covenants. Easements will not be allowed inside these two reserve areas, including the mutual access easement. Include bearings, distances and/or curve data on all four sides of the reserve areas. Easements for storm sewers should be labeled as such. Change the definition of drainage easement in the legend to storm sewer easement. Add a note to the face of plat which state, "All roof drainage will be directed to the street, and all drainage in the street will be directed to the stormwater detention facilities." In the covenants, language needs to be added to have all roof drains flow to the street, detention ponds or stormwater pipes. All storm sewers must either be in utility easements or in storm sewer easements. The drainage easement and the outlet pipe for reserve B are shown in different locations. The outlet pipe should be in the center of the drainage easement.

6. **Utilities: PSO:** The 12-foot mutual access easement will need additional easements along it. There is no way to get to the hammerhead streets.

PSO has overhead rights but if three phases are needed in the future, it will be very expensive and very tight. The cell tower may cause a conflict for PSO.

**ONG:** The standard language needs to be put in the covenants. An 11.5-foot utility easement in the front would work, or additional easements. **Cox:** More easements are needed.

7. **Other: Fire:** Hammerheads are not acceptable. On the conceptual plan, the fire turnaround shall be approved by the Fire Marshal. **GIS:** There is an incomplete description of the point of beginning and the basis of bearing and distance from section corner tie is required. Offset lot dimensions for legibility. Tie approximate sketch of plat location within location map. Is this a resubdivision or an amended plat? What is north in the unplatted area?

There is a general concern about the plat being changed from PUD-370-B. The covenants need to be clarified and reorganized. The TAC recommended that the plat be continued to the next TAC meeting because of the number of concerns raised for the plat. If the applicant wanted to meet with staff, a meeting could be requested through Development Services. Put in a proper curve table with data.

Add the bearing and distance from northeast quarter section to point of beginning.

Development Services staff stated that the Fire Department was satisfied with the revised plat. The section corner is incomplete on the face of the plat. Show basis of bearing and tic marks for geometric data. The point of beginning is incomplete. Line styles are improper. Show tie-downs. Show project location and label surrounding developments on the location map. Be sure C.A. number and expiration date is shown under the surveyor and engineer. Label Block 1 for the plat. The note about addresses near the bottom right hand corner of the sheet is not appropriate since no addresses are shown on the plat. Add date of preparation to bottom right hand corner.

Staff can recommend **APPROVAL** of the preliminary plat with the condition that all amended PUD conditions be followed and incorporated into the plat.

**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. Carnes asked staff how long the cul-de-sac measured. In response, Mrs. Fernandez stated that the cul-de-sac is approximately 1200 feet in length. She further stated that it was her understanding that when the PUD was approved, there was discussion that the adjacent addition be avoided with no connecting streets. Everyone is in agreement with the proposal that is before the Planning Commission today.

In response to Mr. Harmon, Mrs. Fernandez stated that this application has had numerous meetings before the Technical Advisory Committee (TAC), and at this point the preliminary plat is in conformance with all of the conditions.

Mr. Ledford expressed concerns regarding the lack of a second point of access.

**RELATED ITEM:**

**Application No.:** PUD-370-B-1

**MINOR AMENDMENT**

**Applicant:** John W. Moody

(PD-26) (CD-8)

**Location:** West side of Memorial at 106<sup>th</sup> Street

**STAFF RECOMMENDATION:**

The applicant is requesting a minor amendment to modify the setback from the centerline of a private street to 30 feet from the centerline of the street; permit a zero-foot side yard between office buildings; and permit all buildings to be a maximum of two stories, not to exceed 36 feet in height.

PUD-730 was approved by the City Council in February 2004. The tract consists of approximately 9.01 acres located ½ mile south of the southwest corner of East 101<sup>st</sup> Street and South Memorial Drive. The following uses were permitted:

Communication antenna and supporting structure only as include within Use Unit 4; and those uses included within Use Unit 11, Offices, Studios, and Support Services; Use Unit 12, Eating Establishments, other than Drive-ins; Use Unit 13, Convenience Goods and Services; and Use Unit 14, Shopping Goods and Services. Commercial uses shall be limited to the east 420 feet of the site as measured from the centerline of South Memorial Drive.

Reserve areas shall be used for stormwater detention and open space for the office park.

The following maximum building heights were approved:

**Maximum Building Height:**

Commercial Buildings: One Story

Office Buildings:

Two stories not to exceed 36 feet; there shall be no windows on the second story of the west-facing walls on the westernmost lots.

The setback from the centerline of a private street for commercial uses was established by the bulk and area requirements established with a CS district and for office uses the bulk and area requirements of the OL district, which would be 50 feet from the centerline for both types of uses.

The proposed amendments to maximum building height and setbacks do not substantially alter the approved PUD standards or the character of the development. Therefore, staff recommends **APPROVAL** of the request subject to the following conditions:

**Maximum Building Setbacks:**

From west property line of South Memorial Drive	50 FT
From west boundary of PUD	80 FT
From south boundary of PUD	20 FT
From north boundary of PUD	20 FT

From centerline of private street 30 FT  
**Maximum Building Height:**  
Commercial Buildings  
Two stories not to exceed 36 FT  
Office Buildings  
Two stories not to exceed 36 feet; there shall be no windows on the second story of the west-facing walls on the westernmost lots.

All other conditions of PUD-370-B shall apply.

**Applicant's Comments:**

**John W. Moody**, 1800 South Baltimore, Suite 900, Tulsa, Oklahoma 74119, representing Keith Jones, stated that all of the items discussed during the TAC meetings have been resolved on the plat. The language is being developed and he is looking forward to working with Mr. Romig regarding the approved language regarding private streets.

Mr. Moody stated that on the plat there were questions raised about the length of the cul-de-sac. He explained that his client doesn't own the land that abuts 106<sup>th</sup> Street. This is the reason for there not being any connection with the adjacent property.

**TMAPC COMMENTS:**

Mr. Westervelt asked if there was any way to take a section of the masonry wall out and install a crash gate. In response, Mr. Moody stated that he wouldn't have any problem with that, but the neighborhood residents were very concerned about privacy; they did not want windows on the second story.

Mr. Carnes stated that he could not support his application for 22 proposed buildings without a crash gate being installed.

Mr. Westervelt, Mr. Harmon and Ms. Bayles were all in agreement with the condition that a crash gate be installed. The Planning Commissioners stated that they understood the separation between the neighborhood and the proposal was necessary, but this is a life safety issue and the crash gate is needed.

Mr. Harmon requested a worksession to discuss cul-de-sacs.

**TMAPC Action; 10 members present:**

On **MOTION** of **CARNES**, TMAPC voted 10-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Miller "absent") to **APPROVE** the minor amendment for PUD-370-B-1, subject to the conditions per staff recommendation and subject to a crash gate being installed and reviewed during the detail site plan phase.

**TMAPC Action; 10 members present:**

On **MOTION** of **HARMON**, TMAPC voted 10-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Miller "absent") to **APPROVE** the preliminary plat for Avalon Park at Memorial, subject to special conditions and standard conditions per staff recommendation.

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**Bank of Oklahoma Tech Center One** – (9327)

(PD-18) (CD-7)

Southwest corner of East 41<sup>st</sup> Street and Sheridan Road

**STAFF RECOMMENDATION:**

This plat consists of two lots, one block, on 13.6 acres.

The following issues were discussed May 20, 2004 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned IL. Lot-splits may be needed from tracts created by the plat. Explain the existing mutual access easements. Limit access along 41<sup>st</sup> Street. Check on proposed retail uses to make sure they conform to IL zoning. Are existing buildings on site to be removed?
2. **Streets:** Show PFPI #2806 construction features as they pertain to ultimate elevations, limits of no access and letter of assurance. Provide perimeter easement along 41<sup>st</sup> Street and Sheridan Road. Confirm all adjacent easements are shown. Provide sight distance calculations for the limits of no access on Sheridan Road. The PFPI needs to be shown on the conceptual plan.
3. **Sewer:** Add perimeter easement. According to the sanitary sewer atlas on page 186, the existing sewer that you show at the west property line continues east into Lot 2 of Amended Tulsa View Addition. This line needs to be shown as it exists and will require easement added to the plat. If it is under the existing building, it will have to be relocated and any existing easement closed. Take out the five-foot PSO easement.
4. **Water:** Denote in the legend a right-of-way.
5. **Storm Drainage:** In the legend, the USWD/E should be defined as "Underground Stormwater Detention Easement". If existing features are being shown, then all features on PFPI should be shown. Add a note stating that: "All additional development will require additional stormwater detention facilities." Add standard language for stormwater detention. Remove the

word "General" from the title of Section I.A.

6. **Utilities:** PSO: Pole lines can be allowed in the 17.5-foot utility easement.
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.

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

**TMAPC Action; 10 members present:**

On **MOTION** of **MIDGET**, TMAPC voted 10-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Miller "absent") to **APPROVE** the preliminary plat for Bank of Oklahoma Tech One Addition, subject to special conditions and standard conditions per staff recommendation.

\* \* \* \* \*

**MINOR SUBDIVISION PLAT:**

**Carmax** – (8324)

(PD-18) (CD-8)

9131 South Memorial Drive

**STAFF RECOMMENDATION:**

This plat consists of one lot, one block, on 12.09 acres.

The following issues were discussed May 20, 2004 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned PUD-704. Mutual access to State Farm may be needed. Setbacks per the PUD need to be shown.
2. **Streets:** Include standard language for City to have no duty to maintain private streets. Define where the right-of-way on Memorial originated. Provide 17.5-foot utility easement along Memorial. Section 1.A needs to clarify right-of-way dedication. Section 11.C.9 needs to be clarified as to private streets and the City having no maintenance responsibility.
3. **Sewer:** No comment.

4. **Water:** Show type of easement at East 91<sup>st</sup> Street South along the east side of the roadway entrance into the property.
5. **Storm Drainage:** To be consistent with the existing easement types and the covenants, all storm sewer easements and the data for them should be called "storm sewer easement". Make this correction to the definition for SD/E in the legend, and to the title of the tabulation of distances and bearings for said easements, replace the word "drain" with the word "sewer".
6. **Utilities: PSO:** Need utility easement along Memorial, west and south perimeter.  
  
**ONG:** Standard language needed in covenants.
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.

**RELATED ITEM:**

**Application No.:** PUD-704

**DETAIL SITE PLAN**

**Applicant:** Scott Rodehaver

(PD-18) (CD-8)

**Location:** 9131 South Memorial Drive

**STAFF RECOMMENDATION:**

This site review is related to a minor subdivision plat, also on the June 2 TMAPC agenda. The applicant is requesting approval of a detail site plan for an auto sales, service and repair business. The proposed use, Use Unit 17, is in conformance with development standards.

The proposed buildings and uses comply with required setbacks and permitted maximum land coverage, floor area and building height. Proposed access to the site is in compliance with standards, and parking and landscaped area meet zoning regulations. Six-foot masonry walls are proposed to screen vehicle storage and preparation areas from adjoining properties; and all customer parking and vehicle display areas are screened from adjoining residentially-zoned property. Smooth and split-face CMU (concrete masonry unit) is proposed for building elevations. A lighting plan in conformance with zoning regulations has not yet been submitted.

Staff recommends **APPROVAL** of PUD-704 detail site plan on the following conditions: (1) TMAPC approval of the related minor subdivision plat; and (2) approval of a detail lighting plan.

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

**Applicant's Comments:**

**Charles Norman**, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, described the landscaping and masonry wall setbacks. He requested that the Planning Commission approve the minor subdivision plat and the detail site plan.

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

**TMAPC Action; 10 members present:**

On **MOTION** of **HARMON**, TMAPC voted 10-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Miller "absent") to **APPROVE** the minor subdivision plat for Carmax, subject to special conditions and standard conditions and to **APPROVE** the detail site plan for PUD-704, subject to (1) TMAPC approval of the related minor subdivision plat; and (2) approval of a detail lighting plan per staff recommendation.

\*\*\*\*\*

**Lucky's Estates** – (9402)

(PD-17) (CD-6)

17301 East Admiral Place (staff recommends preliminary plat)

**STAFF RECOMMENDATION:**

This plat consists of one lot, one block, on 10.3 acres.

The following issues were discussed May 20, 2004 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned IL. There are too many accesses. Show building lines. Show surrounding lots. Show proper right-of-way.
2. **Streets:** Show all adjacent easements and right-of-way. Define how Admiral right-of-way was obtained. In the covenants define the centerline of Admiral right-of-way. Section G.1 add "limits of no access shall be enforceable by the City of Tulsa." Reduce the LOAs to two locations 40 feet wide. Section A.1 makes reference to right-of-way which needs to be defined if dedicated.

3. **Sewer:** Add a 17.5-foot perimeter easement to the platted area. If a septic system is to be used to handle sanitary sewer from the property, then an easement will be required for the septic tank and lateral field.
4. **Water:** No comment.
5. **Storm Drainage:** Add a note which states, "All additional development will require stormwater detention for any additional stormwater runoff". An overland drainage easement will be required for offsite drainage flowing onto the site from the west. In the covenants add "storm sewer" to Section I.C. Remove Section I.E. Add standard language for overland drainage easement. Label existing features as such, and show all proposed development. Include existing and proposed channels, drainageway, inlets, storm sewers, manholes, curb and gutters, drainage direction arrows, and stormwater detention facilities; and the easements for all of the above.
6. **Utilities:** PSO: Put standard language in the covenants.
7. **Other: Fire:** Okay.

Staff recommends **APPROVAL** of a **PRELIMINARY PLAT** and not 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.

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

**TMAPC Action; 10 members present:**

On **MOTION** of **MIDGET**, TMAPC voted 10-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Miller "absent") to **APPROVE** the preliminary plat for Lucky's Estates, subject to special conditions and standard conditions per staff recommendation.

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**PLAT WAIVER:**

**CBOA-2101**

(PD-9) (County)

5522 West Skelly Drive

**STAFF RECOMMENDATION:**

The platting requirement was triggered by CBOA 2101, which allowed a seasonal fireworks stand in a CH zoning district.

It is the policy of TMAPC to waive the platting requirement for open air activities (Use Unit 2. Subsection 1202.B) such as fireworks stands. Therefore, staff can recommend **APPROVAL** of the requested plat waiver for CBOA-2101.

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

**TMAPC Action; 10 members present:**

On **MOTION** of **MIDGET**, TMAPC voted 10-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Miller "absent") to **APPROVE** the plat waiver for CBOA-2101 per staff recommendation.

\*\*\*\*\*

**BOA 12118 – (9204)**

(PD-10) (CD-1)

3315 West 1<sup>st</sup> Street

**STAFF RECOMMENDATION:**

The platting requirement was triggered by a Board of Adjustment approval of a use variance for church uses in an RS-3 zone.

**Staff provides the following information from TAC at their May 20, 2004 meeting:**

**ZONING:**

TMAPC staff: The plat waiver is for property zoned RS-3.

**STREETS:**

No comment per adequate street right-of-way.

**SEWER:**

Sewer is available and no easements or extensions are required.

**WATER:**

There is an existing six-inch water line along 1<sup>st</sup> Street.

**STORM DRAIN:**

All additional stormwater runoff must be collected on-site and be piped to the adjacent public drainage system. Connection to the public system would require a PFPI. The majority of this site is in the City of Tulsa regulatory floodplain.

**FIRE:**

No comment.

**UTILITIES:**

No comment.

Staff can recommend **APPROVAL** of the plat waiver requested because of the existing plat on the property.

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

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

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

4. Is right-of-way dedication required to comply with Major Street and Highway Plan?		X
5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived?		X
6. Infrastructure requirements:		
a) Water		
i. Is a main line water extension required?		X
ii. Is an internal system or fire line required?		X
iii. Are additional easements required?		X
b) Sanitary Sewer		
i. Is a main line extension required?		X
ii. Is an internal system required?		X
iii. Are additional easements required?		X
c) Storm Sewer		
i. Is a P.F.P.I. required?		X
ii. Is an Overland Drainage Easement required?		X
iii. Is on site detention required?		X
iv. Are additional easements required?		X

- 7. Floodplain
  - a) Does the property contain a City of Tulsa (Regulatory) Floodplain? X
  - b) Does the property contain a F.E.M.A. (Federal) Floodplain? X
- 8. Change of Access
  - a) Are revisions to existing access locations necessary? X
- 9. Is the property in a P.U.D.? X
  - a) If yes, was plat recorded for the original P.U.D.
- 10. Is this a Major Amendment to a P.U.D.? X
  - a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.?
- 11. Are mutual access easements needed to assure adequate access to the site? X
- 12. Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations? X

**INTERESTED PARTIES:**

**Thomas E. Smith**, 10556 South 273<sup>rd</sup> East Avenue, Coweta, Oklahoma 74429, stated that he was in agreement with the staff recommendation.

**TMAPC Action; 10 members present:**

On **MOTION** of **MIDGET**, TMAPC voted 10-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Miller "absent") to **APPROVE** the plat waiver for BOA-12118 per staff recommendation.

\*\*\*\*\*

**CHANGE OF ACCESS ON RECORDED PLAT:**

**Lot 1, Block 1, Union Pines** (3094)

6111 East 32<sup>nd</sup> Place

**STAFF RECOMMENDATION:**

This application is made to allow a change of access along South Garnett Road. The proposal is to add a limited access on Garnett Road. The property is zoned PUD 312 and IL.

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

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

**TMAPC Action; 10 members present:**

On **MOTION** of **WESTERVELT**, TMAPC voted 10-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Miller "absent") to **APPROVE** the change of access on recorded plat for Lot 1, Block 1, Union Pines per staff recommendation.

\* \* \* \* \*

**COMPREHENSIVE PLAN PUBLIC HEARING:**

**Review Additional Capital Improvement Project Requests for conformance with the Comprehensive Plan.**

The three additional CIP requests from the City of Tulsa involve extensions of roadways to serve the area in west Tulsa proposed for the botanical gardens and the statue.

**STAFF RECOMMENDATION:**

Attached for your review are requests for three additional Capital Improvement Projects from the City of Tulsa. These involve extensions of roadways to serve the area in west Tulsa proposed for the botanical gardens and the statue. As roadway extensions, staff believes them to be in accord with the Plan and recommends that the TMAPC do likewise.

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

**TMAPC Action; 10 members present:**

On **MOTION** of **HARMON**, TMAPC voted 10-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Miller "absent") to **APPROVE** the additional Capital Improvement Project Requests and find them in conformance with the Comprehensive Plan per staff recommendation.

\* \* \* \* \*

**CONTINUED ZONING PUBLIC HEARING:**

Ms. Hill announced that she would be abstaining from Z-6944 and turned the meeting over to Mr. Jackson.

**Application No.:** Z-6944 **RS-3 to OL**

**Applicant:** David Leifeste (PD-6) (CD-9)

**Location:** 1320/1316 East 35<sup>th</sup> Place

**STAFF RECOMMENDATION:**

**April 1994 Z-6436:** The TMAPC and City Council approved rezoning from RS-3 to PK on a site north of the subject property.

**January 1994 Z-6430:** The TMAPC and City Council approved rezoning from RS-3 to PK on a property north of the subject parcel.

**June 1992 PUD 488:** The TMAPC and City Council unanimously approved rezoning from CH, OL and RS-3 to CH/OL/RS-3/PUD to add a seven-lane drive-in to an existing bank north of the subject property. The TMAPC recommended increasing the proposed screening fence height to 8' and making the width of the landscaped area on the east boundary a minimum of 12'. The City Council concurred.

**December 1991 Z-6334:** All concurred in granting a rezoning from RS-3 to CH and PK on a site south and west of the subject property.

**November 1991 PUD 474:** All concurred in granting a rezoning from RS-3 to OL/PUD 474 on a property north of the subject property.

**AREA DESCRIPTION:**

The property lies within the Northern Brookside Area within the business area boundaries and is adjacent to (east of) a service station.

**SITE ANALYSIS:** The subject property is flat, partially wooded and developed with two single-family residences.

**STREETS:**

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
East 35 <sup>th</sup> Place South	Residential street	N/A	2

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

**SURROUNDING AREA:** The Brookside area is one of mixed commercial/office/parking and related uses, adjacent to largely single-family residential uses (in this case, to the east). Nonresidential uses are typically pedestrian-oriented and set on or near the right-of-way. Parking is sometimes an issue and several of the existing businesses have shared parking arrangements in the area.

Uses in the immediate vicinity of the subject site include single-family residential to the east, zoned RS-3; a service station to the west, zoned CH; a shopping center/office development and associated parking to the north, zoned CH and PUD-474; and parking and single-family residential uses to the south, zoned PK and RS-3.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

As noted above, this property lies within the Brookside study area. Provisions in the Brookside Infill Development Design Recommendations (page 36) call for continued emphasis on pedestrian-orientation, with particular attention to sidewalk provision, design and replacement; crosswalks, storefront displays and other pedestrian amenities. Concerns within the Brookside area as a whole include provision of adequate parking (encouraged to be at the rear of properties and where feasible, shared) and compatibility of new development with existing development.

**STAFF RECOMMENDATION:**

Based on the Comprehensive Plan (both that of Planning District 6 and the Brookside Infill Development Design Recommendations) and trends in the area, staff can support the requested rezoning and therefore recommends **APPROVAL** of OL zoning for Z-6944.

**Applicant's Comments:**

**John W. Moody**, 1924 South Utica, Suite 700, Tulsa, Oklahoma 74104, stated that he would like to explain a problem that his clients would have and why they are not able to do a PUD.

The subject property has two 50' x 140' lots and they are directly across the street from OL zoning. The subject property is directly across the street from property with an OL zoning and no PUD. Mr. Moody described the surrounding properties zoning and uses.

Mr. Moody stated that the two houses on the subject property are owned by an estate and are being sold for office use. He explained that a PUD would be too expensive. He further explained that his clients cannot do an invasive type of inspection until they purchase the property. His clients are not sure they would be able to rehabilitate the two houses for office use or tear them down.

Therefore, his clients do not know what to put in a PUD until after closing on the subject property and getting into the houses.

Mr. Moody stated that whatever is done on the subject property would be compatible. He understands that the neighborhood would like some reassurances. He reminded the Planning Commission that OL is restricted to a single story and has a maximum floor area ratio of 30%. The two lots combined have a total lot area of 14,000 SF and the maximum building would be a 4200 SF single-story building with 14 parking spaces. Open space would be approximately 4,200 square feet or an open space ratio of 30% of the lot area. There would have to be a screening fence on the east side, which would be adjacent to residential. There would be a requirement for landscaping and the Zoning Code establishes minimum requirements sufficient to assure any office development would be compatible with the subject area.

Mr. Moody stated that his client would like to obtain the OL zoning, which is in accord with the District 6 Comprehensive Plan and the Brookside Infill Development Design Recommendations.

Mr. Moody stated that if his client did decide to request two stories, then he would have to go before the Board of Adjustment and the BOA could impose conditions. There are adequate controls in place with the OL zoning.

**TMAPC COMMENTS:**

In response to Mr. Harmon, Mr. Alberty read the different types of activity that could be in the OL district.

Mr. Alberty reminded the Planning Commission that staff considers OL zoning appropriate for the subject property and it is compatible with the Comprehensive Plan and the Brookside Infill Development Design Recommendations.

**Ms. Hill in at 2:34 p.m.**

Mr. Midget asked Mr. Moody if his clients would keep the proposal residential in nature, whether it be rehabbing the existing homes or rebuilding. In response, Mr. Moody stated that his client intends to keep it residential in nature.

Mr. Ledford stated that he understands Mr. Moody's client wanting to keep the costs down, but this is a sensitive area and he would like to see a site plan on how this property would work without the PUD in an OL district. A conceptual site plan wouldn't take that much time to prepare. In response, Mr. Moody stated that he would need a continuance for two weeks.

**Mr. Donovan** stated that he is running out of time. He explained that he is not a developer and every step takes more time and creates more expenses.

Mr. Ledford stated that this is a sensitive area and he can't support this without a site plan. In response, Mr. Moody indicated that his client would agree to a two-week continuance.

**INTERESTED PARTIES:**

**Guy and Stephanie deVerges**, 1343 East 35<sup>th</sup> Place, Tulsa, Oklahoma 74105, stated that they were in agreement with the continuance.

**TMAPC Action; 10 members present:**

On **MOTION** of **MIDGET**, TMAPC voted 8-1-1 (Bayles, Carnes, Coutant, Harmon, Horner, Jackson, Ledford, Midget "aye"; Westervelt "nays"; Hill "abstaining"; Miller "absent") to **CONTINUE** Z-6944 to June 16, 2004 at 1:30 p.m.

**TMAPC COMMENTS:**

Mr. Westervelt stated that he voted against the continuation because the request is compatible with the Comprehensive Plan and the Brookside Infill Development Design Recommendations.

\* \* \* \* \*

**ZONING PUBLIC HEARING**

**Application No.: CZ-341**

**AG to RS**

**Applicant:** Charles Norman

(PD-9) (County)

**Location:** North and east of West 39<sup>th</sup> Street and South 60<sup>th</sup> West Avenue

**STAFF RECOMMENDATION:**

**CZ-237/PUD-566 November 24, 1997:** All concurred in approval of rezoning property immediately south of the subject site from AG to PUD/RS/OL/CS.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property contains approximately twelve acres. It is located north of West 41<sup>st</sup> Street South and east South 60<sup>th</sup> West Avenue. The property is gently sloping, partially wooded, contains a barn and is zoned AG.

**STREETS:**

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
West 39 <sup>th</sup> Street South	Residential street	N/A	2
West 37 <sup>th</sup> Street South	Residential street	N/A	2

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

**SURROUNDING AREA:** The subject tract is abutted on the west by single-family residential uses, zoned RS; on the north by vacant/agricultural uses, zoned AG; on the east by large-lot single-family residential uses and vacant/agricultural uses, zoned RS and AG, respectively; and on the south by vacant land and large-lot residential uses, zoned RS/OL/PUD-566. Farther to the southwest is a large church and related uses, zoned AG.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The Comprehensive Plan for Planning District 9, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as Low Intensity-Residential land use and Development Sensitive in conjunction with a waterway. According to the Zoning Matrix, the requested RS is in accord with the Comprehensive Plan.

**STAFF RECOMMENDATION:**

Based on the Comprehensive Plan, existing surrounding land uses and trends in the area, staff can support the requested rezoning and recommends **APPROVAL** of RS zoning for CZ-341.

**Applicant's Comments:**

**Charles Norman**, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, stated that the proposal is for twelve acres with ten to twelve lots. Sanitary sewer will not be feasible and therefore septic systems will be used. There will be on-site detention required.

**INTERESTED PARTIES:**

**Peggy Barnes**, 3735 South 60<sup>th</sup> West Avenue, Tulsa, Oklahoma 74107, expressed concerns regarding increased traffic and drainage issues.

**Jerry Clark**, 5933 West 37<sup>th</sup> Street, Tulsa, Oklahoma 74107, expressed concerns regarding the drainage issues and that the streets are narrow and wouldn't be able to accommodate the increased traffic.

**TMAPC COMMENTS:**

Mr. Jackson informed the interested parties that the County Engineer would review the stormwater and drainage issues and if it is needed, the detention would be required on-site.

Mr. Harmon stated that he is very familiar with the subject area and the proposal is appropriate.

**TMAPC Action; 10 members present:**

On **MOTION** of **HARMON**, TMAPC voted 10-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Miller "absent") to recommend **APPROVAL** of the RS zoning for CZ-341 per staff recommendation.

**Legal Description for CZ-341:**

A tract of land in the East Half of the East Half of the Southwest Quarter (E/2, E/2, SW/4) of Section Twen1y (20}. Township Nineteen (19) North, Range Twelve (12) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, being more particularly described as follows, to-wit: BEGINNING at the northwest corner of the Southeast Quarter of the Northeast Quarter of the Southwest Quarter (SE/4, NE/4, SW/4); thence S 0° 08'40" E along the west line of the east half of the Southwest Quarter (E/2, E/2,SW/4) a distance of 1,244.51'; thence S 89° 56' 41" E a distance of 420.00'; thence N 0°08'40" W a distance of 1,244.51 feet to the north line of the Southeast Quarter of the Northeast Quarter of the Southwest Quarter (SE/4 NE/4 SW/4); thence N 89° 56' 41" W a distance of 420.00' to the POINT OF BEGINNING, and located at East & North of West 39<sup>th</sup> Street & South 60<sup>th</sup> West Avenue, Tulsa, Oklahoma. **From AG (Agriculture District) To RS (Residential Single-Family District).**

\* \* \* \* \*

**OTHER BUSINESS:**

**Application No.:** PUD-587

**DETAIL SITE PLAN**

**Applicant:** Khourey Engineering

(PD-18) (CD-8)

**Location:** 4812 East 81<sup>st</sup> Street

**STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for a new bank. The proposed use, Use Unit 11, is in compliance with development standards.

The proposed bank is in compliance with setbacks, maximum permitted floor area and building height. The exterior façades are of consistent material and style as required by standards. Proposed parking lot lighting, with exception of the pole-mounted flood lights, is in compliance with the Zoning Code and PUD

standards. Parking design and number of spaces provided are in accordance with Code, as are provision of street yard and internal landscaped areas.

Staff recommends **APPROVAL** of PUD-587 detail site plan as proposed with exception of the pole-mounted flood lights.

(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; 10 members present:**

On **MOTION** of **CARNES**, TMAPC voted 10-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Miller "absent") to **APPROVE** the detail site plan for PUD-587 as proposed with exception of the pole-mounted flood lights, per staff recommendation.

\*\*\*\*\*

**Application No.: PUD-639-A**

**DETAIL SITE PLAN**

**Applicant:** Paul Burgard

(PD-6) (CD-9)

**Location:** Lots 1-39 East 22<sup>nd</sup> Street

**STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for a gated entry and gated exit for The Tudors, a residential development.

The proposed gates comply with setbacks and have received approval from both the Fire Marshal and Traffic Engineer.

Staff recommends **APPROVAL** of PUD-639-A detail site plan as proposed.

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

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

**TMAPC Action; 10 members present:**

On **MOTION** of **MIDGET**, TMAPC voted 10-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Miller "absent") to **APPROVE** the detail site plan for PUD-639-A per staff recommendation.

\*\*\*\*\*

**Commissioners' Comments:**

Ms. Hill welcomed Mr. Westervelt back to the Planning Commission.

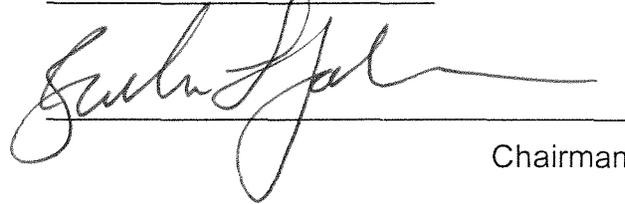
Mr. Jackson reported that there are no tornadoes outside, just straight-line winds and nickel-sized hail.

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There being no further business, the 1<sup>st</sup> Vice Chair declared the meeting adjourned at 2:50 p.m.

Date Approved:

6.16.04

  
\_\_\_\_\_  
Chairman

ATTEST: Mary M. Bayles  
Secretary

